

**Application by the Public Sector Integrity Commissioner of Canada
to the Public Servants Disclosure Protection Tribunal**

In the Matter of:

Chantal Dunn

Complainant

-and-

Indigenous and Northern Affairs Canada

and

Sylvie Lecompte

Respondents

Notice of Application

Pursuant to paragraph 20.4(1)(b) of the *Public Servants Disclosure Protection Act*, S.C., 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 (the “Tribunal”) for a determination of whether or not a reprisal, as defined under subsection 2(1) of the PSDPA, was taken against the Complainant and, if the Tribunal determines that a reprisal was taken, for an order respecting a remedy in favour of the Complainant and an order respecting disciplinary action against the person identified in this application as being the person who took the reprisal.

Basis for the Application

1. This Application relates to allegations that Ms. Sylvie Lecompte, Director, Assessment and Investigation Services Branch (AISB) at Indigenous and Northern Affairs Canada (INAC) engaged in reprisal actions against Ms. Chantal Dunn as a result of her protected disclosures.

2. Ms. Dunn is an employee of INAC, which under its legal name, the Department of Indian Affairs and Northern Development, is a department named in Schedule I of the *Financial Administration Act*. As such, Ms. Dunn is a public servant as defined under subsection 2(1) of the PSDPA.

3. On September 26, 2012, Ms. Dunn filed a reprisal complaint against Ms. Sylvie Lecompte and another individual at INAC, with the Office of the Public Sector Integrity Commissioner ("Office" or "PSIC"), in accordance with subsection 19.1 of the PSDPA.

4. On December 7, 2012, an investigation was initiated by my Office against both individuals.

5. Based on the results of the investigation, I have determined that there are reasonable grounds to believe that Ms. Lecompte took the following reprisal actions against Ms. Dunn as a result of her protected disclosures:

- That she attempted to segregate Ms. Dunn by directing employees to refrain or reduce their interactions with her; and
- That she inappropriately monitored Ms. Dunn's attendance in the office.

6. Accordingly, I have determined that an application to the Tribunal is warranted in regard to this complaint, pursuant to paragraphs 20.4(1)(b) and 20.4(3)(a) and (d) of the PSDPA.

7. As the results of the investigation did not demonstrate reasonable grounds for believing that the other allegations made against Ms. Lecompte and all the allegations against the other individual constitute reprisal as defined under subsection 2(1) of the PSDPA, these allegations will not be pursued by my Office at the hearing of this complaint before the Tribunal.

Summary of the Complaint

8. Between April 2010 and July 2010, Ms. Dunn made a number of protected disclosures to Mr. Jean-Jacques Lemay, her former Senior Director, AISB, and to the Values and Ethics Division of INAC, around staffing irregularities in the Audit and Evaluation Sector. In particular, Ms. Dunn raised the following concerns:

- i. a conflict of interest situation between an employee and a contractor working at INAC;
- ii. the proposed reclassification of an employee's occupational group and level from an AS-07 to an EC-08, without competition; and
- iii. improper HR staffing practices conducted by management.

9. On December 17, 2010, Ms. Dunn was interviewed by the Public Service Commission (PSC) as part of an investigation into allegations of fraud in an appointment process pursuant to section 69 of the *Public Service Employment Act*. During her interview, Ms. Dunn informed the PSC investigator of her concerns regarding the staffing irregularities noted above.

10. On January 17, 2011, Ms. Dunn met with Sylvie Lecompte, her newly appointed Director at AISB, and reiterated some of the same concerns previously raised with Mr. Lemay, the Values and Ethics Division of AANDC, and the PSC.

11. On March 30, 2011, Ms. Dunn submitted an earlier reprisal complaint to PSIC against Ms. Sylvie Lecompte and another individual alleging that reprisal measures were taken against her as a result of the protected disclosures noted above (our file number PSIC-2011- R-1351).

12. On September 11, 2011, Ms. Lecompte received notice from PSIC that an investigation was being launched into reprisal complaint file PSIC-2011-R-1351. In particular, Ms. Lecompte was informed that the purpose of PSIC's investigation would be to determine whether she took reprisal measures against Ms. Dunn because she made a protected disclosure of wrongdoing under the PSDPA.

13. While the investigation into the first complaint was on-going, Ms. Dunn reported to PSIC numerous other incidents that she believed constituted further reprisal measures. As a result, a second reprisal complaint was submitted to PSIC on September 26, 2012, against Ms. Lecompte and another individual pursuant to subsection 19.1 of the PSDPA (our file number 2015-R-0221).

14. On December 7, 2012, I decided to commence an investigation into a number of Ms. Dunn's allegations against Ms. Lecompte and the other named individual made in Ms. Dunn's second reprisal complaint.

15. As a result of the investigation into the second reprisal complaint, on March 1, 2016, I determined that there are reasonable grounds to believe that Ms. Lecompte took the following reprisal measures against Ms. Dunn because of her protected disclosures of wrongdoing:

- 1) That she attempted to segregate Ms. Dunn by directing employees to refrain or reduce their interactions with her; and
- 2) That she specifically targeted Ms. Dunn by monitoring her leave and by requiring that her leave requests be submitted to her.

Contact Information for the Parties

Complainant

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Respondent / Employer

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Language of Proceedings

English

Location

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

Special Arrangements

Translation services may be required

Signed at Ottawa, Ontario, this 2nd day of March 2016.



Jean-Charles Ducharme
A/Deputy Public Sector Integrity Commissioner