The Professional Institute of the Public Service of Canada

PIPSC MEMBERSHIP CONSULTATION ON WORKPLACE VALUES AND ETHICS

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Report
Prepared for the Professional Institute of the Public Service of Canada
by Ascentum and the Governance Network

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The Professional Institute of the Public Service of Canada is a national union representing 50,000 professionals and scientists across Canada. The Institute is the bargaining agent for more than 41 knowledge-based Groups and negotiates with 25 different employers in seven different jurisdictions.

The Institute was founded to protect the interests of professional public employees and became a bargaining agent following the implementation of the Public Service Staff Relations Act (PSSRA) in 1967. The Institute serves its members with approximately 130 full-time staff in its National Office and Regional Offices in Halifax, Montréal, Toronto, the National Capital, Winnipeg, Edmonton and Vancouver.

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INTRODUCTION AND OVERVIEW

Questions continue to circulate as to the depth and pervasiveness of the ethics and integrity challenges within the federal government as well as changes required to strengthen values and ethics. The complexity of the interplay of relationships between the Public Service and parliamentarians, arms-length organizations, non-government organizations and Canadians, as well as the geographical dispersal of the Public Service employees who deliver services, has meant that no one has an accurate assessment of the extensiveness of the problem.

In response, the Professional Institute of the Public Service of Canada (PIPSC) initiated a directed consultation process with its members to better understand the challenges and issues related to values and ethics in the workplace and to seek feedback on ways of strengthening the key elements of the federal government values and ethics framework.

HIGHLIGHTS OF METHODOLOGY

The membership consultation process was undertaken based on an intermodal approach utilizing a mix of online and face-to-face tools; with approximately 1500 members participating. The methodology included:

⇒ An Expert Panel to advise on, and ensure the accuracy and balance of, the approach and information used in the consultation process;

⇒ An online consultation process, with a random sample of PIPSC members, allowed participants to review background information, complete an online workbook designed to present participants with a balance of contextual and factual information before questions and issues were provided, and to share stories and ideas on their experiences with and recommendations for strengthening workplace values and ethics; and

⇒ In-person dialogue with a random selection of members who participated in a total of nine dialogue sessions.

HIGHLIGHTS OF FINDINGS

REFLECTING ON VALUES AND ETHICS IN THE WORK ENVIRONMENT

Overall, PIPSC members indicated that, in many instances, they work with colleagues who are highly ethical, adhere to professional standards and are highly motivated and dedicated to serving Canadians and the public interest.

PIPSC members indicated, however, they do not feel comfortable raising ethical issues nor do the majority feel safe from retaliation when they do raise ethical concerns. Accountability for unethical behaviour is also perceived as largely absent within the current work environment.

CHANGING THE WORK ENVIRONMENT

Both the online consultations and in-person dialogues revealed trust begins in an employee's immediate environment. The further away a position is from an individual's work environment, the more uncomfortable members were in approaching the official responsible for investigating disclosures of wrongdoing (e.g. the Senior Officer for Ethics or Disclosure, and the Public Service Integrity Commissioner).

THE MANAGEMENT CHALLENGE

Interestingly, the online consultation indicated members were most likely to experience and be frustrated by questionable actions and behaviours related to the staffing process and general management practices. The findings of this consultation process would indicate there are systemic gaps in the management framework that are seriously impacting what PIPSC members consider to be the basic foundation of workplace values and ethics.

POLICY AND LEGISLATION TO SUPPORT VALUES AND ETHICS IN THE WORKPLACE

The Public Service Code on Values and Ethics

Based on the findings of the online consultation and those of the in-person dialogues, it would appear that the Public Service Code on Values and Ethics may not be having the expected impact on the work environment. Overall, a greater percentage of members disagreed than agreed that the Code has been well communicated or is a meaningful mechanism to support workplace values and ethics. This consultation process indicates there has been minimal in-person communications and little dialogue from management about the Code beyond its broad distribution.

Whistle-blowing Legislation and the Internal Disclosure Policy

Members indicated having limited hope the proposed "whistle-blowing" legislation will help to improve standards of values and ethics; expose wrongdoing in the public service; or increase respect for the Public Service among Canadians. In addition, approximately 80% of online consultation respondents indicated the legislation will not be sufficient without fundamental change to the current organizational culture and work environment.

Leadership that visibly demonstrates and supports values and ethics beyond words, and holds people to account for unethical actions and behaviours was identified as the key to creating a trusting environment where employees can express their ethical concerns.

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RECOMMENDATIONS

CHANGING THE APPROACH: MORE ONGOING DIALOGUE

More ongoing consultation between managers and employees is needed to identify the gaps in and ways of strengthening the current values and ethics framework. To be effective, employees need to be part of the solution and they need to be involved in designing the cultural change process through structured dialogue is initiated at the top but cascaded throughout the organization.

STRENGTHENING THE DISCLOSURE PROCESS

PIPSC members suggested a number of changes required to support the disclosure of wrongdoing within the workplace, including: the appointment of an independent external body, that directly reports to Parliament; to hear ethical concerns and to receive, advise and investigate disclosure; greater investment in positions designated to support ethics and disclosure in the workplace (e.g. the Senior Officer of Ethics and Disclosure) to enable more in-person outreach and greater understanding of the role; and follow-up with the discloser, after a disclosure has been investigated, to communicate outcomes of the process.

IMPROVING MANAGEMENT OVERSIGHT AND COMMUNICATIONS

Members suggested a number of changes required in relation to management, including:

⇒ More ongoing, in-person communications and dialogue between managers and employees about what values and ethics really means in the workplace;

⇒ Holding employees to account which means dealing with unethical behaviour and poor performance in a proactive and timely manner;

⇒ Greater management adherence to Public Service rules and procedures, particularly in relation to the staffing process;

⇒ More open communication about the disclosure process and the roles and responsibilities of officials designated to receive, review and act upon disclosures;

⇒ Investing in different ways to support disclosure within the work environment, such as 1-800 numbers; secure email channels; and electronic distribution of information; and

⇒ Training for all employees that brings together management and employees to participate in the same courses to support a broader dialogue on values and ethics.

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MONITORING IMPACT

It is recommended that the Public Service do more to monitor and evaluate the outcomes from investing in organizational values and ethics. Recommendations include the regular auditing and evaluation of outcomes/impact within organizations from specific investments in values and ethics programs and initiatives.

BROADENING THE ROLE OF PIPSC IN SUPPORTING VALUES AND ETHICS

Despite the recognition that real change will only happen if it is a priority to the employer, the vast majority of those consulted feel that there is a role for PIPSC in supporting values and ethics in the public service. Ideas raised as to how the Institute might support its members include: lobby the government for changes to the current policies and legislation; provide direct support to members who are confronted by ethical dilemmas through the creation of an Ethics Advisor position within the Institute; disseminate information on values and ethics through its website; and support more opportunities for members to discuss values and ethics challenges and dilemmas.

CONCLUSIONS

This consultation process is only the beginning. Its findings should stimulate further dialogue between management and representative unions, associations and employees on ways of changing the culture, improving and strengthening Public Service values and ethics, and ultimately rebuilding trust and credibility in Public Service institutions and their employees.

INTRODUCTION

In recent years concerns about organizational integrity and ethics have been growing. Events in the private sector emerged with the Enron scandal and were also witnessed here in Canada with Nortel and questionable accounting practices. Depending on whom you talk to, illegal or corrupt practices are either relatively widespread throughout the Public Service or are isolated to the few specific program areas. Those public sector incidents have recently grabbed headlines like the Krever and Somalia Inquiries, grants and contributions distributions at the former Department of Human Resources Development Canada or the serious management issues at the Privacy Commission. The most recent scandal surrounding the Department of Public Works and Government Services Sponsorship Program is rocking the very foundations of Canadian public administration and is expected to lead to a new standard for integrity within the federal government.

These recent scandals have grabbed so much public and political attention that many wonder the extent to which government can focus on big policy issues facing the federal government.

> *"When ethics are in disorder, when citizens reasonably believe they are, one should not be surprised that disputes about ethics drive out discussions about policies. Ethics makes democracy safe for debate on the substance of public policy. That is why it is so important. That is the sense in which it is more important than any other single issue".* (Thomson, 1992, p. 256)[1]

While most agree these are isolated events, it is clear the integrity of Public Service employees is increasingly under constant scrutiny. How deep and pervasive is the problem of values and ethics within the federal government? Information on this question is not readily available and as a result, the public, parliamentarians and even Public Service employees must rely on inference and speculation. The reality is that, given the complexity of the interplay of relationship between the Public Service and parliamentarians, arms-length organizations, non-government organizations and Canadians, as well as the geographical dispersal of the Public Service employees who deliver services, no one really knows the extent of the problem.

Key stakeholders, like the Professional Institute of the Public Service of Canada (PISPC), have indicated growing concern about: the serious ethical issues widely reported in the media in recent years; the effectiveness of the steps government is taking to address these issues in order to uphold the integrity of its institutions and employees; and, most importantly, how Public Service employees are perceived by the people they serve. In response to the government's proposed legislation to support disclosure of wrongdoings within the public service, PIPSC initiated a consultation process with its members on issues related to values and ethics in the workplace. The following Report outlines the outcomes from the PIPSC membership consultation process and includes recommendations that have emerged for strengthening values and ethics within the public service.

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[1] Thompson, Dennis F., "Paradoxes of Government Ethics", *Public Administration Review*, Vol. 52, No. 3, May/June 1992, p. 254 - 259.

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PURPOSE

The federal government has proceeded to create new policies, reporting requirements, a code and legislation, largely in response to public and political demands for strengthening public sector values and ethics. While it is recognized the government has made considerable progress in its attempts to strengthen the integrity framework, an evidentiary gap exists. By the spring of 2004, there had been limited consultation with Public Service employees to assess their perspective on what is required to strengthen values and ethics and to protect employees in making disclosure. As a result, there was no concrete evidence on the extent of the ethics challenge or what steps and mechanisms would be the most effective to strengthen values and ethics in the workplace.

Following the tabling of Bill C-25, the *Public Servants Disclosure Protection Act*[2], PIPSC engaged The Governance Network and Ascentum, to undertake a directed consultation with a random selection of its members. The consultation process was designed to review the current state of the ethics environment and to seek feedback on some of the key elements of the federal government values and ethics framework, including the Values and Ethics Code for the Public Service; the Treasury Board Policy on Internal Disclosure; and the proposed legislation the *Internal Disclosure Protection Act.*

PIPSC views this consultation process and its outcomes as an opportunity to give its members a voice at a pivotal period when the federal government is looking for ways to strengthen values and ethics within the public service. It is hoped the information gathered from this consultation process will provide preliminary evidence as to the scope and possible range of the ethical dilemmas faced by Public Service employees and the support they require to make ethical decisions and in speaking out and discussing what may be unethical practices. Further it is hoped that the evidence gathered will inform and strengthen the proposed legislation on internal disclosure.

This is the first-of-its-kind consultation with federal Public Service employees specifically targeted at values and ethics in the workplace. It is hoped this consultation process is only the beginning and its findings will stimulate further dialogue between management and employees on ways of improving and strengthening Public Service values and ethics.

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[2] Bill C-25, having died on the Order Paper with the dissolution of Parliament in May 2004, was reintroduced in October 2004 as C-11, an Act to establish a procedure for the disclosure of wrongdoings in the public sector, including the protection of persons who disclose the wrongdoings.

OVERVIEW OF METHODOLOGY

In May 2004, PIPSC embarked on a comprehensive consultation and dialogue with its membership on values and ethics. Anecdotally, PIPSC believed it had a sense of what members were feeling about this issue. However there was no concrete information or data on the size or scope of the ethical challenges PIPSC members were facing in the workplace.

PIPSC, The Governance Network and Ascentum formed a project team to develop and implement the project plan. It was determined that an intermodal approach to the membership consultation and dialogue would be undertaken by utilizing a mix of online and face-to-face tools.

PHASE I: EXPERT PANEL

An Expert Panel was created to provide valuable perspective and advice on the approach and information presented to participants in the consultation and dialogue. The Expert Panel provided an important challenge function to the consultation team by ensuring the information presented was balanced and grounded in current theory, practice and policy. The diverse panel was comprised of academics, practitioners, Public Service employees who specialize in values and ethics, as well as PIPSC board members. Please see Appendix A for a list of Expert Panel members.

It should be noted that officials in the Treasury Board Secretariat's Office of Values and Ethics of the Public Service Human Resources Management Agency of Canada were also informed, consulted and provided with preliminary results of the online consultations in the summer of 2004. Representatives were also given the opportunity to identify areas they would like to see probed further in the in-person consultations.

PHASE II: ONLINE CONSULTATION

Online consultations were undertaken with a random sample of approximately 8,000 PIPSC members. A special website was created for the online consultation. This site was only open to those members who were part of the sample and received a mail and/or electronic invitation with the necessary user ID and password.

The bilingual website allowed participants to review background information, complete an online workbook, and share stories and ideas on their experiences with values and ethics. The workbook was designed to present participants with a balance of contextual and factual information to consider before being presented with questions and challenges[3]. The Expert Panel served to ensure the approach and information presented were accurate and balanced. Security and privacy of participant contributions were paramount. As a result the website created a secure session with participants using encryption. The 128 bit encryption is the same level that is utilized for processing financial transactions on the Internet.

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[3] The online Dialogue process moves beyond traditional surveys, which obtain pure top-of-mind opinion, by providing participant with a common foundation for understanding the issues before they are asked to answer questions. As a result, this approach can be considered a more thoughtful and deliberative approach to consultation.

Example of Workbook Information Page

Example of Workbook Question Page

The online consultations ran from June to the end of November 2004. Approximately 8,000 PIPSC members received invitations with 1,428 participating in the online consultation

process and completing the workbook. The completion rate for those that started the workbook was 79%, which is quite high for a 20-30 minute exercise. Eighty-eight percent of participants felt the information was easy to understand, and based on their experience, 72% indicated they would participate in an online consultation workbook in the future.

A paper-based workbook was also created to allow those without computer access, or those not comfortable participating online, to complete and mail back their responses to PIPSC. There were only six paper workbooks submitted to PIPSC, which is consistent with a workforce that has a high level of comfort with and access to the Internet.

STORIES AND IDEAS

A story and idea-sharing process complemented the workbook experience. Participants could submit a story or recommendations/ideas on a variety of pre-identified topics as identified below:

Stories:

⇒ Exemplary ethical behaviour that I have witnessed or exhibited

⇒ Ethical dilemma I've faced

⇒ Values and ethics related to the bureaucratic/political interface

⇒ Feedback regarding the biggest ethical challenge in your workplace. Have you ever mentioned this to anyone?

Ideas:

⇒ What recommendations would you make to strengthen the existing or proposed policy/legislation?

⇒ What specific organizational or individual behaviour change do you feel are required to support values and ethics in your workplace?

⇒ How could whistleblowing protection work? What is required to support it in your work environment?

⇒ What recommendations would you make to improve the bureaucratic/political interface to better support values and ethics in the public service?

Participants were also given the opportunity to provide "another" story or recommendation if they had something to contribute that did not fall into any of the predetermined categories. Due to the sensitive nature of some of the information submitted, participants had the choice of either sharing the story with all visitors to the site, or only the research team for analysis. Almost 120 stories and ideas were submitted to the site during the consultation period. These stories and ideas were then reviewed and classified based on major themes and clusters. A selection of stories and ideas are included throughout this Report from those respondents who indicated that they were willing to share them. In all cases, any indication of an individual's name or that of an organization were removed from the quote to ensure that attribution could not be made back to an individual or that an unfounded incident was not reported.

Example of Shared Story Posted to the Site

dialoguecircles.com

Welcome Rob
Logout | Français

>home >stories and ideas >shared >ignore

share your stories and ideas

▶ Home
▶ Introduction
▶ How to Participate
▶ Consultation Workbook
▶ Stories and Ideas
▶ View Shared Stories and Ideas
▶ Next Steps
▶ Resource Area
▶ About this Project
▶ Help/FAQs
▶ Paper Version

Ethics ignored!

I work in the extended ADMO of a very unethical branch of a major federal department. Some of the issues I have been faced with during the 3 short years I have worked here are: - Directions to protect the ADM at all costs by reporting only the positive - sugar-coat it and make sure the ADM knows nothing about the problems, so that he/she can claim ignorance to the DM - Senior management protect the ADM from employee comments. Communication lines are guarded - Staffing/promotion/contracting of all types of positions/work with friends, girlfriends, former colleagues from other departments.

Moving positions around so that the favoured few can "act" in progressively more senior positions. - Wasting precious resources by demanding work that looks good, and makes senior management look good, but has no intrinsic value to the organization. - Attempts to kill programs that are important to employees but "not liked" by senior management - Ongoing expectations for employees to work unpaid / uncompensated overtime. - Incorruptable employees marginalized, pushed out of the organization - Downplaying the results of the Public Service Employee Survey within 6 months of the survey, by announcing that management has "fixed" all the problems. - Claiming that consultation has occured with the unions, when in fact, the unions have been informed of the changes made to policy, etc.

Subsequently, members are unhappy that their unions have accepted these changes, when the communications was only one way. - Staff continually receive gag orders to stop complaining about these issues within the ranks. Senior management openly remark on the "bad apples" who speak out and make them look bad. Secrecy is the order of the day. - Favoured employees are welcomed to the branch and recieve recognition when they leave in the form of glowing e-mails to all employees. The "bad apples" leave without any ceremony. - The huge number of employees leaving the ADMO is ignored because all those leaving are "bad apples". I could go on, but I must get back to "creating" a briefing note.

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PHASE III: IN-PERSON CONSULTATIONS

In Phase III a sample of online participants were invited to delve deeper into the issues through face-to-face dialogues that were organized across the country. In total, almost 1,500 PIPSC members participated in the online consultation and regional face-to-face dialogues on value and ethics. Nine dialogue sessions (seven in English and two in French) in total were held in Vancouver, Edmonton, Winnipeg, Toronto, Ottawa (3), Montreal and Halifax. The two and a half hour sessions were well attended and included a review of the online findings before a dialogue on different ethical issues, challenges and recommended actions.

The in-person consultations were an important element of this consultation process as it allowed researchers the opportunity to probe the online consultation findings, put more context around the challenge faced by members in their workplace, and discuss recommendations and areas where workplace values and ethics could be strengthened and how employees could be better supported in making informed disclosures of wrongdoing. The in-person consultations were also designed to discuss with members what role, if any, PIPSC should have in strengthening values and ethics in the workplaces of its members.

The intermodal approach to this consultation allowed a large number of PIPSC members to be engaged in examining the issues of values and ethics from its members' perspective. Through this process, PIPSC members have provided a clear sense of what is happening, what is working, and what needs to be fixed in relation to values and ethics in their workplace.

PIPSC DIRECTED CONSULTATIONS: KEY FINDINGS

PROFILE OF RESPONDENTS

PIPSC members from across the country were sampled as part of the consultation. Federal government employees made up 96% of respondents. This is due to the fact that the majority of PIPSC membership is federally based, but it can also be attributed to the fact that the consultation process was predominantly federally focused. These factors were reviewed at the design stage of the consultation and were built into the sampling framework.

The top five employment classifications are identified below and are generally consistent with PIPSC membership breakdown:

1. Computer Science (CS):   35%
2. Auditors (AU):   10%
3. Commerce Officers (CO):   7%
4. Biologists (BI):   7%
5. Engineer (EN):   5%

Union stewards made up 10% of respondents, indicating a real interest from union representatives to participate in the consultation process.

Years in the Public Service

Years	Percentage
Over 20	29%
16-20	11%
11-15	14%
6-10	14%
0-5	32%

N = 1424
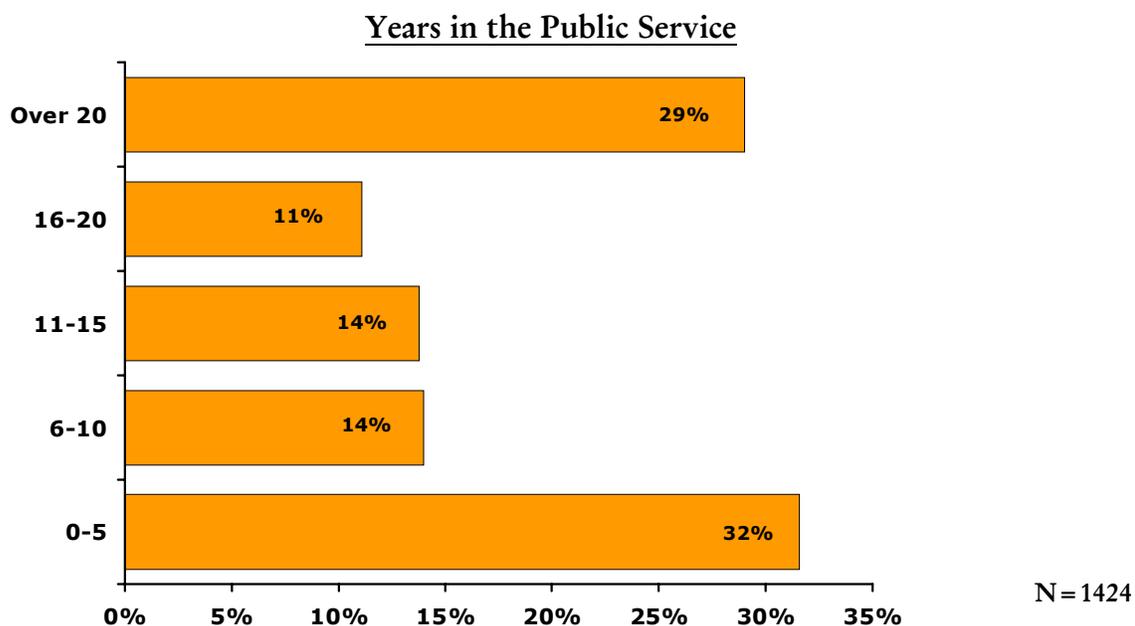
There was a real cluster of respondents in terms of their years of service. As many demographers have pointed out, society currently has a large bubble, particularly at the ages of 45 years and over. The profile of respondents is consistent with Canadian demographics.

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For this Report, however, years of service is examined as opposed to age. In total, 29% of respondent have worked over 20 years in the public service, with 69% of those with 20 or more years in the Public Service having worked in the same department. There are also a lot of new members, 32%, who have only recently entered the public service.

Level of Education

N = 1398
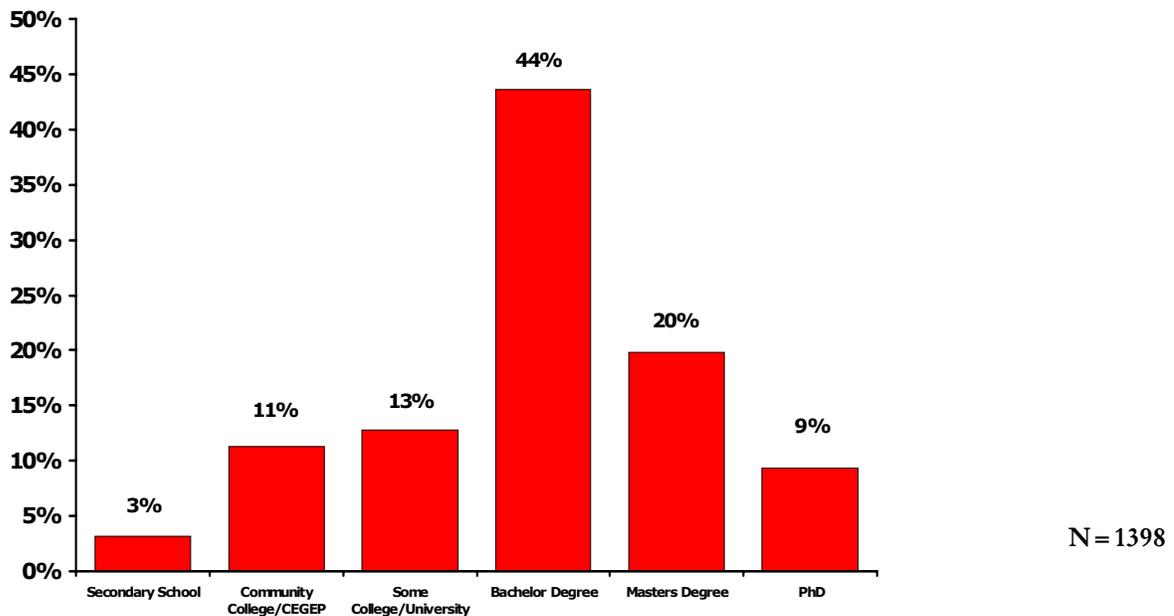
It is well known that PIPSC has a highly educated membership, so it is not a surprise that 73% of participants had post-secondary education of a bachelor degree or higher. There was a correlation between level of education and participation in this consultation process – with respondents who indicated having completed their education to a level of secondary school or community college being less likely to complete the online workbook.

In which province do you work?

N = 1395
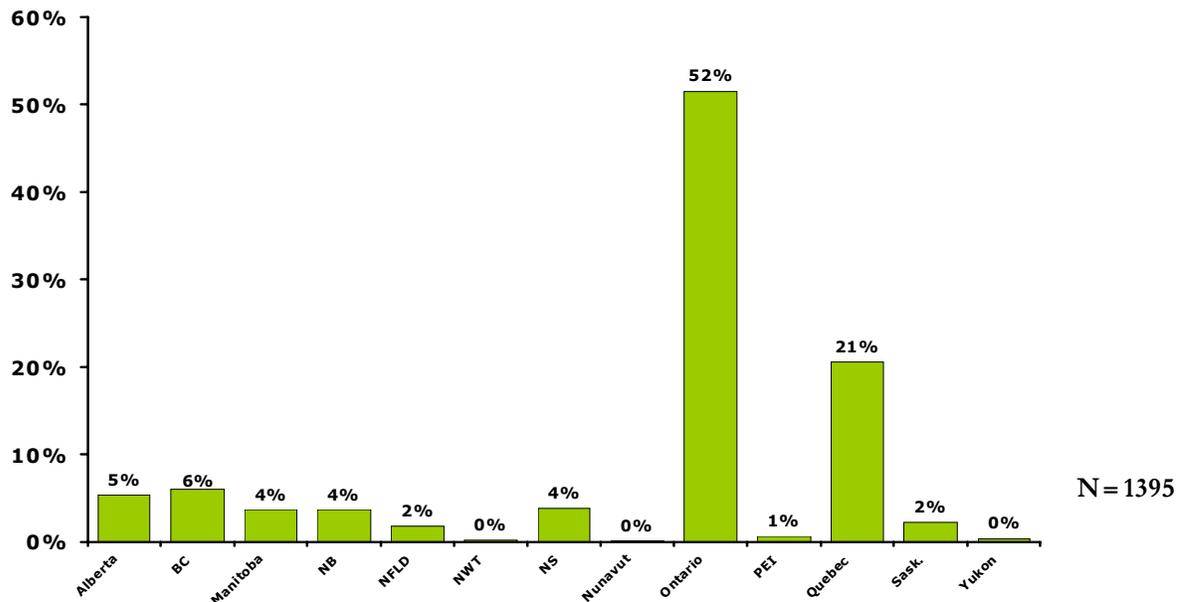
The majority of respondents were from Ontario and Quebec, but only 54% of participants worked in the National Capital Region. This demographic profile helped us identify locations for the regional dialogues that followed the online consultation.

PIPSC's membership has a larger proportion of males than the Public Service in general. It was therefore not surprising the majority of participants were males – 66% compared to 34% females. This is also consistent with the male representation in the largest employment classifications. The computer science (CS) category, which is also PIPSC largest group, was also the largest group of consultations participants, of which 68% of the CS respondents were male.

The demographic profile of the participants in the online consultation is very similar to the PIPSC membership as a whole. This profile is quite useful as it allowed researchers to take a deeper look at the questions to see if responses were different based on factors such as years of service, location of work, or age.

REFLECTING ON VALUES AND ETHICS IN THE WORK ENVIRONMENT

Organizational ethics is not a status or a state, but a sense of what is right and wrong embedded in organizational policies, practices and activities. For the purposes of this study, and in its simplest terms, organizational ethics refers to generally accepted standards that guide behavior in organizational contexts.[4]

As noted in a recent report by the OECD, encouraging ethical behaviour is not just about establishing a list of rules, a code or a level of certification to be attained. It is an ongoing management process that underpins the work of government; it is crucial to the functioning and the evolution of governance.[5]

CURRENT INTEGRITY VULNERABILITIES

In any occupation, organization or sector, employees and managers are confronted by ethical issues and dilemmas. The question is how should organizations best support employees and managers in making ethical decisions and in discussing and possibly disclosing wrongdoing.

The values and ethics consultation with PIPSC members indicated a number of essential factors (e.g., accountability; communications; coordination; monitoring results; etc.), which support organizational values and ethics and disclosure activity within the work environment, are missing within the Public Service work environment. These include:

⇒ Members generally do not feel comfortable raising ethical issues
- Under half of those consulted (43%), agreed or strongly agreed that people in their work environment feel comfortable raising ethical issues.

⇒ Members do not feel safe from retaliation
- Only 40% agreed or strongly agreed that people in their work environment feel safe from retaliation from speaking out.

The quote below demonstrates how unsafe some members feel about reprisal.

> *I am uncomfortable to tell my story about an exemplary ethical behaviour that I have witnessed in my workplace. I feel that if I report my story, it will be traced back to me and I will be reprimanded. I am unconvinced that senior management addressed the behaviour fully. So, is whistle-blowing really feasible?*

⇒ Members have indicated there is no accountability for unethical behaviour

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[4] Robert Peterson and O.C. Ferrell (Editors), *Organizational Ethics: Business School and Corporate Leadership*, M.E. Sharpe, 2004.

[5] OECD Public Management Occasional Papers, No. 14 *"Ethics in the Public Service: Current Issues and Practices"*. 1996: Page 13.

- Only 35% agreed or strongly agreed that people are held accountable for unethical behaviour and 32% disagreed or strongly disagreed with that statement.

The Extent the Following Characteristics Describe My Current Work Environment...
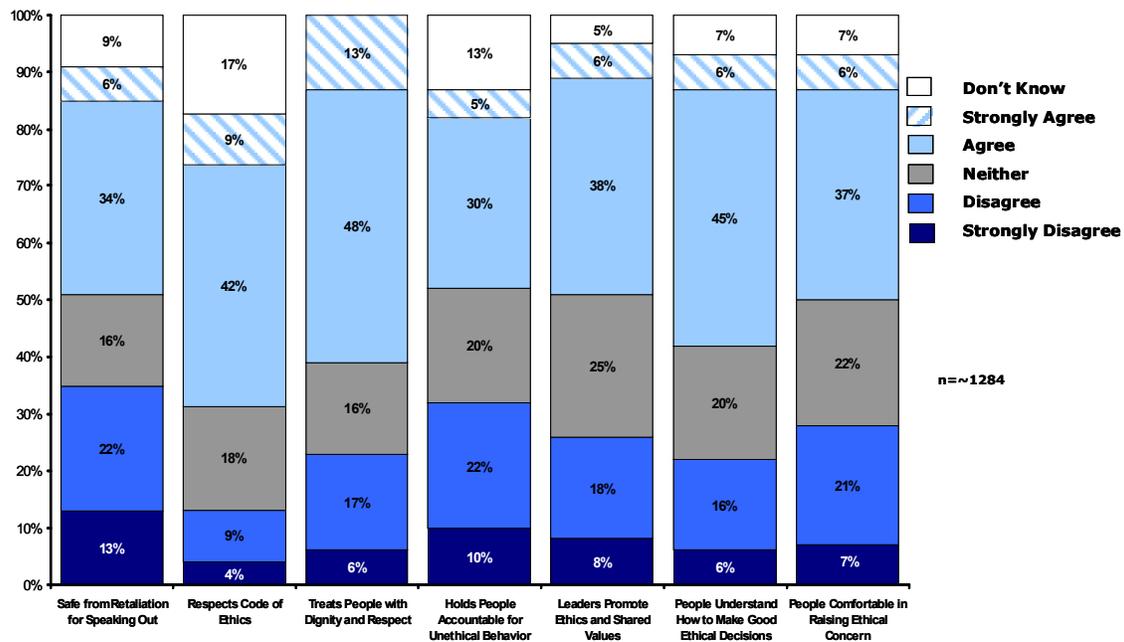
When asked to rate the ethical environment of their workplace, just over half (51%) of responding members felt it was high, or very high and 16% felt the ethics in their workplace were either low or very low, and 31% indicated it was neither. Women participants (46%) were significantly less likely than men (54%) in rating the ethical environment of their workplace as high or very high. Interestingly, at the end of the online consultation process, members were again asked the same question and responses shifted somewhat towards the negative with 41% of respondents indicating high or very high, and 21% low or very low.

A similar assessment was also conducted during the in-person dialogues (e.g., participants were asked to assess the level of values and ethics in their workplace both at the beginning and at the end of each consultation session) but the same negative shift in responses was not observed. When probed at the end of some of the in-person consultation sessions, it was determined the online consultation process did not allow for comparative assessment whereas the in-person consultations allowed people to compare their own experiences with others. In the in-person consultations, where extremely negative experiences were discussed, it had the effect of influencing some participants to reassess their work environment in a more positive light.

REINFORCING THE POSITIVE

> *After working 20 years in public accounting practice as a staff accountant, my impression of public accountants was that the most successful public accountants were fairly honest and forthright people. They worked hard and treated their clients as part of an extended family that included their employees. I find the same is true in the public service. I've never encountered unethical behaviour by public servants and am impressed by the multicultural, multiracial diversity of the public service.*

Throughout the consultations, many members identified and reinforced positive aspects of their current work environment. Almost two-thirds of those consulted agreed or strongly agreed that, in their work environments, people are treated with dignity and respect. PIPSC members also indicated being committed to improving workplace values and ethics and approximately 59% strongly agreed or agreed they understand their obligations under the Values and Ethics Code for the Public Service (the Code). Interestingly, just fewer than 50% of PIPSC respondents indicated they had heard of or had read the Code. When this discrepancy was discussed during the in-person dialogues, members indicated they had a basic understanding of the Public Service values embedded within the Code and this understanding was based on their roles and responsibilities working for the Public Service and serving the public interest.

> *For many years our organization had a remarkably inflexible person working in purchasing. Several times I found myself pleading in vain for some special consideration respecting what seemed to me the more arbitrary and inconvenient rules. S/he was absolutely unyielding on the issue of deliveries at fiscal year end. This was particularly galling since the vendor's 11th hour deliveries inevitably happened in years when monumental storms occurred just on the critical day. My attitude towards this person has changed radically in retrospect. I see now that his/her extremely high degree of integrity contributed immensely to the tone of the entire work site. I always had the highest regards for her/his ethical standards, but as a (hopefully) more mature person, I can see the wider benefits to all of us that his/her actions contributed.*

While the online consultation focused on a targeted assessment of the current work environment, the in-person dialogue allowed for a more in-depth discussion among PIPSC members about some of the positive elements within their current work environment. In many instances, PIPSC members indicated they work with colleagues who are highly ethical, adhere to professional standards and are highly motivated and dedicated to serving Canadians and the public interest.

> *I am positive there are a good number of employees that are faced with values and ethics issues/challenges everyday. My idea is to find a way to capture and share how these are successfully overcome.*

In the end, however, many members indicated through the in-person consultation that often these positives are overshadowed by current realities, as well as headlines about recent government scandals.

> *There is an air of wariness now in any decision we make which I feel has gone too far. It is unfortunate that a few misguided individuals have tarnished the reputation of the remaining public servants and have put us under a microscope.*

VALUES AND ETHICS: A NOT-SO-HOT TOPIC IN THE WORKPLACE

When members were asked how frequently values and ethics are discussed or raised in their organization by key individuals or within groups, the majority indicated overall, they are discussed fairly infrequently. Members did indicate discussing values and ethics most frequently with their colleagues. Newer employees with 0-5 years of service were more likely to have discussions with their boss about ethics, 34% compared to 24% for those with over 20 years of service. However, it should be noted less than 40% of respondents indicated values and ethics are discussed frequently or very frequently within their workplace.

Frequency of Values and Ethics Discussions in the Work Environment with the Following...
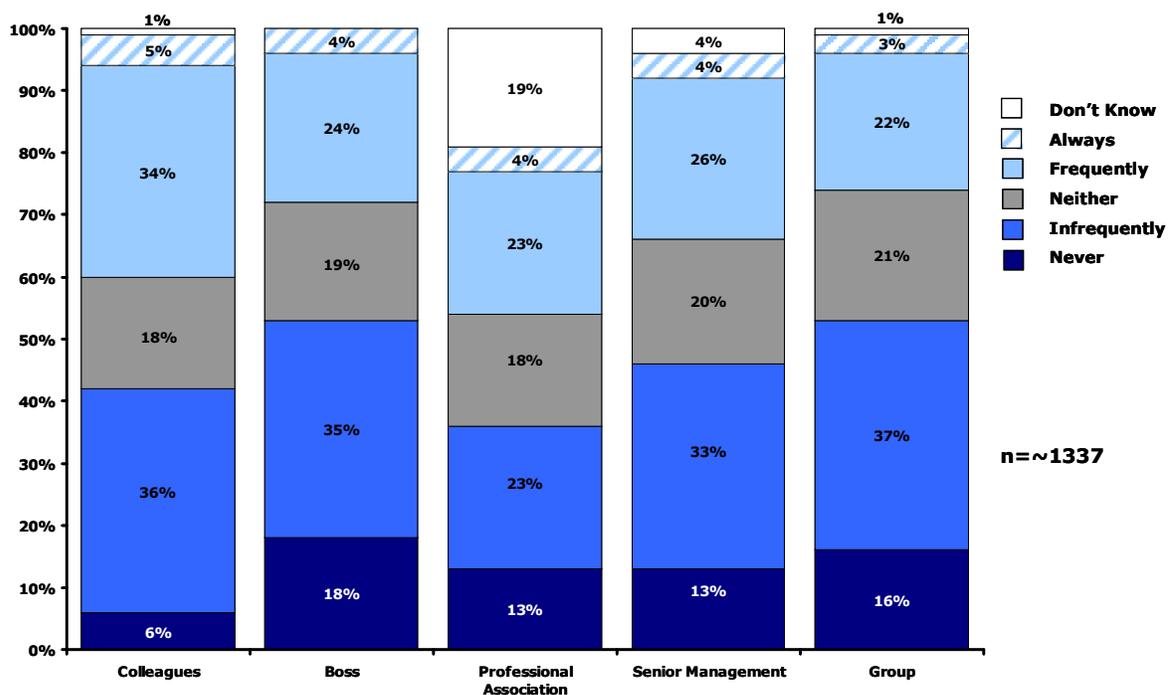
When this finding was raised throughout the in-person consultations, members indicated values and ethics were generally not a widely discussed topic within their workplace. Some indicated instances where individual employees had taken an active role in profiling and provoking discussions and thought on values and ethics, however, these examples tended to be more the exception than the rule. The majority of members indicated discussions on values

and ethics were limited to senior management presentation and emails in providing a copy of the Code and, when issues are raised, senior management is not receptive.

> *During a Values & Ethics Discussions group in my place of work, a young man who had been hired a few months earlier, quickly realized that ethics and values often mean different things to different people. He thought it important to bring up some issues that, to him (and many others present), showed bad ethics and values. Well, the poor guy. He was told (and although we felt he was right), that "these types of things just don't happen here!" When he tried to push the issue a little more, he was simply told to "leave it"!!! How's that for ethics and professionalism?*

The finding that values and ethics are not widely discussed in the workplace may be influencing members' assessment of ethical decision-making within their work environment; with over half of members who completed the online consultations, agreeing or strongly agreeing their current work environment has employees who understand how to make good ethical decisions.

THE HEART OF THE VALUES AND ETHICS CHALLENGE

CHANGING THE WORK ENVIRONMENT

Both the online consultations and in-person dialogues revealed trust begins in an employee's immediate environment. The further away the disclosure support position is from an individual's work environment, the more uncomfortable members were in approaching the official responsible for supporting the disclosure of wrongdoing.

Level of Comfort or Trust Discussing Values and Ethics
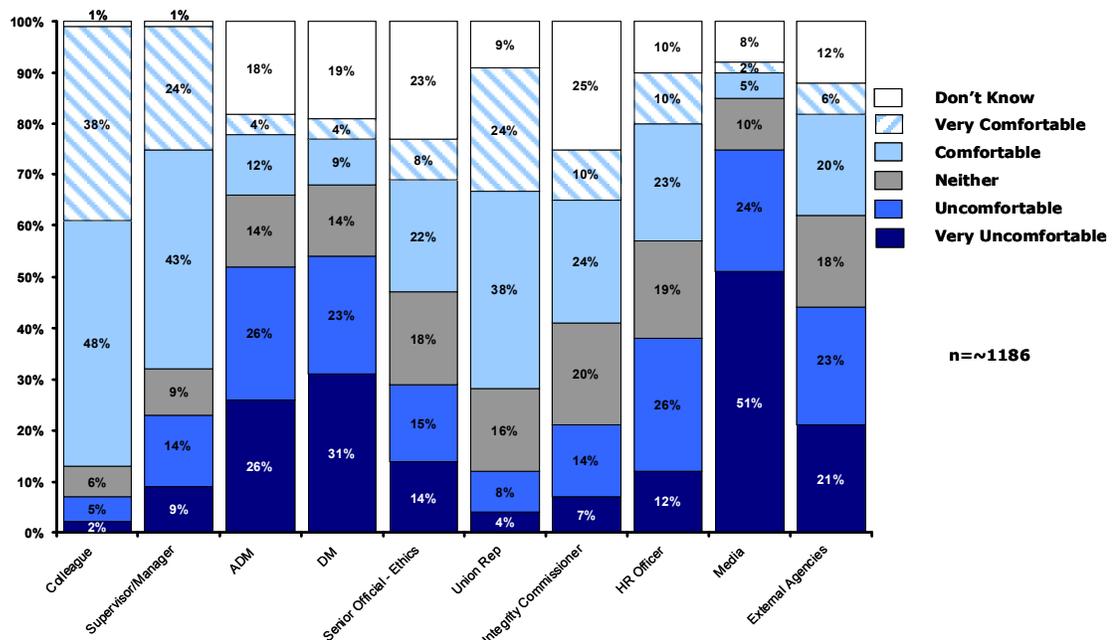
Members indicated being most comfortable and/or having the most trust in discussing ethical issues with colleagues (86%), immediate manager/supervisor (67%), or union representative (62%).

A much smaller percentage indicated the same level of trust or comfort with their organization's senior officer responsible for ethics or disclosure (30% with a further 23% indicating do not know) or with the federal Integrity Commissioner (34% with 25% indicating do not know). When these findings were probed further through in-person consultations, discussions focused on the lack of awareness about these key positions and the actual people who hold the positions. Members indicated without a better understanding about these positions, their roles, responsibilities and lines of reporting, few would feel comfortable raising issues with strangers. Please note there is further discussion on these two key positions in a later section examining the current TBS Internal Disclosure Policy and the proposed "whistleblowing" legislation.

When contrasted with senior officers for disclosure, the Integrity Commissioner was viewed, by those consulted through the in-person dialogues, as being the most independent and objective, as many questioned the objectivity and independence of a senior officer who reports to senior management.

Not surprising, most of the members consulted indicated a low level of comfort talking about values and ethics issues with their senior leaders. In many cases, with the exception of smaller organizations, people in these positions are not very well known to members and, given the tendency toward hierarchy, are not likely places where members would feel comfortable approaching.

Finally only 38% of members indicated being comfortable raising ethical issues with an HR officer. In-person consultations revealed HR was viewed as overworked, overburden and generally a representative of management interests.

> *The Public Service has mounds (of) rules and guidelines, but these are easily undermined by clever Human Resources staff with the help of emergency budgets to pay for ex-government consultants. Where at one time HR was somewhat accountable to the Public Service Commission, they have now largely become mere toadies to the local ambitions of under-qualified managers.*

THE MANAGEMENT CHALLENGE

Interestingly, the online consultation indicated members were most likely to experience questionable actions and behaviours related to the staffing process and general management practices. These factors, even before they were presented, were also the dominant focus of the in-person dialogues and provoked the liveliest discussions in every region across Canada.

The findings of this consultation process would indicate there are systemic gaps in the management framework that are seriously impacting what PIPSC members consider to be baseline values and ethics:

⇒ Patronage or favouritism in the staffing process (57% experienced this always, often or sometimes in their current work environment although for those with 0-5 years in the Public Service this was lower at 43%);

...we were informed that no one or position will remain or left acting for more than one year. And that all positions will always be available for competition. But in many sections, we have seen one position after another where one person is literally or dubiously given a position. And as of now, acting positions have been extended time after time of course with a recourse given to us as if it means anything.

⇒ Harassment or abuse of power (42% always, often or sometimes);

In my department, nepotism is a huge problem. In at least two cases, employees related to management have been promoted without competition. Our manager rules with an iron fist and has often expressed the sentiment that "I can make or break anyone's career," so employees are afraid to speak out; they do not believe that they will be protected by whistle blowing legislation. Morale is very low.

⇒ Pressure from senior management to make what is perceived as unethical decisions/changes/modifications, etc. (28% always, often or sometimes);

While working in the capacity of a federal peace officer, I had occasion to observe instances of interference in individual cases at the political level (by way of favourable discretionary ministerial action), without explanation or justification, in situations where the interests of wealthy or otherwise influential community members were being adversely impacted by enforcement action. The "do it!" instructions from on high had a very negative impact on staff perceptions, and exemplify the very opposite of the impartiality and fairness that are expected of civil servants. This sort of "leading by example" promotes cynicism and disregard for the law and ethics. Moral decay trickles downhill!

<div align="center">***</div>

In my previous workplace in the same organization, employees were pressured, within a climate of downsizing, to justify their existence by the amount of outside revenue that they attracted. Monthly reports on the billable hours of each employee were posted on the bulletin board and subject to performance review. The quality of work was of secondary importance. During this period, I was frequently asked to make and to report incorrect measurements using techniques which were shown in the scientific literature to be invalid. This included publications of my organisation. The concerns that I raised about this were refuted by two levels of management on the grounds that correct measurements

would delay the externally-funded projects and would reduce net revenue. Up until that point (well over 10 years), my performance reviews were consistently superlative and I had even won performance awards. Thereafter, the reviews were unsatisfactory and a pattern of exclusion and sidelining of my career emerged. Prior to the financial pressures, quality of work, team spirit and morale were high in the workplace, as was ethical conduct.

⇒ Unethical contracting practices (28% always, often or sometimes);

I was an officer in a federal departmental program that administered a large number of contracts. These contracts were issued on the basis of requests for proposals and a structured, competitive evaluation of bids. On one occasion a request came from the Minister's office to award a particular contract to a particular company, a company whose proposal did not meet the minimum requirements of acceptability. This situation caused the line management a certain amount of anguish.

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J'ai remarqué une corrélation directe entre la grandeur du projet et l'incidence d'échec. Un projet complexe et coûteux se termine immanquablement par un échec. Et le plus curieux dans tout ça, c'est que la même firme, pour ne pas la nommer, continu à gagner des appels d'offre malgré des résultats catastrophiques à répétition. Et encore une fois, un autre projet, le registre des armes à feu, est justement livré par cette même compagnie. Ma question est, comment se peut-il qu'un haut fonctionnaire puisse être accord, en toute conscience, avec l'embauche d'une telle firme, lorsque son palmarès est si décevant ?

⇒ Management ignores or fails to draw on the expertise of their professional staff;

I work in a branch dealing with information technology. The one major problem I encounter repeatedly is that much of Management does not understand the technology they are managing, and as such make errors in judgement (wasting money when trying to save money). For example, going with the cheapest bid on a new database or platform, without realizing you get what you pay for. This is not ethically wrong of course, but bad choices lead to bad ethics as when the project goes wrong, management is tempted to conceal their bad choices. Information Technology choices in all branches should be subject to the approval of employees well versed in technology, and not just management

⇒ Lack of empowerment in decision making (indicated in the in-person dialogue); and

⇒ An inability or unwillingness to deal with poor performance (indicated in the in-person dialogue).

There does not seem to be enough screening/training when hiring or promoting employees. The Public Service has many capable people who do demonstrate ethical behaviour but they may be passed over for someone who does not hold the

> *same values. We hire people and keep them, even when we realize they are unsuitable. We do little to correct their unethical behaviour. Employees are afraid to "blow the whistle" on bad behaviour of people above or around them.*

These factors are chipping away at the foundations required to support values and ethics in the workplace. The inability of management to strengthen transparency in these areas or to correct perceived abuses of power and processes is impacting morale, trust, and integrity in the workplace and indirectly affecting public sector performance and productivity.

As noted in a 1996 OECD report:

"...where decision-making procedures and the reasons for decisions are known, it is more difficult to distort the rules" ... and "Perhaps no other measure, not even the Public Service Code of Conduct, contributed to ethics in the Public Service as much as open administration"[6]

> *I witness daily, abuse of power, intentional verbal attacking, lack of ...shared workload, and self appointed policing of co-workers that gets reported to the Chief of ... before speaking to the person first. I find the behaviour unethical, unprofessional and dangerous. The immediate supervisor is aware yet nothing appears to have been resolved (certainly no behaviour changes). PIPSC is also aware and brought in consultation with no results. Mediation was started and the person refused to continue. I have spoken to the person directly but to no avail. What am I to do? Quit? Confront again and again only to get attacked over and over again? I have gone the appropriate route of appeals (chain of command) and I don't see anything being done or changed. I don't look forward to going to work anymore and that's a shame.*

These broad issues and shortcomings are not new and have been identified in various studies, initiatives and consecutively in the federal Public Service Employee Surveys. However, when these basic foundations are not supported or present in the work environment, members indicated having little faith or comfort in raising more serious ethical issues or concerns or trusting that informal reprisal will not occur.

ASSESSING RECENT AND PROPOSED CHANGES TO THE PUBLIC SERVICE VALUES AND ETHICS FRAMEWORK

As part of the PIPSC deliberative consultation process, members were led through an assessment of key elements of the current and proposed values and ethics framework, including the Public Service Code on Values and Ethics; the TBS Policy on Internal Disclosure of Wrongdoing in the Workplace; and the Public Service Internal Disclosure Protection Act. As part of the online consultation, PIPSC members were asked to what extent they were aware and informed of the various mechanisms designed to better support

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[6] OECD Public Management Occasional Papers, No. 14 *"Ethics in the Public Service: Current Issues and Practices"*. 1996: Page 23.

values and ethics in the workplace. The intent of this question was to assess the extent of knowledge of respondents around these key mechanisms designed to support values and ethics in the Public Service. As noted in the following chart, PIPSC members were most informed about the Code and were less informed of the legislation.

	Never heard of it	Heard of it	Read it
The Code	9%	44%	47%
TBS Policy on Internal Disclosure of Wrongdoing in the Workplace	37%	51%	12%
PS Internal Disclosure Protection Act (Whistleblowing Legislation)	46%	47%	7%

THE CODE OF VALUES AND ETHICS

Based on the findings of the online consultation and those of the in-person dialogues, it would appear the Code may not be having the expected impact on the work environment. Overall, a greater percentage of members disagreed than agreed that the Code has been well communicated in their organization (40% disagreed or strongly disagreed as opposed to 31% who agreed or strongly agreed). In addition, members indicated there has been limited dialogue within the workplace about values and ethics – a total of 51% of respondents disagreed or strongly disagreed values and ethics were discussed in their workplace, compared to 21% who agreed or strongly agreed.

> *When the values and ethics code was put in place last year, our department put the booklets in everyone's mail slot. Good start, but I was expecting more. As a manager, I was not made aware this was coming, or what it meant to me - or my employees. I would suggest each department have open information sessions on this topic, and have specific information sessions for managers and employees. Many people had unanswered questions about what this meant, and without follow-up, many felt this was the department's way of saying "we had to hand this out, but we're not really invested in it" - and I feel I am in a department that supports values and ethics!*

<div align="center">***</div>

> *...over those years I have become jaded with hearing the talk/rhetoric while seeing little evidence that it is anything more than talk. We don't seem to publish "success stories", of any kind, on this subject.*

Respondents Agreement with the Following...
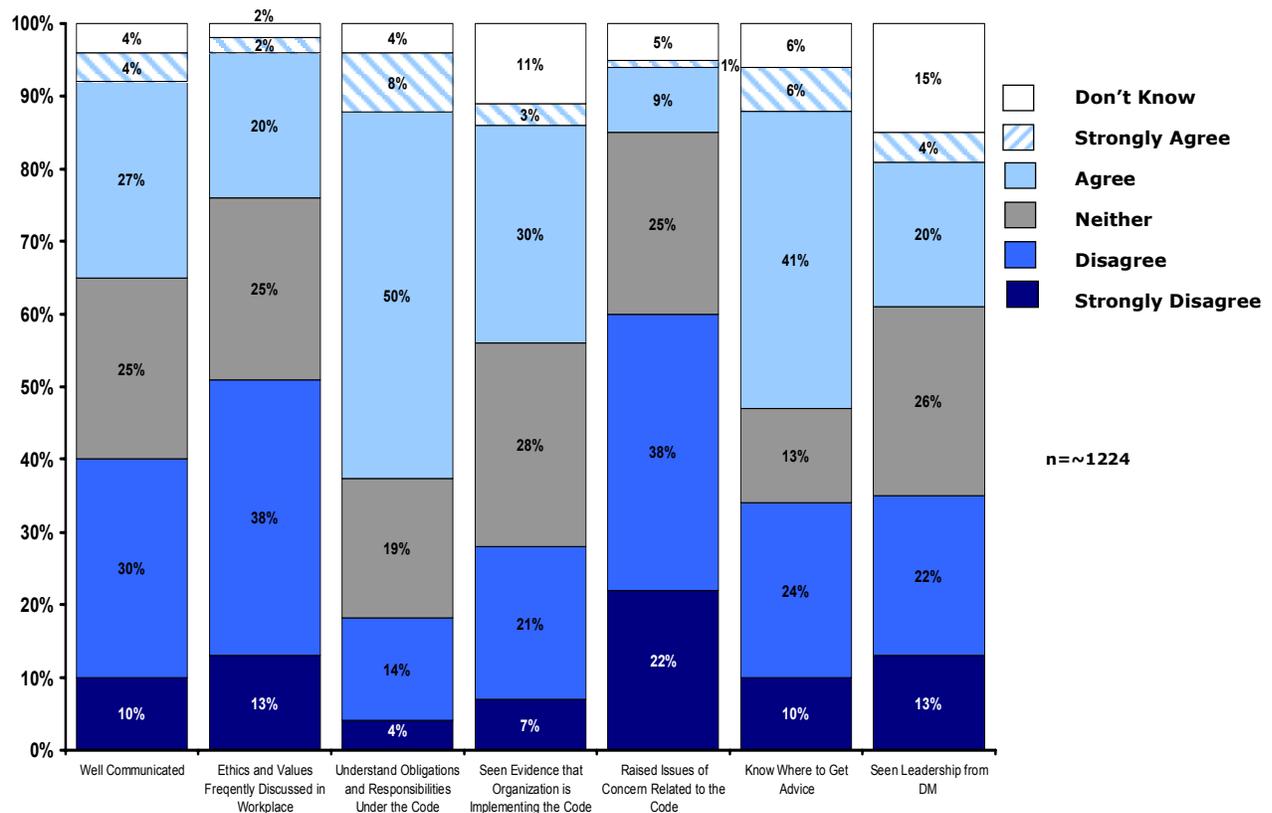
During the in-person consultations, PIPSC members had the following things to say about the Code:

⇒ The Code was distributed to employees with minimal, if any, in-person communications or consultations;

⇒ The Code is too high level to have a really practical meaning for employees and managers;

⇒ There has been little dialogue from senior management on what the Code means to departments/agencies and even less dialogue from direct managers; and

⇒ Copies of the Code are shelved and rarely referred to in guiding daily behaviour, actions and decisions.

I just wanted to share that the Code of Values and Ethics was not shared with me or my colleagues to my knowledge. I remember a small booklet being delivered to my desk however nothing was ever discussed directly to me by Management or a Supervisor. The booklet incidentally, was eventually lost under all that paperwork that accumulates and eventually never read. I know very little about the code. I have completed the workbook on this site and it appears as though it is pretty important to read and understand this code. I will do so now. I just can't believe this information was not shared with us, by Management, as a priority

and mandatory review. In the future I would like to see these codes be shared with staff more frequently and as priority.

While 47% of responding members know where to get advice about the Code, the in-person dialogues indicate members do not see the Code as a real or meaningful instrument. Members indicated they are waiting for signals that leadership is committed to making change and to strengthening the integrity framework. The online consultations indicated at the time of this consultation, only 24% of members agreed or strongly agreed (with a high percentage indicating do not know) they had seen leadership from their DM on the Code.

> *It is very easy to get caught up in measures of time efficiency while giving little regard to the effectiveness of our communication. The biggest ethical challenge as I see it, is communicating in an honest and complete manner with our clients, our superiors and our colleagues. Written material means nothing, unless the content therein is understood discussed and acted on. It shocks me how so much time is spent on policy development, and rehash of nebulous objectives, and how little time is actually allowed for "getting the work done". Make communications the priority - not ethics.*

WHISTLEBLOWING LEGISLATION AND THE INTERNAL DISCLOSURE POLICY

Part of the objectives of the consultation process was to assess: the current and proposed disclosure process; the potential impact of the proposed legislation; and to discuss other steps or mechanisms members feel are required to support them in discussing and dealing with ethical dilemmas in the workplace and in disclosing, in good faith, possible wrongdoings.

Policy on Internal Disclosure of Wrongdoing in the Workplace

As noted above, key positions (the Senior Officer for Ethics or Disclosure and the Public Service Integrity Commissioner) to support disclosure under the current TBS *Policy on Internal Disclosure of Wrongdoing in the Workplace* and the proposed legislation are not well known, particularly the Senior Officer for Disclosure of Ethics. When this was probed with members through in-person dialogues, it was clear very few members were aware these positions existed within their department. Those aware of a Senior Officer were only informed in a limited way through email or newsletters about the position and seemed reluctant to use this mechanism. In the end, members indicated that they did not feel comfortable approaching their organization's senior officer for disclosure or ethics.

> *As a regulator, I have found that the biggest ethical challenge I've faced is being told by my supervisors and managers to implement a new policy which I believe (as well as other co-workers) is contrary to the law with which I am mandated to uphold. Internal resolution attempts to resolve this conflict came to an impasse, and a disclosure of wrongdoing in the workplace was made. Managers have attempted to derail the process by using stalling tactics and false commitments.*

> *The conflict is ongoing. Similar to the ability to refuse work in unsafe working conditions, refusal of work contrary to law should be in place. However good the intentions, the law should not be interpreted by policy makers, only the court system.*

Given the timing of this exercise, the online consultation process was originally based on Bill C-25 and, therefore, focused on the role and independence of the Integrity Commission. When asked, members indicated a high level of support for an independent external body to hear ethical concerns and issues and to receive, advise and investigate disclosures. Approximately 80% of members strongly agreed or agreed that the Integrity Commissioner should report directly to Parliament.

> *After 24 years of service, I know that the very core structure of the Public Service (e.g. reporting relationships, chain of command, etc.) is designed in such a way that it allows these many ethical problems and in fact even promotes them. This structure cannot (or rather will not) be changed. The only real solution is to provide truly anonymous reporting of wrongdoing. I really think there should be an anonymous reporting method. All the reports can be assumed to be false until one isn't, and I'd bet that the vast majority would be actual wrongdoing. They could be prioritized and casually (informally) investigated with the resources available to see if they warrant further review. Public servants would become much more ethical overnight when they know that anyone can report their "alleged" wrongdoing anonymously. Even if there wasn't sufficient resources to investigate every complaint, simply knowing that an anonymous report could catch the eye of someone at the Office of Public Service Integrity, who would have the authority under legislation to look at any spending of public funds, would be enough to cure many of the current problems.*

During the in-person dialogues in November 2004, members were then consulted on the changes from Bill C-25 to Bill C-11, specifically the change which appoints the President of the Public Service Commission (PSC) to act as the neutral third party for receiving disclosures and investigating and reaching findings on disclosures of possible wrongdoing. The expanded powers include the investigative powers of a Commissioner under Part II of the Inquiries Act; the power to set deadlines for chief executives to respond to the President's recommendations; and the power to make special reports to Parliament at any time. In Bill C-25 this role was appointed to the Public Sector Integrity Commissioner.

The current proposal to have the President of the PSC assume the role of independent, external watchdog is highly distrusted among PIPSC members. Within the current environment, PIPSC members see this as a conflict of interest as the position is viewed as too integrated into the Deputy Minister community. The position is also viewed as too far removed from an employee's work environment, as well as having a poor reputation in overseeing areas for which it is currently responsible and accountable, primarily in dealing with staffing issues.

In the end, PIPSC members strongly support an independent position, which reports directly to Parliament, for receiving and investigating disclosures of wrongdoing (over 80% of members agreed or strongly agreed with this during the online consultation) and is not integrated into the organizational framework or Deputy Minister community.

Members' Assessment of the Potential Impact of the Proposed Legislation

As outlined in Bill C-11, the Act is designed to establish a procedure for the disclosure of wrongdoings in the public sector, including the protection of persons who disclose wrongdoings. The goal is to protect Public Service employees who disclose wrongdoing in their organization from undue punishment and to remove the very threat of reprisal, which might prevent or silence employees from discussing ethical dilemmas or making disclosures.

Approximately 50% or less of PIPSC members consulted either strongly agreed or agreed the proposed legislation would help:

⇒ Improve the standards of values and ethics in the Public Service (52%);
⇒ Expose wrongdoing in the Public Service (50%); and
⇒ Increase Canadians' respect for the Public Service (46%)

Interestingly, the final two bullets are key objectives of the proposed legislation.

When examining the current legislation, participating PIPSC members identified a number of gaps:

⇒ Key areas were not covered, such as political staff. Over 80% of members consulted indicated that the Bill should apply to all public sector employees without exception. As was observed under the recent sponsorship scandal and was evidence in PIPSC's dialogue with its members on values and ethics, there is a close interplay between the Public Service and political and ministerial staff. It was suggested in the in-person dialogues and confirmed in the online consultations, that if government is serious about creating an environment where employees are protected in making disclosures, they cannot ignore the other half of the equation – the political staff – who often are interrelated in program and policy decisions.

⇒ PIPSC members indicated effective whistleblowing will require fundamental change to the current organizational culture and work environment. Approximately 80% of online respondents indicated the Bill will not be sufficient without real organizational or cultural change.

When this was discussed further through the in-person dialogue, PIPSC members indicated they need to be able to discuss, with someone they trust, different options and routes that can be taken when confronted with an ethical dilemma. In-person consultations with members would indicate an important part of creating that trusting environment is leadership that

visibly demonstrates and supports values and ethics, beyond words, and visibly holds people to account for unethical actions and behaviours. This finding is backed up by OECD research that indicates the extent of success of any values and ethics framework and infrastructure ultimately depends on whether it is understood and used consistently.[7]

> *As a former employee in ...I have witnessed how little power the whistleblowers have, compared with senior management. They are little Davids against Goliaths. I also question the efficacy of the office of the ethic commissioner in PC??? What is this? I am not sure where he is from or who he is working for but he appeared to me as being partial (favouring senior management)...he did not get the full story from the whistleblowers.... the whistleblowers are not prepared enough to meet with the ethic commissioner representative. It is a bit like O.J. Simpson trial: he had lots of money whereas the prosecution had not much. The Whistleblowers have very little resources and recourse as compared with senior management. Senior management can meet during working hours: they can develop strategy with HR reps., they can spend money with consultants etc. A law is a good starting point but it is the way it is implemented that is important.*

Without supporting organizational and cultural change, PIPSC members indicated the proposed Bill will only serve as "window dressing" and will result in little fundamental change. Within the current work environment, few of the members consulted indicated they were prepared to use the proposed processes and mechanisms for disclosure. In the end, PIPSC members do not feel safe in making a disclosure nor do they feel the legislation will provide the protection needed within the current culture and environment of the public service.

FACTORS INFLUENCING DISCLOSURE

It is clear from those who participated in this broad consultation process more has to be done to support real change in the organizational culture of the public service. Currently, members do not feel they can trust management in making disclosures about possible wrongdoing. As quoted by one member, but reiterated throughout the in-person consultations:

> *For a long time I felt like I was swimming upstream, trying to improve the way we approach the work that we do and how we do it, but after awhile you just get tired and eventually start going with the flow in order to survive.*

While members recognize this is not the appropriate response, most noted they have too much invested in their employment and career to either quit on principle or jeopardize their future opportunities within the public service.

> *At an inter-departmental meeting, other public servants were heard to say that things should be classified so as to ensure they were not revealed to Canadians.*

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[7] Ibid, page 42.

> *This was discussed to avoid embarrassment, if not sanction, not because they would put Canada at any risk. The decisions involved would immediately have been recognized as inappropriate, immoral, and/or illegal. In the meeting, it would have been deadly to confront the individuals involved. The dilemma was whether to inform supervisors upon return to our own offices. That was eventually done, however. The effect was predictable: "Let it go. It isn't worth pursuing. It can't be proven and is inconsequential anyway." Luckily for the witness, as it wasn't taken further, there were no reprisals.*

The in-person dialogue consultations indicated some of the following scenarios when members would or would not be likely to disclose a wrongdoing.

When are members likely to disclose possible wrongdoing?
⇒ When it is a threat to the health and safety of Canadians.
⇒ When an individual is at the end of their career and less likely to be concerned about career mobility and advancement.
⇒ When it is clearly outlined what is required either in the job description or by law i.e., the example was recently given at the Gomery Commission where a public servant made the decision to go against a directive because it was clear what information had to be released under the Access to Information Act.

When are members less likely to disclose?
⇒ When there is little comfort or trust that senior management will respond to and investigate the issue or concern identified.
⇒ When management oversights or abuses are rampant.
⇒ When key representatives within the disclosure process remain unknown, faceless and isolated from employees and/or are viewed as being too integrated with or accountable to senior management.
⇒ When members are at the early or mid stages of their careers.
⇒ When the issues are related to abuse of power, poor or non-performance and or mismanagement or abuse of public funds.

In the end, members indicated they weigh options based on the likelihood the disclosure will be taken seriously; the impact on Canadians' health and safety; the potential for reprisal; and ultimately the potential impact on career and long-term security.

Through PIPSC's online and in-person consultations, a number of unique stories emerged that positively demonstrate values and ethics and how ethical dilemmas are being addressed in the workplace. In addition, for the most part, the workplace is characterized by caring, honest, hardworking behaviour; people who generally try to follow the rules and who are recognized and appreciated for it; workplaces that support multicultural, multiracial diversity and those that support and infuse a strong sense of values and ethics. At the same time, however, a number of examples of questionable or unethical behaviours were also identified

including: auditors being directed to modify or water down audit findings; investigators being asked to remove references to particular organizations located in a Minister's riding; circumvention of contracting rules; mismanagement of public funds; misuse of public funds; and decisions based on management discretion rather than technical expertise.

In most cases, these instances were not disclosed and most members did not feel the Code or the legislation would provide any more assurances or protection to influence them to disclose the information. As previously noted, most of the PIPSC members consulted indicated they would need to see significant changes within their current work environment before moving forward with discussing an ethical dilemma or in making a disclosure.

KEY AREAS OF ORGANIZATIONAL CHANGE REQUIRED TO SUPPORT VALUES AND ETHICS

No matter what reforms take place on paper, if you don't have qualified people in leadership exhibiting goodwill towards their colleagues and underlings, these initiatives will fail.

Through the online consultations, members were asked a series of questions regarding possible cultural and organizational changes required to introduce a more effective approach to values and ethics in the workplace. The top five responses include:

⇒ Leaders that visibly promote and support values and ethics in the workplace (88%).

My definition of a leader is a person that knows their position in the organization and what is needed and expected to perform the job and uses that knowledge to train and promote individuals to be the best that they can be in a safe environment free from harassment and unreasonable stress. The leader needs to create a safe environment that promotes innovation and risk taking within the corporate structure. The leader needs to give recognition when successful innovation has occurred and to encourage others to be innovative. The leader also needs to help analyse why an innovation was unsuccessful and help the team and members learn from this. As a comment. I feel that governments by their nature are not innovative and bureaucracy is particularly bad at innovation and change. It is harder to be a leader and an innovator in a bureaucracy in government because of the levels of authorization that are required and self interests, corporate interests that occur.

⇒ Visible demonstration that appropriate action is taken when wrongdoing or ethical infractions are identified (84%).
⇒ Employees performing their duties to the highest ethical standards and are rewarded for doing so (84%).

Because of the faults of humans, we do not react well to threats. History has proven that whistle blowing, while the action does expose injustices and terrible deeds, causes uproar all around. Rather than whistle blowing, a reward system

should be in place. Offices, sections, departments that display exemplary ethical and moral standards or codes of conduct should be rewarded, in some manner, on a service wide basis.

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A simple bribe. "Take my gift but ensure I get my (sales) tax refund." What happens next is kind of uneventful. Of course I refused the expensive gift and promptly filed a report. Fact is I became the target of an internal investigation - not the client. My audit finishes with someone in Collections accompanying me every time back onsite. That's it. Life goes on. No recognition for me for doing the right thing. Nothing was ever said.

⇒ Following a disclosure, an organization is proactive about reprisal protection and takes preventative action (77%).
⇒ Values and ethics integrated in staff hiring processes (75%).
⇒ Better training in awareness and application of values and ethics (75%).
⇒

Cultural and Organizational Changes Required to Introduce Strengthen Values and Ethics in the Workplace

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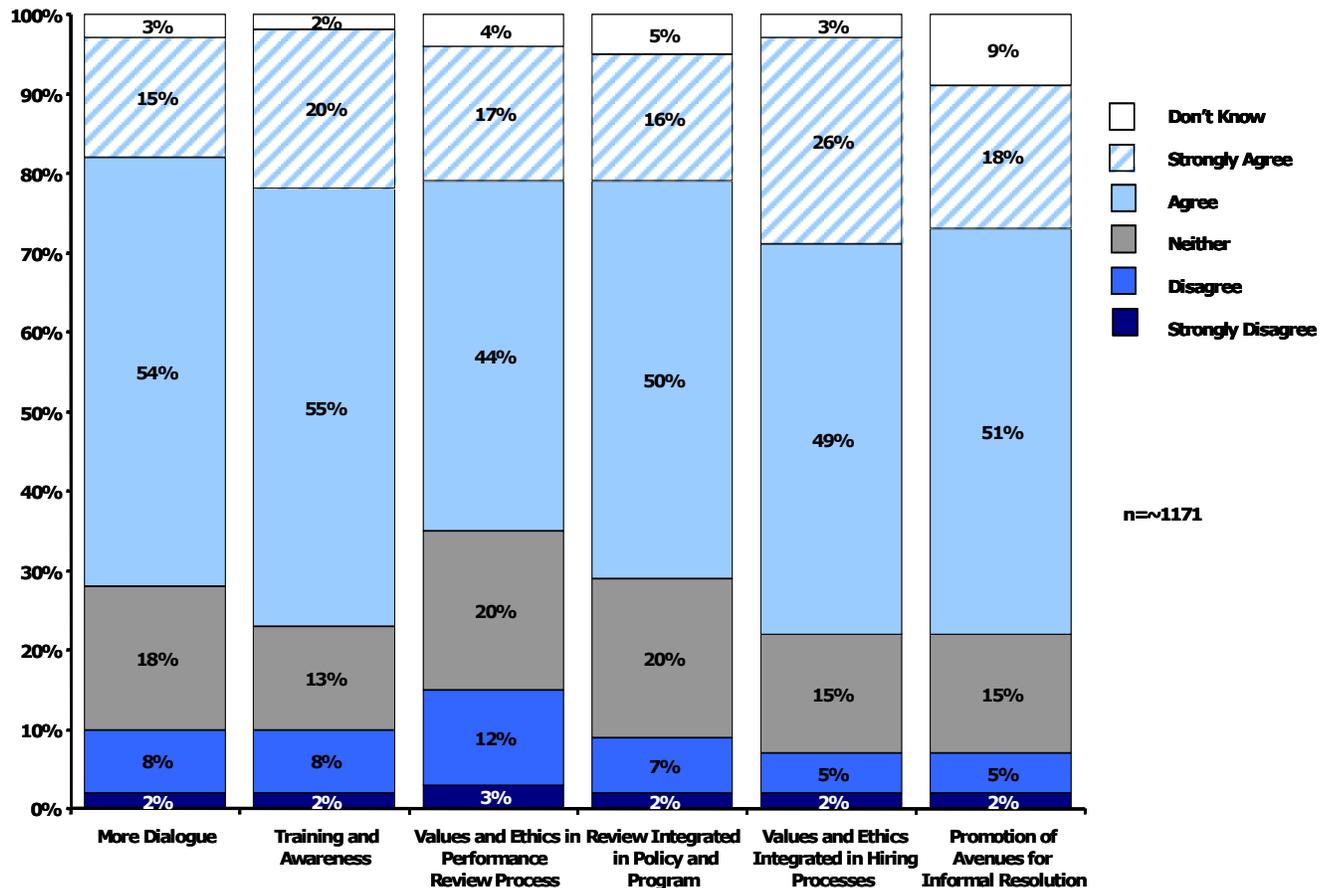
Cultural and Organizational Changes Required to Introduce
Strengthen Values and Ethics in the Workplace (Cont'd)
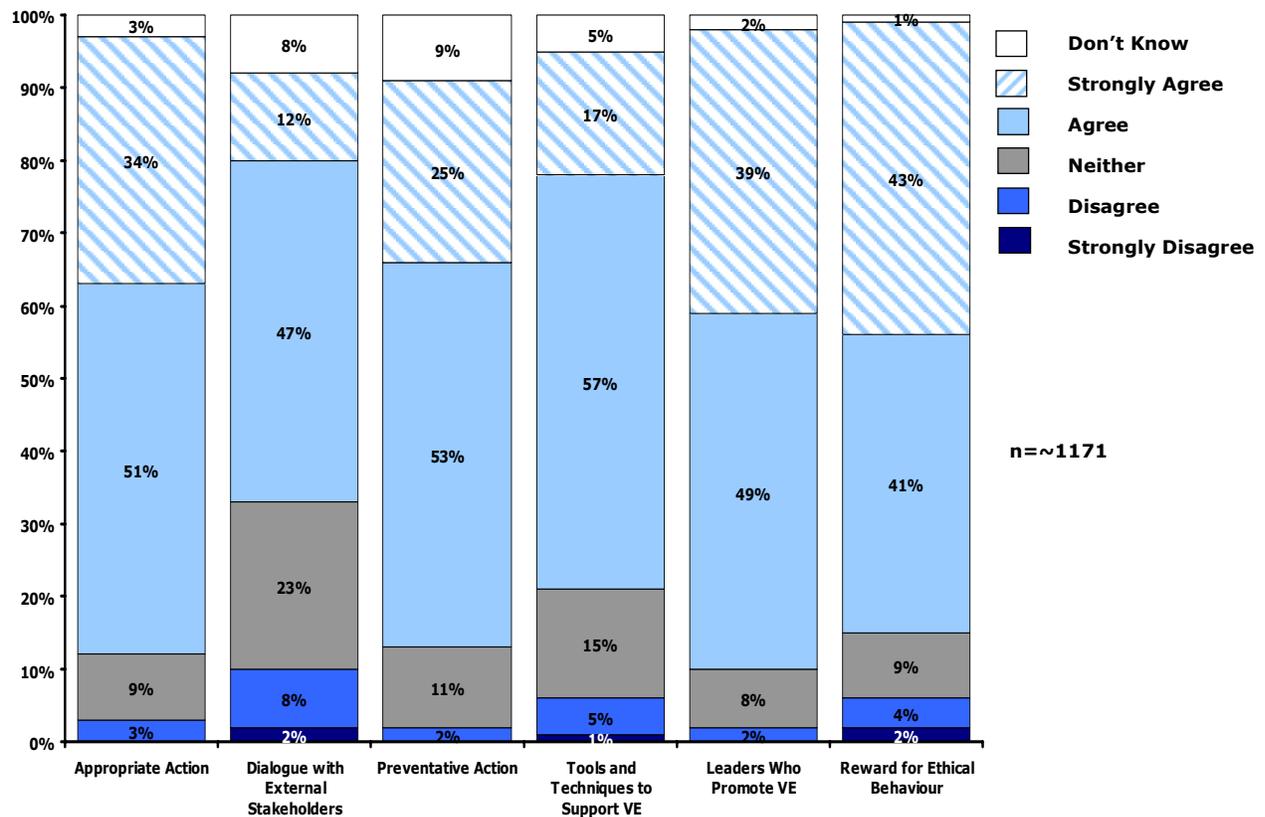
When these findings were discussed further through the in-person consultations, it was clear members are looking for leadership to demonstrate that values and ethics are an important aspect of the day-to-day operations of the Public Service. This requires more ongoing communications not only from senior leaders but with direct managers on what it means to practice values and ethics within the workplace.

Equally important is the need to hold employees to account when their behaviours or actions contravene organizational ethics and operating procedures. In these cases, members consulted through the in-person dialogues indicated there has to be "zero-tolerance" for employees who are found to have acted unethically, particularly leaders, and accountability should be inline with the magnitude of the wrongdoing or infraction. It was recognized values and ethics begin at the top of any organization and members indicated fundamental trust in management deteriorates when breaches of ethics and values are observed and appropriate action is not taken. It was also noted when leaders do not "walk the talk" then they must be visibly held to account, as should any employee.

As indicated above and through the online consultations, members felt more has to be done to tell the positive stories about best practices in values and ethics and to recognize and support employees who emulate strong values and ethics in the workplace.

I am currently in a position that hires consultants from time to time and one particular consulting firm was trying to entice me to hire one of their resources. The firm called me one day and casually mentioned their firm had season box seats, for the Senators, and ask me if I (and a friend) would like to attend the next game. Although the offer to attend a NHL hockey game was tempting I knew it would put me in a conflict of interest position with respect to the firm (especially if I then hired one of their consultants) and declined the offer (and the Senators won their next home game!). As it turned out, I never did hire anyone from that firm!

# THE ROLE OF THE PROFESSIONAL INSTITUTE OF THE PUBLIC SERVICE OF CANADA

The final part of the online consultation focused on the role of PIPSC in supporting values and ethics within the workplace. Given the current environment, as a representative and advocate of its members, PIPSC was interested in getting direction from its members on what should be its role in supporting values and ethics within the workplace.

Before initiating the consultations, PIPSC felt there was a role it could play in promoting more wide scale change in workplace values and ethics, particularly organizational change. However, before assuming a new role in this area, PIPSC sought the guidance of its members as to whether and what type of role PIPSC might have in supporting and strengthening values and ethics in the workplace.

The table below indicates the extent to which members agreed or strongly agreed that PIPSC should play a role in supporting workplace values and ethics in the following areas:

Members agreed/strongly agreed that PIPSC should:	Percent
1. Promote and support ongoing dialogue with the employers on values and ethics	84%
2. Lobby for stronger preventative and protective measures within the current policies and legislation	81%
3. Work at all levels with the employer to help develop supporting tools and techniques	79%
4. Work with the leadership to help implement the requirements of the Code and Bill C-11	79%
5. Act as an additional independent alternative for members to disclose possible wrong doing and best practices	79%
6. Promote and support dialogue opportunities among members	79%

When respondents were asked to choose among the options, the following four were ranked as the top role for PIPSC in supporting values and ethics:
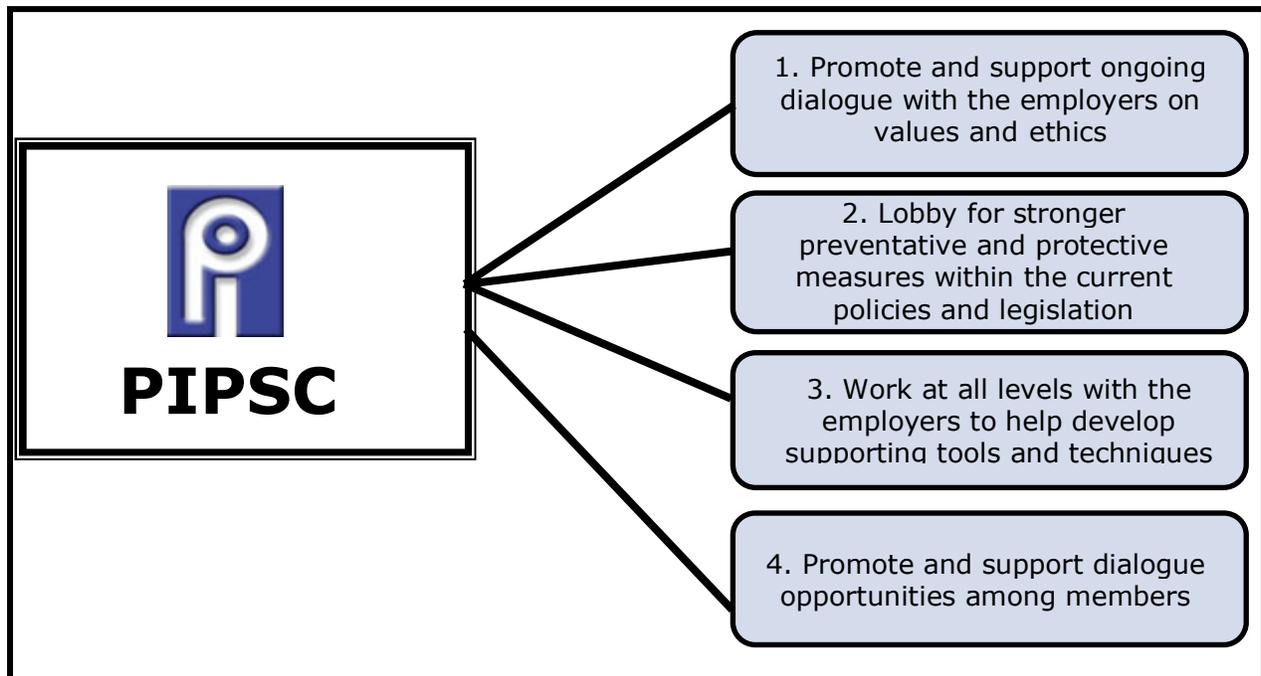
When the role of PIPSC was discussed during the in-person consultations, members agreed that within the current environment, the Institute has a role to play in supporting and strengthening ethics in the workplaces of its members. However, those consulted also agreed workplace values and ethics should be led by the employer and supported by representative unions, associations and employees. It was recognized the Institute cannot drive the change, that in the end, real change will only happen if it is a priority to the employer. While the vast majority of members saw a role for PIPSC in strengthening values and ethics, a small number of members did not. Only six out of an approximate 1500 – less than 0.005% – indicated, either through open-ended comments in the online consultation or during the in-person consultations, that they did not feel their membership dues should be used in this way.

> *PIPSC should have more resources to protect whistle blowers and those resources should come from the department that is challenged by the whistleblowers, not from contributions by members.*

> *** *

> *I think PIPSC should NOT be part of the day to day activity of promoting "good" ethics and values. That's the employer's concern through their management, their HR department and now more and more the Office of Integrity, Ethics and Values. Leave trying to change the "culture" to the*

employer. I do agree that it's good for PIPSC to assist the employer in setting up the general framework on how to protect a whistleblower. In the end PIPSC's real role is to "protect its members" against reprisals. To this end, when cases come up where the Institution is involved, it would be beneficial to members to report the union's position on that case. For example, the article in this summer's edition of communications magazine "KNOW YOUR RIGHTS: The Employer's Internet Facilities and the Expectation of Privacy," I thought clearly indicated to its members, that PIPSC totally agreed with the employer's actions against the employee's misuse of the Internet. It was clear, if you do this, PIPSC will not protect you.

A number of ideas were raised as to how PIPSC might support its members in the area of values and ethics. These include:

⇒ Lobbying the government for changes to the current policies and legislation to improve values and ethics in the work environment.

⇒ Provide direct support to members through the creation of an Ethics Advisor position within the Institute, with whom members can turn to discuss ethical dilemmas and where members can receive advice on possible next steps in resolving the issues and concern.

⇒ Integrate a values and ethics components to the PIPSC website with information that would provide:

- Links to background information and policies, the Code, and related legislation, as well as current research and related reports or presentations.

- An overview of current policy and legislative framework including the steps required to be taken under the policy and legislation and the rights of members.
- Identification of alternative options that are available to members within the disclosure process.
- Links to each department and agency which identifies contact information on Senior Officer, Ombudsman, Centres of Ethics and any related secure emails, 1-800, etc.

⇒ Case studies or experiences which show an ethical way to deal with given situations.

Rather than focus on the negative, there could be set up in each sector/department/office/unit a team of volunteer employees, from all levels within the office, who focus on the positive examples of workplace ethics within their office. Promoting the carrot rather than threatening with a stick is the best approach. It leaves everyone feeling good about what they are working towards, does not create negative feelings amongst the employees, and creates a goal for everyone to work towards.

⇒   Supporting more opportunities for members to discuss values and ethics challenges and dilemmas among professionals. Some of the feedback received from members who participated in the in-person consultations was that the consultations were a unique opportunity for them to meet with other professionals, working in other organizations, and to discuss ethical dilemmas. Most found the directed dialogue discussions for this project to be very valuable and insightful.

⇒   Other areas include:

▪ Monitoring the current delegation of staffing to ensure current challenges related to transparency and fairness in the staffing process are not magnified; and
▪ Development of a guide to help managers manage – what aspects of management are critical to creating an environment that is supportive of open dialogue on values and ethics.

IMPROVING WORKPLACE VALUES AND ETHICS: SUMMARY OF RECOMMENDED CHANGES

CHANGING THE APPROACH: MORE ONGOING DIALOGUE

The government needs to ask its managers and employees what changes are required to ensure the proposed legislation and Code are effective and achieve their stated objectives and outcomes.   This consultation process with PIPSC members indicates a priority for government is to create a culture that helps support ethical behaviour. It does not only mean handing out a book of values and ethics; enforcing a code of conduct; making available more processes for disclosure or creating more punitive measures.

> *Selon moi, les occasions de discuter de manière informelle des problèmes d'éthique*
> *sont très rares. On dirait que les problèmes du quotidien passent avant l'éthique.*
> *Je crois qu'il faut créer des comités informels dans chaque groupe de travail.*

One of the findings of this research is, in the end, ethics comes down to the individual and to individual managers. Members indicated one of the primary keys to changing the culture will be expanding the dialogue within the Public Service about what is required to create a new and more positive values and ethics framework for the public service. To be effective, employees need to be part of the solution and they need to be involved in designing the cultural change process.

> *I see the main problem with unethical behaviour in government is that many*
> *people are saying it is bad and should be stopped but too few people actually take*
> *action against it. When I say take action against it, I don't mean commission*
> *another study, implement a new policy, or hold some more training. I mean*
> *standing up and saying, "You can't do that." Unfortunately, this will have to be*
> *said to someone at the director level or higher because very few high risk (dollar-*

wise) decisions are made at a lower level. No one has a problem with auditing expense claims or examining inappropriate gratuities. The problem is we end up spending thousands of dollars figuring out whether someone should be able to keep a $51 pen; meanwhile a multimillion dollar contract goes to someone's friend for services that may or may not have been rendered. At least no one got a free pen. Why did the contract go out without scrutiny? Because people who made the decision knew they could get away with it and people who should have stopped the decision were afraid their jobs would be affected in some way.

In the end, ongoing and open dialogue on values and ethics will help get to the heart of the matter – how to change behaviours and attitudes so employees understand the shared values and ethics, both at the working group and organization level and feel comfortable raising ethical concerns or dilemmas. It was recognized these changes must be initiated at the top of an organization and must then be propelled down throughout the organization through structured dialogue.

STRENGTHENING THE DISCLOSURE PROCESS

PIPSC members indicated the following changes are required to support the disclosure of wrongdoing within the workplace:

⇒   The appointment of an independent external body to hear ethical concerns and issues and to receive, advise and investigate disclosures. This body would represent all departments and agencies and report directly to Parliament.

⇒   Greater investment in positions designated to support ethics and disclosure in the workplace, such as the senior officer of ethics and disclosure. This will require that persons in these positions conduct more in-person outreach and take every opportunity to put a real face on the position. It is clear these positions will need to be resourced adequately in order to support more communication and outreach.

⇒   Provide greater support to employees to move into new areas when they have made a disclosure and do not feel it will be possible to continue working within their current chain of command.

⇒   When a disclosure is made, the senior officer or manager informs the discloser of the assessment process, whether there was an investigation, decisions taken and outcomes and disciplinary measures, if any, that were implemented.

IMPROVING MANAGEMENT OVERSIGHT

Members indicated a number of changes were required in relation to how managers manage, which would help to strengthen workplace values and ethics:

⇒   Speaking with employees about what values and ethics really mean in the workplace. This cannot be a one-time event, but requires continuous dialogue.

All I have seen are the examples used when I first took my department's values and ethics training session a few years ago. When staff hear about what we should do or should not do, over and over from senior management, without any concrete and current examples of the policies working, then apathy towards hearing about the policies tends to set in. The only time values and ethics comes to light is when we hear about this topic in the media - when it is negative.

⇒ Holding employees to account which means dealing with unethical behaviour in a proactive and timely manner.

⇒ Following Public Service rules and procedures, particularly in relation to the staffing process. It is recognized that problems exist within the current staffing process that often compel hiring managers to circumvent or bend the rules. With this being said, the lack of transparency within the staffing process appears to be a lightning rod for distrust and low morale. Members are fearful this will only get worse with the full delegation of staffing within departments and agencies.

Tant et aussi longtemps que les gestionnaires ne seront pas imputable de leurs actes, il sera toujours difficile et même presque impossible d'établir un haut niveau d'éthique et d'intégrité. Le système actuel encourage la médiocrité et décourage la performance. On n'a qu'à regarder les processus de sélection de personnel pour s'en rendre compte. Combien il y a-t-il d'injustice et de favoritisme dans ces processus. Dès que l'injustice s'installe, il est difficile pour les gens d'être intègres et maintenir un haut niveau d'éthique professionnel. Pour les rapports d'évaluation du personnel sont-ils seulement un bout de papier que les gestionnaires remplissent avec répugnance? Pourquoi une grande partie des concours sont-ils si restreints au niveau de l'admissibilité? De plus avec l'entré en vigueur du Bill C25, les injustices vont devenir encore plus fréquentes et encore là l'intégrité et l'éthique en prendront pour leur rhume.

⇒ Dealing with poor performance as this has a direct impact on employee morale.

We need to promote/impose the positive selection throughout government services and organizations. Under-qualified managers should not exist. A qualified & competent manager shall always more likely address the problems without fear since he/she has the required confidence and conviction, and in most cases, the required work ethics as well as ethical attitude towards others. If at all possible, he/she will find a way of fundamentally resolving the problem because he/she shall know the difference between right and wrong.

⇒ Using the expertise of professionals in the role for which they have been hired.

IMPROVE COMMUNICATIONS

Communications is viewed as a key element to supporting values and ethics within the workplace. Through the consultations, the following recommendations emerged:

⇒ More open communication about the disclosure process and the roles and responsibilities of senior officials who are able to receive, review and act upon disclosures.

⇒ Invest in different mechanisms to support disclosure including: 1-800 numbers; secure email channels and web sites or email distribution featuring automatic distribution of ethical dilemmas and possible responses and courses of action, the ethical question of the week, etc.

⇒ More ongoing dialogue between managers and employees about what values and ethics mean in their workplace, as well as possible ethical dilemmas and appropriate courses of action for resolution.

⇒ Training for all employees that integrates opportunities for management and employees to participate in some of the same courses in order to support a broader dialogue on values and ethics.

> *Train Managers In Ethics and Provide On-Going Counselling: Most MBA programs incorporate some sort of "ethics 101" course, although ethics is often viewed as a very minor or trivial part of the over-all program. I have taken a business ethics course and found it to be thought-provoking. I felt I learned some new things and that the course altered my views in some ways. Thus, I believe that a manager's ethics can be, to some degree, learned, or at least influenced. Based on this, I firmly believe that managers in the government should undergo in-house mandatory ethics training as part of their management training. Additionally, there should be an ethics counselling service available for managers who face uncertain ethical issues and require advice or guidance. Some ethical dilemmas are so complex that it may not be realistic or fair to expect managers to arrive at the correct choice without a little help.*

MONITORING IMPACT

It is recommended the Public Service do more to monitor and evaluate the outcomes from investing in organizational values and ethics. Recommendations include the regular auditing and evaluation of outcomes/impact within organizations from investments in values and ethics programs and initiatives, such as training initiatives, various communication strategies, and integration into recruitment, orientation and development programs. It was also noted that public service-wide monitoring and evaluation is required to assess the impact of the legislation and Code. It was recommended the results from these evaluations be broadly shared and acted upon.

BROADENING THE ROLE OF PIPSC IN SUPPORTING ITS MEMBERS IN THE AREA OF VALUES AND ETHICS

Until there are significant changes in the current work environment, those consulted feel there is a role for PIPSC in supporting and advising members who are confronted by ethical dilemmas. Ultimately, however, PIPSC members feel values and ethics is something that should be driven by the employer with the support of representative unions, associations and employees. PIPSC is viewed as having a valuable role of helping the system develop and in working with its members and the employer to construct an effective and enduring values and ethics framework. As part of this process, PIPSC should work with the employer to define the overriding vision, purpose and objectives of the current and proposed components of the values and ethics framework, including what it is trying to achieve and is envisioned from the implementation of the Code and the proposed new whistle blowing legislation. PIPSC could also provide important direction and guidance in the development of an effective monitoring and evaluation strategy to ensure that progress is tracked; obstacles to achieving the vision and objectives are reduced or eliminated; and unintended consequences are monitored and adjustments are made.

CONCLUSIONS

PIPSC members have invested a great deal of time and effort to this consultation process. Those consulted are committed to strengthening the integrity of the Public Service. Generally, members feel they could be better supported in making ethical decisions and are highly doubtful that recent changes either introduced or proposed to the Public Service integrity framework will result in a higher level of workplace values and ethics or better support for employees and managers to disclose wrongdoing.

PIPSC and its members recognize that employees, management, political representatives and their staff are all part of the change process. The results of this consultation process, particularly the in-person consultations process, support the finding that real change will require the commitment and involvement of multiple stakeholders in order to improve ethics in the workplace

It is hoped the information gathered from this consultation process will provide some preliminary evidence as to the scope and possible range of the ethical dilemmas faced by Public Service employees and the support PIPSC members require to make good ethical decisions and to speak out and discuss what may be unethical practices.

New approaches to strengthening values and ethics within the Public Service are needed and these approaches must be evidence-based rather than political reactions to perceptions about the most current crisis. In addition, bold approaches are needed that are capable of engaging all Public Service employees and the associations and unions that represent them. Employees and their representatives, in working with their employer, have an opportunity to become active catalysts in changing the culture and work environment of the public service.

This consultation process is only the beginning and its findings should stimulate further dialogue between management and representative unions, associations and employees on ways of changing the Public Service culture and in improving and strengthening Public Service values and ethics and ultimately rebuild trust and credibility in Public Service institutions and their employees.

APPENDIX A: EXPERT PANEL MEMBERS

Mr. Gary Corbett
PIPSC Board Member
Ethics Expert
Natural Resources Canada

Mrs. Patricia Jaton
Director, Ombudsman, Workplace Ethics & Internal Disclosure
Health Canada, Centre for Workplace Ethics

Dr. Edward Keyserlingk
Public Service Integrity Officer

M. Pierre Lecours
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Dr. Stephen Maguire
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Mr. Brad Thomas
Senior Methodologist
Statistics Canada