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Date: December 24, 2024
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Tribunal File No.

OTTAWA, ONT.

1

Public Servants Disclosure Protection Tribunal

Application by the Public Sector Integrity Commissioner of Canada

In the Matter of:

Erik Dumouchel

Complainant

and

Department of National Defence

Respondent

Notice of Application

Pursuant to paragraph 20.4(1)(a) of the *Public Servants Disclosure Protection Act*, SC 2005, c 46, (PSDPA) and in accordance with Rule 5 of the *Public Servants Disclosure Protection Tribunal Rules of Procedure*, SOR/2011-170, I am hereby making an application to the Public Servants Disclosure Protection Tribunal (Tribunal) for a determination of whether or not reprisals, as defined under subsection 2(1) of the PSDPA, were taken against the Complainant and for an order pursuant to subsection 21.4(1) of the PSDPA respecting a remedy in favour of the Complainant.

Basis for the Application

1. This Application relates to Erik Dumouchel's (the Complainant) allegation that he was subjected to reprisals when he was employed at the Department of National Defence (DND).

2. The Complainant is a public servant within the meaning of subsection 2(1) of the PSDPA. He joined DND as an Alternate COMSEC Custodian at 764 Communications Squadron on June 22, 2020. In January 2023, the Complainant went on leave without pay and eventually left his position at DND.
3. The respondent, DND, is a federal department as defined under section 2 of the *Financial Administration Act*, RSC, 1985, c F-11.
4. The Complainant filed three reprisal complaints with the Office of the Public Sector Integrity Commissioner of Canada (PSIC or my Office) under subsection 19.1(1) of the PSDPA. All three complaints were investigated jointly by my Office.
5. The complaint that is the subject of this application was filed with PSIC on August 9, 2022. In this complaint, the complainant alleged that Major Said Aboud, a regular member of the Canadian Armed Forces, took reprisals within the meaning of the PSDPA against him.
6. Based on the results of the investigation conducted by my Office, I find that, there are reasonable grounds to believe that the Complainant was subjected to reprisals as defined in section 2 of the PSDPA.
7. Accordingly, I have decided that an Application to the Tribunal for a determination of whether or not reprisals were taken against the Complainant is warranted. If the Tribunal determines that reprisals were taken, I request that an order respecting a remedy in favour of the Complainant be granted pursuant to paragraph 20.4(1)(a) of the PSDPA.

Summary of the Complaint

8. On August 2, 2022, the Complainant sent an email to his supervisor at the time regarding his conduct towards him and other members of his team, specifically that he has allegedly thrown hard drives at them and that he has told female members how they should plan their pregnancies.
9. The Complainant had also raised issues regarding his supervisor to Major Saif Aboud, former Officer in Command, 764 Communications Squadron, Canadian Armed Forces by email on March 16, 2022, and during a meeting on March 30, 2022, which he stated were ignored. Mr. Dumouchel's supervisor reported to Maj. Aboud at the time.
10. On August 8, 2022, Maj. Aboud sent to the Complainant a Notice of Alleged Misconduct to notify him that he was being investigated for an alleged breach of the DND's Code of Values and Ethics on August 2, 2022, by being insubordinate and

making inappropriate comments to his supervisor. Maj. Aboud further advised the Complainant that administrative and/or disciplinary measures may be taken should it be determined that the allegation against him is founded.

11. The next day, on August 9, 2022, the Complainant filed a complaint under section 19.1 of the PSDPA with my Office. A copy of this complaint is annexed to this Notice of Application as Exhibit A.
12. On August 17, 2022, former Deputy Commissioner Denis Bilodeau decided to commence an investigation to determine whether there are reasonable grounds to believe that the Complainant was subjected to measures listed in the definition of reprisal at section 2 of the PSDPA because he may have made a protected disclosure.
13. During my Office's investigation, the Complainant stated that Maj. Aboud took these measures against him because he made a protected disclosure when he sent the August 2, 2022, email.
14. In the course of PSIC's investigation into this complaint, Maj. Aboud took the position that the alleged measures were taken in consultation with DND Labour Relations Operations. He also alleged that the Complainant's behaviour in the workplace required management actions. However, a reprisal measure can be disciplinary in nature pursuant to the PSDPA.
15. Based on the evidence gathered during the investigation, I have determined that, in accordance with paragraph 20.4(3)(a) of the PSDPA, there are reasonable grounds to believe that the Complainant was subjected to measures listed in the definition of reprisal at section 2 of the PSDPA, primarily because he made a protected disclosure of wrongdoing under section 12 of the Act.
16. Considering the above, I am applying to this Tribunal for a determination of whether or not reprisals were taken against the Complainant and for an order respecting a remedy in favour of the Complainant.

Contact Information for the Parties

Complainant

Erik Dumouchel
2019 Bank Street, Apt. 606
Ottawa, ON K1V 0N1
Tel: (613) 263-9976
Email: erik.dumouchel@gmail.com

Represented by:

Yavar Hameed
43 Florence St.
Ottawa, Ontario
K2P 0W6
Email: yhameed@hameedlaw.ca
Tel: 613-627-2974
Fax: 613-232-2680

Complainant's employer at the time of reprisal

Department of National Defence
101 Colonel By Drive
Major-General G.R. Pearkes Building
Ottawa, ON K1A 0K2

Per: Stefanie Beck
Deputy Minister
Tel: (613) 996-8976
Email: Stefanie.Beck@forces.gc.ca

Represented by:

Karen Clifford, Counsel
Treasury Board Secretariat – Legal Services
219 Laurier Avenue West, 6th floor
Ottawa, Ontario K1A 0R5
Email: karen.clifford@justice.gc.ca
Telephone: (343) 576-1501

Office of the Public Sector Integrity Commissioner of Canada
60 Queen Street, 4th Floor
Ottawa ON
K1P 5Y7

Per: Ms. Josiane Houde, Senior Counsel
Tel: (343) 573-6651
Email: houde.josiane@psic-ispc.gc.ca

Ms. Marianne Estimable
Tel: (343) 553-8861
Email: estimable.marianne@psic-ispc.gc.ca

Fax: (613) 946-2151

Language of Proceedings

English

Location

To be determined by the Tribunal in consultation with the parties.

Special Arrangements

No

Signed at Ottawa, Ontario, this ____th day of December 2024.

Solloway, Harriet

Digitally signed by Solloway, Harriet
DN: C=CA, O=GC, OU=PSIC-ISPC, CN="Solloway, Harriet"
Reason: I am the author of this document
Location: your signing location here
Date: 2024.12.20 16:49:54-05'00'
Foxit PDF Editor Version: 11.2.11

Harriet Solloway
Public Sector Integrity Commissioner

December 24, 2024

Annie Ruhlmann
Registry Officer
Public Servants Disclosure Protection Tribunal
90 Sparks Street, Suite 600
Ottawa, ON K1P 5B4

**Re: Application by the Commissioner in the Matter of Erik Dumouchel and the
Department of National Defence
PSIC File No. PSIC-2022-R-0177**

Dear Ms. Ruhlmann,

Pursuant to paragraph 20.4(1)(a) of the *Public Servants Disclosure Protection Act* (the Act) and Rule 5 of the *Public Servants Disclosure Protection Tribunal Rules of Procedure*, SOR/2011-170, the Public Sector Integrity Commissioner is hereby making an application to the Public Servants Disclosure Protection Tribunal (Tribunal) for a determination of whether or not reprisals were taken against Erik Dumouchel (Complainant), and for an order pursuant to subsection 21.4(1) of the Act respecting a remedy in favour of the Complainant.

Please find enclosed our Application Record, which contains the following:

- Notice of Application; and
- Exhibit A (the reprisal complaint).

Our Application Record was served on December 23rd, 2024, to each representative of the parties, as stated in the enclosed Written Statement of Service.

With respect to the location, we suggest that the Tribunal hold the proceeding in Ottawa, Ontario, subject to consultations with the other parties.

If the Tribunal requires any additional information from my Office in order to complete the filing of the Notice of Application, please do not hesitate to contact the following individuals:

Ms. Josiane Houde
Senior Counsel
houde.josiane@psic-ispcc.gc.ca
(343) 573-6651

Ms. Marianne Estimable
Legal Counsel
estimable.marianneaurora@psic-ispcc.gc.ca
(613) 946-2151

Sincerely,

Louise Hall
Legal Counsel, Office of Public Sector Integrity Commissioner

Enclosures (3): Notice of Application;
 Exhibit A (the reprisal complaint); and
 Written Statement of Service



Reprisal Complaint: Submission #271 - RWEB2022-08-09-1660056147

Reference Number:

RWEB2022-08-09-1660056147

Contact Information

I am a:

Federal Public Servant

Applicant Name:

Erik Dumouchel

Job title or rank:

AS02

Department where you work:

Department of National Defence

Work unit or branch:

76 Communications Regiment

Telephone number (daytime):

(613) 263-9976

Telephone number (alternate):

{Empty}

Fax:

{Empty}

Email address:

erik.dumouchel@gmail.com

Address where you would like to be contacted

Contact Address:

2-12 Rue Benedict
Gatineau, Quebec. J8Y5G1

Canada

Official language of choice for correspondence:

English

Are you or were you:

Currently employed in the federal public sector

Name of employer (Department or Organization) where reprisal(s) occurred:

Major Saif Aboud

Representation

Are you currently being represented?:

No

Reprisal Complaint

In your own words, while keeping in mind the definition of reprisal, please describe what reprisal measures you believe were taken against you.:

On 02 Aug 2022, I sent an email to our operations that I can no longer work with my supervisor Patrick Salvail. I mentioned that working with him is making me physically and mentally sick and that this has been the case for numerous months. Due to the position he put me in. I stated working part time did not help, nor focusing on school because my supervisor has a blatant disregard to his members well-being. And that I do not feel comfortable returning to work in the same environment as Patrick Salvail.

At 958 on 02 Aug I received an email from Patrick Salvail. Within this discussion I told him I do not feel comfortable working along side him nor the workplace. I have been called faggot in the workplace and when I reported this in Feb 2022 I didn't believe I was granted privacy in the matter from then till now.

I told him that I don't believe he treats his members well and gave three examples.

1. thrown hard drives at members
2. told female members to make sure they plan their pregnancy for everybody else's leave
3. The entire acting fiasco situation I am in

And that some how he continues to get a free pass.

On 08 Aug at 0852 I was informed that I was potentially breached DND code of Values and Ethics by being insubordinate and made inappropriate comments to my supervisory. That I have made serious allegations against my supervisor.

On 08 Aug I provided a witness statement to the first two claims.

I believe I am being threatened with reprisal, • Any measure that adversely affects your employment or your working conditions.

Alleged individual

Individual Name:

Saif Aboud

Job title or rank:

Major

Department:

DND

Work unit or branch:

76 Communications Regiment

Work telephone number:

(613) 945-0632

Ind Address:

101 Colonel By Drive
Ottawa, Ontario
Canada

Add another individual

Add Another Name:

{Empty}

Job title or rank:

{Empty}

Department:

{Empty}

Work unit or branch:

{Empty}

Work telephone number:

{Empty}

Ind Address:

{Empty}

Did you make a protected disclosure of wrongdoing or have you cooperated in an investigation?

Yes

Please provide details, including relevant dates and names of the people to whom or the office to which you made a protected disclosure. If you made a disclosure of wrongdoing to our Office, you only need to include the PSIC file number (i.e. PSIC-2017-D-0000):

I am not sure if I made a protected disclosure.

Time Limit

Please indicate when you became aware of the reprisal(s), to the best of your recollection

2022-08-08

If you are filing your complaint outside the 60-day limitation period, please explain the reasons for the delay:

{Empty}

How did you become aware?:

I was emailed on 08 Aug 2022

Other Proceedings

Have you filed a complaint with another person or body acting under another Act of Parliament, or under a collective agreement?:

No

Does the subject-matter of the reprisal complaint concern an action under section 20.2 of the Royal Canadian Mounted Police Act, or any matter that is the subject of an investigation or proceeding under Part IV of the RCMP Act?:

No

Please describe:

{Empty}

Date when procedures were concluded:

{Empty}

Supporting Evidence

Evidence:

- [email_to_mcintosh.pdf](#)663.04 KB
- [notice-of-alleged-misconduct-letter.pdf](#)477.91 KB
- [notice-of-alleged-misconduct.pdf](#)682.87 KB
- [paterik_email.pdf](#)990.33 KB

WRITTEN STATEMENT OF SERVICE

(Rule 11(1)(a) and 11 (2)(a) of the *Public Servants Disclosure Protection Tribunal Rules of Procedure*, SOR/2011-170)

I, Louise Hall, Legal Counsel, Office of the Public Sector Integrity Commissioner of Canada, certify that on December 23, 2024, I duly served, by email, Mr. Yavar Hameed, counsel for the Complainant, and Ms. Karen Clifford, counsel for the Respondent, with a copy of the Public Sector Integrity Commissioner's Notice of Application to the Public Servants Disclosure Protection Tribunal and Exhibit A (the reprisal complaint). Attached to this Written Statement of Service are the receipts confirming successful transmission of the document.

Dated at Ottawa, this 24th day of December 2024.

Hall, Louise

Digitally signed by Hall, Louise
DN: C=CA, O=GC, OU=PSIC-ISPC, CN="Hall, Louise"
Reason: I attest to the accuracy and integrity of this
document
Location: Ottawa
Date: 2024.12.24 09:26:59-05'00'
Foxit PDF Editor Version: 11.2.4

Louise Hall
Legal Counsel
Office of the Public Sector Integrity
Commissioner of Canada
60 Queen Street, 4th Floor
Ottawa, ON K1P 5Y7
Tel: (343) 573-6615
Fax: (613) 941-2151
Email: hall.louise@psic-ispc.gc.ca

Louise Hall

From: Louise Hall
Sent: December 23, 2024 11:42 AM
To: karen.clifford@justice.gc.ca
Subject: Service of Notice of Application to the Tribunal and Exhibit A (the reprisal complaint)
Attachments: Exhibit A_Reprisal Complaint Submission-Dumouchel-August 9, 2022.pdf; Notice of Application_December 20, 2024.pdf

Good day Ms. Clifford,

Pursuant to Rules 5, 7(1), (2), (3), and 9(b) of the *Public Servants Disclosure Protection Tribunal Rules of Procedure*, and on behalf of the Public Sector Integrity Commissioner (Commissioner), we hereby serve you by email with the Notice of Application to the Public Servants Disclosure Protection Tribunal (Tribunal) in the matter of the reprisal complaint filed by Erik Dumouchel with the Office of the Public Sector Integrity Commissioner of Canada.

Please find attached the following documents served on you:

1. Notice of Application to the Tribunal; and
2. Exhibit A (the reprisal complaint).

Sincerely,

Louise Hall

Legal Counsel
Office of the Public Sector Integrity Commissioner of Canada
hall.louise@psic-ispc.gc.ca / Tel: 343-573-6615 / Toll-free: 1-866-941-6400
60 Queen Street, 4th Floor, Ottawa, K1P 5Y7

Conseillère juridique
Commissariat à l'intégrité du secteur public du Canada
hall.louise@psic-ispc.gc.ca / Tél. : 343-573-6615 / sans frais : 1-866-941-6400
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psic-ispc.gc.ca



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Louise Hall

From: postmaster@013gc.onmicrosoft.com
To: karen.clifford@justice.gc.ca
Sent: December 23, 2024 11:43 AM
Subject: Remis : Service of Notice of Application to the Tribunal and Exhibit A (the reprisal complaint)

Votre message a été remis aux destinataires suivants :

karen.clifford@justice.gc.ca (karen.clifford@justice.gc.ca)

Objet : Service of Notice of Application to the Tribunal and Exhibit A (the reprisal complaint)

Louise Hall

From: Clifford, Karen (she her elle) <Karen.Clifford@justice.gc.ca>
Sent: December 23, 2024 12:02 PM
To: Louise Hall
Cc: Trévisan-Périès, Magali; SARAH.STAPENHURST@forces.gc.ca; Martinez, Abigail; Carruthers, Brenden (he him il lui); Palinic, Milica (she her hers elle la lui)
Subject: FW: Service of Notice of Application to the Tribunal and Exhibit A (the reprisal complaint)
Attachments: Exhibit A_Reprisal Complaint Submission-Dumouchel-August 9, 2022.pdf; Notice of Application_December 20, 2024.pdf

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Good morning,

Receipt is acknowledged of the Notice of Application and attached Exhibit.

Please note that this matter has been re-assigned to my colleagues, Brenden Carruthers and Milica Palinic. Please therefore communicate with them henceforth.

I will be briefing my colleagues with respect to this matter after the holiday break.

Thank you and regards,

Karen Clifford

From: Louise Hall <Hall.Louise@psic-ispc.gc.ca>
Sent: Monday, December 23, 2024 11:42 AM
To: Clifford, Karen (she her elle) <Karen.Clifford@justice.gc.ca>
Subject: Service of Notice of Application to the Tribunal and Exhibit A (the reprisal complaint)

EXTERNAL EMAIL – USE CAUTION / COURRIEL EXTERNE – FAITES PREUVE DE PRUDENCE

Good day Ms. Clifford,

Pursuant to Rules 5, 7(1), (2), (3), and 9(b) of the *Public Servants Disclosure Protection Tribunal Rules of Procedure*, and on behalf of the Public Sector Integrity Commissioner (Commissioner), we hereby serve you by email with the Notice of Application to the Public Servants Disclosure Protection Tribunal (Tribunal) in the matter of the reprisal complaint filed by Erik Dumouchel with the Office of the Public Sector Integrity Commissioner of Canada.

Please find attached the following documents served on you:

1. Notice of Application to the Tribunal; and
2. Exhibit A (the reprisal complaint).

Sincerely,

Louise Hall

Legal Counsel

Office of the Public Sector Integrity Commissioner of Canada

hall.louise@psic-ispc.gc.ca / Tel: 343-573-6615 / Toll-free: 1-866-941-6400

60 Queen Street, 4th Floor, Ottawa, K1P 5Y7

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Commissariat à l'intégrité du secteur public du Canada

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psic-ispc.gc.ca

Office of the Public Sector
Integrity Commissioner
of Canada



Commissariat à l'intégrité
du secteur public
du Canada

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Louise Hall

From: Louise Hall
Sent: December 23, 2024 11:41 AM
To: yhameed@hameedlaw.ca
Subject: Service of Notice of Application to the Tribunal and Exhibit A (the reprisal complaint)
Attachments: Notice of Application_December 20, 2024.pdf; Exhibit A_Reprisal Complaint Submission-Dumouchel-August 9, 2022.pdf

Good day Mr. Hameed,

Pursuant to Rules 5, 7(1), (2), (3), and 9(b) of the *Public Servants Disclosure Protection Tribunal Rules of Procedure*, and on behalf of the Public Sector Integrity Commissioner (Commissioner), we hereby serve you by email with the Notice of Application to the Public Servants Disclosure Protection Tribunal (Tribunal) in the matter of the reprisal complaint filed by Mr. Erik Dumouchel with the Office of the Public Sector Integrity Commissioner of Canada.

Please find attached the following documents served on you:

1. Notice of Application to the Tribunal; and
2. Exhibit A (the reprisal complaint).

Sincerely,

Louise Hall

Legal Counsel
Office of the Public Sector Integrity Commissioner of Canada
hall.louise@psic-ispc.gc.ca / Tel: 343-573-6615 / Toll-free: 1-866-941-6400
60 Queen Street, 4th Floor, Ottawa, K1P 5Y7

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Louise Hall

From: Louise Hall
Sent: December 23, 2024 2:39 PM
To: yhameed@hameedlaw.ca
Subject: Service of Notice of Application to the Tribunal and Exhibit A (the reprisal complaint)
Attachments: Notice of Application_December 20, 2024.pdf; Exhibit A_Reprisal Complaint Submission-Dumouchel-August 9, 2022.pdf

Good day Mr. Hameed,

Pursuant to Rules 5, 7(1), (2), (3), and 9(b) of the *Public Servants Disclosure Protection Tribunal Rules of Procedure*, and on behalf of the Public Sector Integrity Commissioner (Commissioner), we hereby serve you by email with the Notice of Application to the Public Servants Disclosure Protection Tribunal (Tribunal) in the matter of the reprisal complaint filed by Mr. Erik Dumouchel with the Office of the Public Sector Integrity Commissioner of Canada.

Please find attached the following documents served on you:

1. Notice of Application to the Tribunal; and
2. Exhibit A (the reprisal complaint).

Kindly acknowledge receipt of this e-mail. Thank you!

Sincerely,

Louise Hall

Legal Counsel
Office of the Public Sector Integrity Commissioner of Canada
hall.louise@psic-ispc.gc.ca / Tel: 343-573-6615 / Toll-free: 1-866-941-6400
60 Queen Street, 4th Floor, Ottawa, K1P 5Y7

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Louise Hall

From: Yavar Hameed <yhameed@hameedlaw.ca>
To: Louise Hall
Sent: December 23, 2024 3:23 PM
Subject: Read: Service of Notice of Application to the Tribunal and Exhibit A (the reprisal complaint)

Your message

To: Yavar Hameed
Subject: Service of Notice of Application to the Tribunal and Exhibit A (the reprisal complaint)
Sent: Monday, December 23, 2024 2:39:06 PM (UTC-05:00) Eastern Time (US & Canada)

was read on Monday, December 23, 2024 3:23:25 PM (UTC-05:00) Eastern Time (US & Canada).

Louise Hall

From: Yavar Hameed <yhameed@hameedlaw.ca>
Sent: December 24, 2024 1:33 PM
To: Louise Hall
Subject: RE: Service of Notice of Application to the Tribunal and Exhibit A (the reprisal complaint)

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Received on December 23rd. Kind regards,

Yavar Hameed, Lawyer/ Avocat (He/him/il)



Direct: 613.627.2974 | Office: 613.232.2688 ext. 228 | Fax: 613.232.2680 | yhameed@hameedlaw.ca
| 43 Florence Street | Ottawa, Ontario Canada | K2P 0W6
www.hameedlaw.ca

We strive to honor and act in solidarity with the Algonquin Anishnaabeg people on whose unceded lands Hameed Law is located.

This email is confidential and intended solely for the addressee and may be protected by legal privilege. If you have received this message in error or you are not the addressee, please destroy the message without retaining a copy.

From: Louise Hall <Hall.Louise@psic-ispc.gc.ca>
Sent: Monday, December 23, 2024 2:39 PM
To: Yavar Hameed <yhameed@hameedlaw.ca>
Subject: Service of Notice of Application to the Tribunal and Exhibit A (the reprisal complaint)

Good day Mr. Hameed,

Pursuant to Rules 5, 7(1), (2), (3), and 9(b) of the *Public Servants Disclosure Protection Tribunal Rules of Procedure*, and on behalf of the Public Sector Integrity Commissioner (Commissioner), we hereby serve you by email with the Notice of Application to the Public Servants Disclosure Protection Tribunal (Tribunal) in the matter of the reprisal complaint filed by Mr. Erik Dumouchel with the Office of the Public Sector Integrity Commissioner of Canada.

Please find attached the following documents served on you:

1. Notice of Application to the Tribunal; and
2. Exhibit A (the reprisal complaint).

Kindly acknowledge receipt of this e-mail. Thank you!

Sincerely,

Louise Hall

Legal Counsel

Office of the Public Sector Integrity Commissioner of Canada

hall.louise@psic-ispc.gc.ca / Tel: 343-573-6615 / Toll-free: 1-866-941-6400

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Conseillère juridique

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