



Delivered by email to:

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Dear Prime Minister, Leader of the Conservative Party, Leader of the NDP, Leader of the Bloc Québécois and Leader of the Green Party,

We, the undersigned organizations, are writing under the auspices of the Whistleblowing International Network (WIN) to offer our support for the passage of Bill C-290, introduced by MP Garon, as a first step towards reform of Canada's ineffective federal whistleblower protection law.

Such reform is long overdue. Although Canada was a pioneer in establishing the principle of whistleblower protection, its 17-year-old provisions are so out of date that a recent study led by leading international experts (the International Bar Association and Government Accountability Project) ranked it as one of the world's weakest whistleblower laws. In practice it has served as another barrier to justice for whistleblowers, routinely taking three to five years to examine cases, then formally approving the retaliation reported by whistleblowers. We commend MP Garon and the Standing Committee on Government Operations and Estimates (OGGO) for taking meaningful steps towards ending this ongoing suppression of the truth.

Bill C-290 would upgrade the Public Servants Disclosure Protection Act to largely comply with eight of 20 global best practices for whistleblower laws. These include: (1) full subject matter scope for protected speech; (2) protection for refusal to violate the law; (3) protection against spill-over retaliation directed at those who assist or are associated with the whistleblower; (4) reliable identity protection; (5) due process if the Public Integrity Commissioner doesn't help; (6) disciplinary accountability; (7) realistic statute of limitations; and (8) periodic review of the statute's record.

These are important initial steps towards establishing a foundation for credible protection. There is no need for further delay in enacting these reforms, which are based on extensive work carried out by OGGO at the government's request, both in 2017 and 2023. While a step forward,

however, Bill C-290 in isolation will not provide credible protection. There is much more work to be done.

Building on Bill C-290, the Senate and PSDPA Review Task Force should consider adding the following teeth that still are missing:

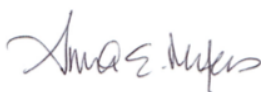
- full protection for all workers in both public and private sectors, to the extent possible within federal jurisdiction. This should include other workers in the public sector, such as contractors and volunteers, as well as workers in federally regulated industries;
- protection for those beyond the workplace, such as family members;
- protection against the full scope of harassment, including retaliatory litigation;
- anti-gag provisions so that Non-Disclosure Agreements or other prior restraint cannot override statutory rights;
- either a broadening of the Integrity Commissioner's mandate or the establishment of a separate agency to provide training and support services for whistleblowers;
- a reverse burden of proof for consistency with the standards in nearly all modern whistleblower laws so the rules for victory are fair;
- a make whole remedy so that whistleblowers don't "lose by winning";
- interim relief so that whistleblowers can survive delays that routinely extend for years;
- attorney fees so there is a realistic chance to obtain competent counsel; and
- improved processes to ensure credible corrective action. This includes opportunities for the whistleblower to rebut evidence from implicated organizations and contribute further evidence, improved transparency in the process, a mechanism for the courts or Parliament to order a stop to a wrongdoing, and an independent process for Parliamentarians to appoint and assess the performance the Integrity Commissioner.

The [Centre for Free Expression](#) (CFE) can provide additional information regarding any of the above points to assist policymakers in their important work. CFE has carried out extensive analysis of Canadian federal and provincial whistleblower legislation and can also facilitate access to the extensive experience of WIN members in other jurisdictions. Further, a recent joint publication [Understanding Whistleblower Protection: Laws, Practices, Trends and Key Implementation Considerations](#) from the International Federation of Accountants (IFAC) and the Chartered Professional Accountants Canada (CPA Canada) confirms the commitment of professionals in Canada and globally to support the adoption of strong comprehensive whistleblower protection laws across all sectors.

By ending 17 years of stagnation as successive governments refused to enact any reforms, we hope that the passage of Bill C-290 will signal a new, tangible commitment by the Canadian Parliament to ensure proper protection for whistleblowers who speak up in the public interest.

We remain at your disposal and do not hesitate to contact us should you have any questions or require further information.

Yours sincerely,



Anna Myers
Executive Director of WIN

On behalf of the Undersigned Organisations:

- Pištaljka (The Whistle), Serbia
- Transparency International Ireland
- Government Accountability Project, USA
- Transparency International Italy
- Centre for Free Expression, Canada
- African Centre for Media & Information Literacy (AFRICMIL), Nigeria
- Protect, UK
- Whistleblower-Netzwerk e.V., Germany
- SpeakOut SpeakUp Ltd (UK)
- Human Rights Law Centre, Australia
- Xnet, Institute for Democratic Digitalization, Spain
- Earth League International (ELI)
- Transparency International Australia
- The Signals Network (International)
- Whistleblowing Canada Research Society
- Blueprint for Free Speech (International)

Copied to:

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Jean-Denis Garon, sponsor of Bill C-290

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