Redacted

FPSLREB File No. 566-02-48305

FEDERAL PUBLIC SECTOR LABOUR RELATIONS AND EMPLOYMENT BOARD

IN THE MATTER OF THE GRIEVANCE

BETWEEN:

DMITRY GORODNICHY

Grievor

– and –

CANADA BORDER SERVICES AGENCY

Employer

EMPLOYER'S BOOK OF DOCUMENTS

ATTORNEY GENERAL OF CANADA

Department of Justice Canada
Labour and Employment Law Group
Treasury Board Secretariat Legal Services
219 Laurier Avenue West, 6th Floor
Ottawa, ON K1A 0R5

Per: xxxxxxx xxxxxxxxxxxxxxx
Tel.: 613-292-7831
E-mail: xxxxxxx . xxxxxxxxxxxxxxx@justice.gc.ca

Counsel for the Employer

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34. CBSA Scientific Integrity Policy

35. Code of Conduct - Office of Values and Ethics

36. Values and Ethics Code for the Public Sector

Maisonneuve, Karine (Elle/She/Her)

From: xxxxxx, xxxx
Sent: Tuesday, April 19, 2022 3:09 PM
To: xxxxxx, xxxx
Subject: FW: Follow up

From: xxxxxxxxxx , xxxxx
Sent: January 11, 2022 3:10 PM
To: Gorodnichy, Dmitry <Dmitry.Gorodnichy@cbsa-asfc.gc.ca>
Subject: Follow up

Hello Dmitry,

I wanted to let you know that I have decided not to pursue disciplinary action following the pre-disciplinary hearing you had last year. This email is offered as a constructive means to clearly define management's expectations and to assist you in meeting the expectations set out for you. This email should not be considered or perceived by you as discipline but rather a tool to clearly lay out expectations moving forward. Although I have decided not to pursue disciplinary action, I expect you to exercise better judgement in the future.

All CBSA employees are to abide to the *Values and Ethics Code of the Public Sector* as well as the *CBSA Code of Conduct* when interacting with their work colleagues. In more concrete terms, this means that all employees should demonstrate professional behavior at all times. Employees are to maintain courteous and collaborative relationships with their manager and with all work colleagues, while respecting everyone's points of view. We promote a work place where opinions can be exchanged freely amongst team members and management without fear of reprisal or unpleasant comments. Respect, fairness and civility are therefore to be observed at all times even when there may be differences of opinion.

I expect you to refrain from making comments on social media that may compromise the Agency's reputation, including comments that may negatively impact your colleagues and members of management. You will find additional guidance on social media use in the CBSA Code of Conduct in *Chapter 1-D, 3. Social Media*.

I hope that providing you with this information will enhance your understanding of what management expects from you and that we can count on your cooperation.

If however, you do not respect the above instructions, management may be in a position to consider progressive disciplinary measures up to and including termination.

I would also like to take this time to remind you that the confidential services of our Employee Assistance Program are available to you and your immediate family. These services can be accessed at any time by calling 1-800-663-1142.

Please rest assured that I will continue to work with you to ensure that the expectations are clear and to provide you with appropriate support when required.

For reference:

Values and Ethics Code for the Public Sector
http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=25049

The CBSA's *Code of Conduct*:
http://atlas/hrb-dgrh/res/ve-ev/code/index_eng.asp

If you have any questions or require additional clarifications, please feel free to reach out and discuss with me.

Thank you Dmitry,
xxxxx

xxxxx xxxxxxxxxx
(she/her/elle)

Chief Data Officer | Dirigeante principale des données
Canada Border Services Agency | Agence des services frontaliers du Canada
xxxxx . xxxxxxxxx @cbsa-asfc.gc.ca (Mobile) 343-551-2689

vitals

Official Canada Vital (Deaths) Statistics, analyzed using Data Science

View On GitHub

This project is maintained by open-canada

Analysis of Official Data Related to COVID-19 Vaccine Efficacy and Safety

open-canada.github.io/vitals

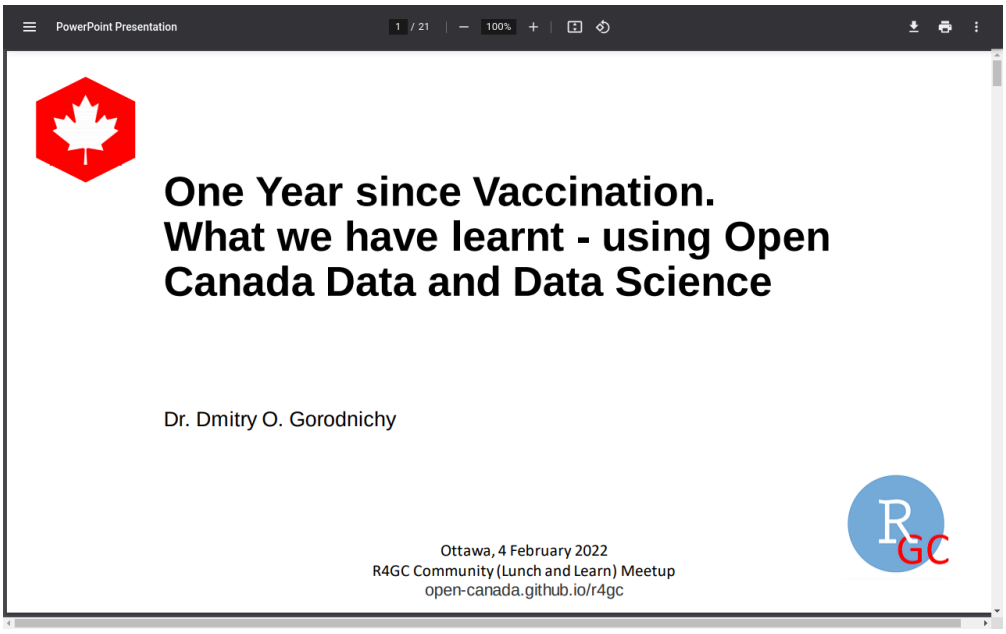
Disclaimer: The authoritative source for COVID-19 information is Canada.ca/coronavirus. The results and views presented here are those by the authors and are not to be misconstrued as representing views of any Canadian Agency, University, or Department. They were developed and gathered by the R4GC Data Science community as part of the community training and socializing, mostly on authors' own time and using authors' own resources. All codes behind the analysis and supporting documents are free, open and available in GitHub. Comments and corrections are welcome.

Talking about "The Elephant in the Room".

The following presentation was given to the Government of Canada employees, who expressed interest in learning about the latest Government of Canada data related to COVID-19 vaccination. A considerable portion of this presentation was about how to create a safe and respectful environment within Government of Canada where Government of Canada employees can discuss this topic ("The Elephant in the Room"), which is already causing much of polarization within Canadian public, including among the Government of Canada employees, and which has led to the largest in the Canadian history

demonstrations of protests of Canadians against the government. government, demanding it to revoke its “Mandatory Vaccination Policies” The solution to this problem was seen in keeping the discussion focused entirely on Canada’s own sources and open data, much of which – thanks to the Open Goverment and Scientific Integrity policies introduced by the Liberal Government several years ago – have now become available, including statistics of the number of deaths by cause and by vaccination status, which can be analyzed and effectively visualized using contemporary open source data science tools such as R and RStudio.

- “One Year since Vaccination. What we have learnt - using Open Canada Data and Data Science”, Special Edition presentation for the R4GC Community ‘Lunch and Learn’ Meetup by the R4GC Data Science community lead, Senior Data Scientist, Dr. Dmitry Gorodnichy (4 February 2022).

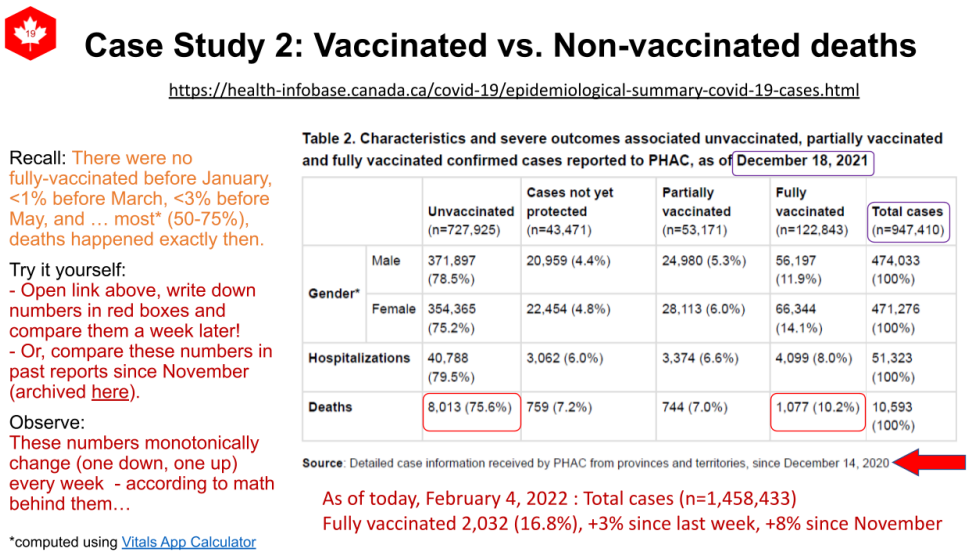


White Papers and Tools:

- Guide on how to report COVID-19 vaccine side-effects in Canada as a consumer
- Interactive *Open Canada Vitals Statitistcs (Deaths) Tracker* App

- “Some observations from Canadian Vital Statistics Death (CVSD) Database related to the ‘Elephant in the Room’”, Comment submission to The Lancet Journal (6 January 2022)

- “Additional observations related to the ‘Elephant in the Room’ – from the Government of Canada COVID-19 daily epidemiology updates. Time to act!”, White paper (10 January 2022)



Case Study 2: Vaccinated vs. Non-vaccinated deaths

https://health-infobase.canada.ca/covid-19/epidemiological-summary-covid-19-cases.html

Recall: There were no fully-vaccinated before January, <1% before March, <3% before May, and … most* (50-75%), deaths happened exactly then.

Try it yourself:
- Open link above, write down numbers in red boxes and compare them a week later!
- Or, compare these numbers in past reports since November (archived here).

Observe:
These numbers monotonically change (one down, one up) every week - according to math behind them…

*computed using Vitals App Calculator

Table 2. Characteristics and severe outcomes associated unvaccinated, partially vaccinated and fully vaccinated confirmed cases reported to PHAC, as of December 18, 2021

		Unvaccinated (n=727,925)	Cases not yet protected (n=43,471)	Partially vaccinated (n=53,171)	Fully vaccinated (n=122,843)	Total cases (n=947,410)
Gender*	Male	371,897 (78.5%)	20,959 (4.4%)	24,980 (5.3%)	56,197 (11.9%)	474,033 (100%)
	Female	354,365 (75.2%)	22,454 (4.8%)	28,113 (6.0%)	66,344 (14.1%)	471,276 (100%)
Hospitalizations		40,788 (79.5%)	3,062 (6.0%)	3,374 (6.6%)	4,099 (8.0%)	51,323 (100%)
Deaths		8,013 (75.6%)	759 (7.2%)	744 (7.0%)	1,077 (10.2%)	10,593 (100%)

Source: Detailed case information received by PHAC from provinces and territories, since December 14, 2020

As of today, February 4, 2022 : Total cases (n=1,458,433)
Fully vaccinated 2,032 (16.8%), +3% since last week, +8% since November

- “Statistical analysis of official data sources related to vaccine efficacy and safety (NEW EVIDENCE SINCE OCTOBER 2021)”

Sources and Findings

Last Updated: 2022-02-10

[gc1] “Cases* following vaccination, COVID-19 Daily Epidemiology Update”*, Public Health Agency of Canada, https://health-infobase.canada.ca/covid-19/epidemiological-summary-covid-19-cases.html#a9 (archived reports)

NB: The statistics reported in this source are computed using death data since December 2020, when there were no fully vaccinated Canadians yet, but when many cases happened (More exactly: There were 0 fully-vaccinated in December, < 1% for most of January, <3% until May). This is known as *algorithmic bias*, which skews results favourably towards fully-vaccinated cases, and which can be removed using technique described in this paper. The numbers below are quoted directrly from the source.

COVID-19 deaths by Vaccination Status

- *on February 10, 2022 for cases from December 14, 2020 up until January 15, 2022 (n=1,670,682)*
  unvaccinated 68.1%% vs. fully vaccinated **19.5%** (+2.7% increase since last week)
- *on February 04, 2022 for cases from December 14, 2020 up until January 15, 2022 (n=1,458,433)*
  unvaccinated 70.3% vs. fully vaccinated **16.8%** (+3% increase since last week)
- *on January 21, 2022 for cases from December 14, 2020 up until January 08, 2022 (n=1,341,192)*:
  unvaccinated 72.8% vs. fully vaccinated **13.8%** (+4.3% increase since December 14)
- *on December 15, 2021 for cases from December 14, 2020 up until November 27, 2021 (n=882,988)*:
  unvaccinated 76.1% vs. fully vaccinated **9.5%**

[gc2a] Hospitalizations by vaccination status, COVID-19 (coronavirus) in Ontario, https://covid-19.ontario.ca/data/hospitalizations#hospitalizationsByVaccinationStatus

[gc2b] For more information on cases following vaccination, please see the Weekly epidemiology report (PDF) available on the Government of Canada's COVID-19 data trends page

- *"Incidence [of COVID-19 cases] among fully vaccinated cases has surpassed those among unvaccinated since mid-December 2021"*.
- In January 2022, close to 3/4 of hospitalized COVID patients in Ontario were fully vaccinated

- Total (since Jan 2021) "Serious": * 7,678. Weekly: 118
- Total (since Jan 2021) "Not serious": 28,486.

- Between *May 2021 and Oct 2021* "Serious" side-effects: **5200** (increased from 5038 posted in last month report)
- Of these: 1,111 heart diseases (including 64 Cardiac arrests, 77 Heart Attacks, 970 Myocarditis1/Pericarditis), 947 thrombosis, 781 central nervous system failures

(including 594 Bell's Palsy), 487 Anaphylaxis, 166 Auto-immune diseases, 37 Acute kidney injury, 25 Liver injury, and 208 deaths (some under investigation).

[gc4] Recalls and safety alerts, Government of Canada: https://recalls-rappels.canada.ca/ (for [Moderna], [Pfizer], [Astrazeneca]):

- Risk of Facial paralysis/Bell's Palsy. Posted: 2021-08-06
- Risk of Myocarditis and pericarditis. Posted: 2021-06-30
- Risk of Capillary Leak Syndrome. Posted: 2021-06-29
- Risk of Thrombosis with Thrombocytopenia. Posted: 2021-03-24

[gc5] Statistics Canada, Canadian Vital Statistics - Death database . Provisional weekly death counts, by selected grouped causes of death. https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=1310081001 (Dashboard: https://open-canada.github.io/vitals)

- From December 14, 2020 to April 30, 2021: 13075
- From May 1, 2021 to October 31, 2021*: **2975**
- Of these, deaths of COVID-19 without comorbidities: **404** (recomputed using [ukg1])
- Of these, deaths of COVID-19 without comorbidities for <65 : **89** (recomputed using [ukg1])

[gcA] **Vaccination rates** (Source: canada.ca):

- Dec 2020 - Apr 2021: High-risk population vaccination (rate: 0 – 2%)
- May 2021 - Oct 2021: General public vaccination (rate: **2% – 75%**)

[gcB] **COVID-19 cases vs. COVID-19 deaths** (source: google1):

- Canada population: 38.246.108
- Total COVID Cases (since March 2020): 3.150.000
- Total COVID Deaths (since March 2020): 35.00 or 1.1% Cases
- Of these, Most are comorbidities (>90% based on UKG and USG data)

- Of these, Most are in people 65+ (>90% based on GC, UKG, USG data)
- COVID Deaths for people younger than 65 with no health problems: < 0.01% Cases

Data from other governments:

[ukg1] **COVID deaths vs. COVID alone deaths** (Source: gov.uk - Explanation):

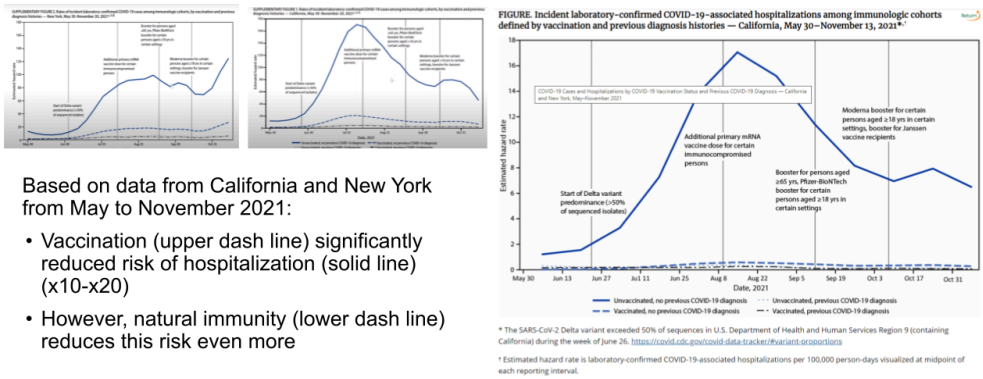
- Of all reported in UK COVID deaths, only 13.6% are due to COVID alone.
- 78% of all COVID alone deaths occurred in people with 65+ of age.
- Average age of death from COVID is 82.5 years, which is statistically equal to the average life expectancy in UK.

[usg1] **Natural immunity vs. vaccine-induced immunity** (Source: cdc.gov - Explanation):

- COVID vaccine reduces the risk of hospitalization considerably (by x10-x20)
- However, natural immunity reduces the risk of hospitalization even more (by x20-x50), while the chance of having severe complication from COVID infection for people younger than 65 and in good health is very low (<0.01% Cases based on [ukg1]) and for children under 12 even lower (<0.0001% Cases based on [ukg2]).

Stats: vaccines vs. natural immunity

https://www.cdc.gov/mmwr/volumes/71/wr/mm7104e1.htm



Based on data from California and New York from May to November 2021:

- Vaccination (upper dash line) significantly reduced risk of hospitalization (solid line) (x10-x20)
- However, natural immunity (lower dash line) reduces this risk even more

Based on these new data, the main question becomes:
What is less costly, safer, and to whom: having a vaccine or become infected with COVID ?

Corrections/Comments: [open-canada-data-analysis @ ivim . ca]

Hosted on

GitHub Pages

using the Dinky theme

Maisonneuve, Karine (Elle/She/Her)

From: xxxxxxxxxxxxxxxxxxxx
Sent: Friday, February 11, 2022 4:15 PM
To: xxxxxx, xxxx
Cc: CBSA-ASFC_LROPS_HQ-RTOPS_AC
Subject: Re: link

Follow Up Flag: Follow up
Flag Status: Flagged

Hi xxxx. This is another piece. Thank you.

https://gccollab.ca/discussion/view/11492293/data-science-for-freedom-with-or-without-r

xxxxx
Sent on the run from an iPhone
613-608-2244

On Feb 11, 2022, at 3:59 PM, xxxxxxxxxxxxxx , xxxxx <xxxxx .xxxxxxxxxxxxx @cbsa-asfc.gc.ca> wrote:

Hi xxxx,

I just learned about this webpage. It seems like it is using data from somewhere to talk about vaccine efficiency and deaths. Dmitry's name shows up as one of the authors. I can't verify the veracity of this. I just have received notes from colleagues that this seems to be spreading misinformation. He is currently on LWOP. But want to hear your advice on how to manage it. Thank you.

vitals | Official Canada Vital (Deaths) Statistics, analyzed using Data Science (open-canada.github.io)

xxxxx

xxxxx xxxxxxxxxxxxx
Director, Data Science
Chief Data Office, Strategic Policy Branch
Canada Border Services Agency, Government of Canada
613-608-2244

xxxxx xxxxxxxxxxxxx
Directeur, science des données
Bureau principal des données, Direction générale des politiques stratégiques
Agence des services frontaliers du Canada, Gouvernement du Canada
613-608-2244

Maisonneuve, Karine (Elle/She/Her)

From: xxxxxxxJean <Jean.xxxxxxx@tbs-sct.gc.ca>
Sent: Monday, February 14, 2022 11:33 AM
To: xxxxx, Émilie; labourrelationsops/relationsdetravailops; Values and Ethics / Valeurs et Ethique
Subject: RE: Seeking guidance.

PROTECTED B / PROTÉGÉ B

Yes. I have that information. Would it be possible to discuss as additional information has come to light I am available until noon and could also meet this after noon (exception 1-3)

Regards,

Jean xxxxxxxx
Director, Open Government | Directeur, Gouvernement ouvert
Treasury Board of Canada Secretariat | Secrétariat du Conseil du Trésor du Canada
Tel: 613-240-5823

From: xxxxx , Émilie <Emilie.xxxxx @tbs-sct.gc.ca>
Sent: Monday, February 14, 2022 11:30 AM
To: xxxxxxxx , Jean <Jean.xxxxxxx @tbs-sct.gc.ca>; labourrelationsops/relationsdetravailops <ZZlabrel@tbs-sct.gc.ca>; Values and Ethics / Valeurs et Ethique <valuesandethics-valeursetethique@tbs-sct.gc.ca>
Subject: RE: Seeking guidance.

PROTECTED B / PROTÉGÉ B

Bonjour Jean,
In this case, since the employee is a CBSA employee, it will be up to them to take any corrective measures they deem appropriate in this situation. We might be required to assist them in the investigation.
I can contact the CBSA Labour Relations team for their action. However it would be important to be able to identify the employee. Is there any way of find the name of the person who posted these?
Thank you

From: xxxxxxxx , Jean <Jean.xxxxxxx @tbs-sct.gc.ca>
Sent: February 14, 2022 10:43 AM
To: labourrelationsops/relationsdetravailops <ZZlabrel@tbs-sct.gc.ca>; Values and Ethics / Valeurs et Ethique <valuesandethics-valeursetethique@tbs-sct.gc.ca>
Subject: Seeking guidance.

PROTECTED B / PROTÉGÉ B

Hello colleagues,

I am the director of Open Government team within OCIO. Last Friday we noticed a post on the Open Government GCcollab page from an identified Public Servant who works at CBSA. Upon review of the post, which pointed to the attached white paper on a GitHub page, also managed by the OG team, we felt that the content was not appropriate for our pages and therefore removed it. We informed the GCcollab team that this white paper was also being promoted on a page owned by the individual in question (R4GC (Use R!) Community : GCcollab), at which point they removed the post as well for not respecting the terms of use of the GoC platform. I would flag that the post is counter to the duty of loyalty within the V&E code and am seeking guidance on the steps we should be taking to address this. See below I have copy and pasted the conclusion and recommendations for ease.

I am available to discuss today and provide further details. look forward to receiving further guidance on next steps.

Regards,

Jean xxxxxxxx
Director, Open Government | Directeur, Gouvernement ouvert
Treasury Board of Canada Secretariat | Secrétariat du Conseil du Trésor du Canada
Tel: 613-240-5823

Conclusion:
The data from the Government of Canada's "COVID-19 epidemiology updates" do not support the claims about COVID-19 vaccines, as having over high (over 90% efficacy), as claimed originally a year ago..In contrast, they provide evidence that COVID-19 vaccines, which as known, were approved under Emergency Use Authorization and did not go through the same lengthy testing protocol as all previous vaccines, may have a negative impact on a person's immunity towards the COVID-19 infection. Whether this is true only for a particular variant of the infection, or only for a particular portion of the Canadian population needs to be further investigated. In the meantime, the following recommendations are made.

Recommendations:
- Start reporting deaths by vaccination status statistics in [2] without the embedded bias, as described in this paper, and as done with reporting of side effects [3].
- Reconsider all policies that require vaccination, based on the new data that has become available in the past several months and the new data reporting metrics.

Maisonneuve, Karine (Elle/She/Her)

From: xxxxxxxxxxxxx,xxxxxx
Sent: Thursday, March 17, 2022 5:12 PM
To: xxxxxx, xxxx
Cc: xxxxxxxxx,xxxxxx
Subject: Re: Question

Follow Up Flag: Follow up
Flag Status: Completed

Here is post thank you
613-608-2244
Sent on the run from my iPhone

On Mar 17, 2022, at 5:08 PM, xxxxxx , xxxx <xxxx.xxxxxx @cbsa-asfc.gc.ca> wrote:

Hi xxxxx ,

I am working on your last email to identify allegations and breaches of the Code, I am almost done. I saw you were away so I was going to schedule a meeting upon your return.

I don't have access to that link. Is it possible to share the document that Chris is referring to?

Merci,

xxxx

xxxx xxxxxx **(she/her/elle/la)**

Labour Relations Advisor, Labour Relations Operations, Headquarters
Canada Border Services Agency / Government of Canada
xxxx.xxxxxx @cbsa-asfc.gc.ca / Mobile : 1 (343) 553-3390

Conseillère en Relations de travail, Relations de travail opérationnel, Administration central
Agence des services frontaliers du Canada / Gouvernement du Canada
xxxx.xxxxxx @cbsa-asfc.gc.ca / Portable : 1 (343) 553-3390

From: xxxxxxxxxxxxxx , xxxxx <xxxxx .xxxxxxxxxxxxx @cbsa-asfc.gc.ca>
Sent: Thursday, March 17, 2022 5:04 PM

To: xxxxxx , xxxx < xxxx . xxxxxx @cbsa-asfc.gc.ca>
Cc: xxxxxxxxxx , xxxxx < xxxxx . xxxxxxxxxx @cbsa-asfc.gc.ca>
Subject: Fwd: Question

Hi xxxx

here is another post.

I have colleagues routinely send my Dmitry's posts question Covid 19 vaccines. Frankly this is embarrassing for Cbsa and my unit. Is there anything we can do? I'd prefer to engage your senior management next week to discuss options here.

Thank you

M

613-608-2244
Sent on the run from my iPhone

Begin forwarded message:

> **From:** " xxxxxxxxxxxxxx , xxxxx " < xxxxx . xxxxxxxxxxxxx @cbsa-asfc.gc.ca>
> **Date:** March 17, 2022 at 4:59:50 PM EDT
> **To:** Christopher Valiquet <christopher.valiquet@csps-efpc.gc.ca>
> **Subject: Re: Question**
>
> Hi Chris,
>
> God no. This individual is not representing CBSA at all abs he's on a LWOP. There is an ongoing LR issue here. Thanks for flagging this post to me. I'll raise it with LR.
>
> Thank you.
>
> 613-608-2244
> Sent on the run from my iPhone
>
> > On Mar 17, 2022, at 3:20 PM, Christopher Valiquet <christopher.valiquet@csps-efpc.gc.ca> wrote:
> >
> > Hi xxxxx ,
> >
> > My team keeps an eye on what is shared on social media and GC tools related to data community, and this raised flags because it looks like an anti-vax event:

https://gccollab.ca/event_calendar/view/11983877/analyzing-vaccine-side-effects-using-text-mining-lunch-and-learn-meetup-part-1

Is this something being done in official capacity or own time?

Thanks
Chris

Chris Valiquet
Director | Directeur
GC Data Community | Communauté des données du GC
Canada School of Public Service | École de la fonction publique du Canada
Mobile: 873-455-0148

R4GC (Use R!) Community

Owner: Dmitry Gorodnichy
Group members: 278

Join group

Activity Discussion Files Blog More

Analyzing Vaccine Side Effects using Text Mining (Lunch and Learn meetup): Part 1

When:
12:05 pm, 18 Mar 2022 - 12:50 pm, 18 Mar 2022

Location:
Zoom
List of participants

We are starting a new series of Lunch and Learns - dedicated to analyzing vaccine side effects - using Data Science. An exciting lineup of presentations is being prepared with several invited prominent data scientists from Canada, US and UK. Please join us and invite others - both data scientists and non data scientists interested in this topic.

This and next week we'll have Jason Morphett joining us from UK. He'll talk about The Coronavirus Adverse Vaccine Event (CAVE) project and present the Shiny App that he developed that performs semantic search and text analysis of US Government 's Vaccine Adverse Events database:

https://vaccines.shinyapps.io/cave/.

Bio:

Jason Morphett is a former Principal Analyst with British Telecom (BT) in the UK. He spent 22 years with BT, 15 in Research and the last 7 in corporate strategy building multi million pound infrastructure and investment models in SQL, R, MapInfo, Excel and C#. He has a PhD in Computer Science from the University of Nottingham and a First Class BSc (Hons.) in Software Engineering and has authored or co-authored 10 patents, mostly in the field of distributed computing.

Having retired from BT, he now works on occasioanal voluntary endeavours and on his own projects. One such project is CAVE (Coronavirus Adverse Vaccine Events). Having spent time on his own researching vaccine side effects, it was clear there wasn't an easy to use search tool that took in a personal profile and produced bespoke results to help with informed consent, so Jason built one. The tool is used every day by the general public and is written in Shiny/R.

Dmitry O. Gorodnichy is inviting you to a scheduled Zoom meeting.

Topic: R4GC (UseR) Lunch and Learn Meetup
Time: Mar 18, 2022 12:00 PM Eastern Time (US and Canada)
Every week on Fri

Join Zoom Meeting
https://us04web.zoom.us/j/72260868830?pwd=dgsDcmFPb82kRI8I-8wkhiKdv8lPuX.1
Meeting ID: 722 6086 8830
Passcode: HqwR90

(If you kicked out, please re-connect using the same link above)

data literacy pandemic covid data science data visualization bias

By Dmitry Gorodnichy 6 hours ago

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Version 2.1.0.0

Feedback

Maisonneuve, Karine (Elle/She/Her)

From: xxxxxxxxxxxxx, xxxxxx
Sent: Tuesday, March 22, 2022 2:58 PM
To: xxxxxx, xxxx
Subject: Re: Dmitry postings on twitter

https://twitter.com/gorodnichy_dm?s=21

613-608-2244
Sent on the run from my iPhone

> On Mar 22, 2022, at 2:41 PM, xxxxxxxxxxxxx, xxxxx <xxxxx.xxxxxxxxxxxxx@cbsa-asfc.gc.ca> wrote:

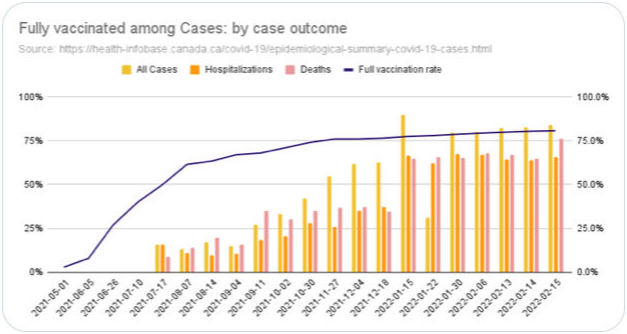
2:40

Dr. Dmitry Gorodnichy
129 Tweets

Tweets | Tweets & replies | Media | Likes

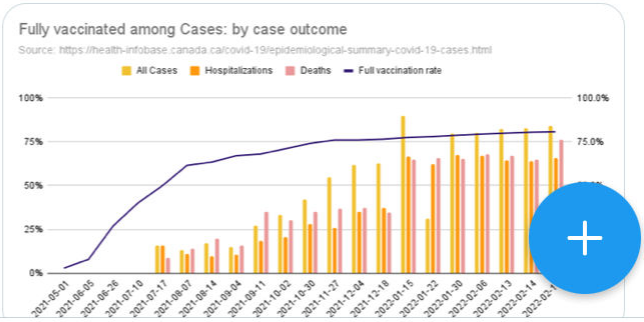
Dr. Dmitry Gorodnichy @Gorodn... · 3d

Since January in #Canada, fully vaccinated are more likely get infected than unvaccinated, and die from COVID almost as likely as unvaccinated. See image. Full analysis: IVIM.ca. #FreedomConvoy



Dr. Dmitry Gorodnichy @Gorodn... · 3d

This is exactly what is also observed in Canada. - Since January, vaccinated are more likely infected than unvaccinated, and die from COVID just almost as likely as unvaccinated. See image. Full analysis: IVIM.ca



613-608-2244

Sent on the run from my iPhone

Maisonneuve, Karine (Elle/She/Her)

From: xxxxxxxxxxxxx,xxxxxx
Sent: Thursday, March 31, 2022 2:50 PM
To: xxxxxx, xxxx
Subject: more
Attachments: IVIM Independently Verified Information.pdf

Hi xxxx,

Just for your records. https://ivim.ca/

I'm sending the mail this week and let you know.

The language is very direct.

"Public Health Agency of Canada (PHAC) misinformed the public about the observed post-marketing efficacy of COVID-19 vaccines."

www.IVIM.ca

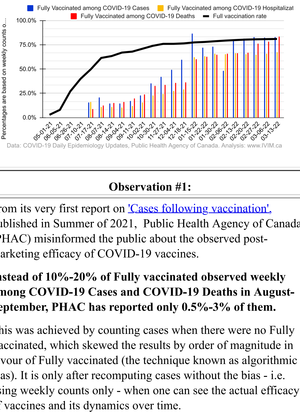
This portal* is redesigned to support

Analysis of Official Canada Data Related to COVID-19 Vaccine Efficacy and Safety

Click on the link above to see the full analysis.
See below Live Dashboard, Key Observations, Spreadsheet, and Video explaining the results. Data is here.

Live Dashboard

(Hover over the image with mouse to see the percentage of Fully Vaccinated among reported cases)



Observation #1:

From its very first report on 'Cases following vaccination', published in Summer of 2021, Public Health Agency of Canada (PHAC) misinformed the public about the observed post-marketing efficacy of COVID-19 vaccines.

Instead of 10%-20% of Fully vaccinated observed weekly among COVID-19 Cases and COVID-19 Deaths in August-September, PHAC has reported only 0.5%-3% of them.

This was achieved by counting cases when there were no Fully Vaccinated, which skewed the results by order of magnitude in favour of Fully vaccinated (the technique known as algorithmic bias). It is only after recomputing cases without the bias - i.e. using weekly counts only - when one can see the actual efficacy of vaccines and its dynamics over time.

[Learn more about algorithmic biases in PHAC reports]

Observation #2:

The percentage of Fully Vaccinated among COVID-19 cases, deaths and hospitalizations has almost doubled with the arrival of Omicron variant in December 2021. This indicates that the **efficacy of COVID-19 vaccines against Omicron variant is very low, possibly negative.**

Since February 2021, the percentage of Fully Vaccinated among the weekly reported numbers of COVID-19 cases and COVID-19 deaths reached and started to exceed the national full vaccination rate. This indicates that **since February 2021 Fully Vaccinated are as likely, possibly more likely, to get infected with COVID-19 and die from COVID-19 compared to Unvaccinated.**

[See Live PHAC data dashboard]

Observation #3:

Reported number of "COVID-19 deaths" includes "Deaths from COVID" as well as "Deaths with COVID", which constitute majority of "COVID-19 deaths" and many of which are caused by other heath problems and old age.

This explains why the **average age of people dying from COVID-19 is very close to the average life expectancy.** This also explains why **the number of other causes of deaths, such as Alzheimer's disease and suicides, went down since the announcement of pandemic.**

Since August 2021, the number of "Deaths from COVID" have become less than that from influenza during the influenza seasons in the past ten years.

[Learn more about "Death from COVID" vs. "Death with COVID"]

[Use Death Tracker App to compare deaths from various causes before and after pandemic]

Observations #4:

Majority of people, in particularly children and people under 40 years of age, infected with COVID-19, especially with Omicron, have very low risk of health complications from the infection and can thus acquire natural immunity, which is much safer, longer and more efficient than short-term variant-specific vaccine-induced immunity.

Post-marketing data that have become available from August 2021 and especially from November 2021, show that COVID-19 vaccines are not as "efficient" and "safe" as originally claimed, doing more harm than good, in particular for children and people under 40 years of age.

[Learn more about variation by age and Risks for children]

[Learn more about Natural Immunity vs. Vaccine-induced Immunity]

Observation #5:

Not a single report was produced by the Office of the Chief Scientific Advisor of Canada since August 2021, which is when post-marketing data related to vaccine efficacy have become available. Not a single official report was produced by the Government of Canada that showed *weekly* variation and distribution of COVID-19 deaths by vaccination status, after these data has become available in August 2021.

All Mandatory Vaccination policies, press-releases and training videos, that we put in place in Canada were developed without the reference to the post-marketing data that has become available since August 2021.

Vaccine manufacturers, main stream media and governments worldwide, in Canada in particular, keep avoiding talking about the post-marketing data related to COVID-19 vaccines safety and efficiency that has been acquired since Summer 2021. Instead some governments use punitive measures and harsh lexicon in order to discourage general public from talking about the subject and to coerce people to get vaccinated with COVID-19 vaccine.

[Learn more about legal actions and other experts' opinions]

Live Google Spreadsheet

(Navigate this spreadsheet by using buttons below. To see internal formulas or view spreadsheet in other formats go here)

Official Government of Canada Data related to COVID-19 vaccine efficacy and safety, analyzed using Data Science

Cases following vaccination - All Ages Combined.

Source: https://health-infobase.canada.ca/covid-19/epidemiological-summary-covid-19-cases.html#9a

Table 2. Characteri

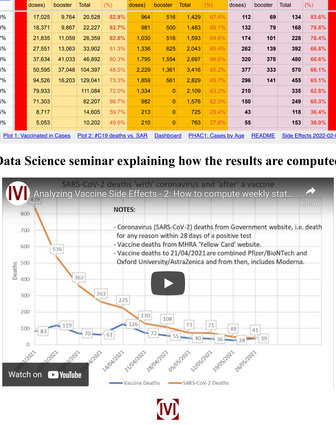
Cached: web.archive.org

Analysis: www.IVIM.ca

Date cached on (cached reports)	As of:	Full vaccination rate	Cases: Fully vaxed (2+ doses)	Cases: Fully vaxed with booster	Cases: Total	Cases: Fully vaxed / Total (%)	Hospitalizations: Fully vaxed (2+ doses)	Hospitalizations: Fully vaxed with booster	Hospitalizations: Total	Hospitalizations: Fully vaxed / Total (%)	Deaths: Fully vaxed (2+ doses)	Deaths: Fully vaxed with booster	Deaths: Total	Deaths: Fully vaxed / Total (%)	Misinformation: Reported numb: Unvaxe	Misinformation: Reported numb: Partially vaccinated	Misinformation: Reported numb: F
03-31-22	03-13-22	81.0%	17,025	9,764	20,528	82.9%	964	516	1,429	67.4%	112	69	134	83.6%	9,313	866	
03-24-22	03-06-22	80.9%	18,371	9,867	22,227	82.7%	981	500	1,483	66.1%	132	79	168	78.6%	9,288	852	
03-18-22	02-27-22	80.7%	21,835	11,059	26,359	82.8%	1,030	516	1,563	64.9%	174	101	228	76.4%	9,179	846	
03-11-22	02-20-22	80.4%	27,551	13,063	33,902	81.3%	1,336	625	2,043	65.4%	262	139	392	66.8%	9,240	857	
03-04-22	02-13-22	79.9%	37,634	41,033	46,892	80.3%	1,795	1,554	2,697	66.6%	320	378	480	66.6%	9,147	849	
03-01-22	02-06-22	79.4%	50,595	37,048	104,397	48.5%	2,229	1,361	3,416	65.2%	377	333	570	66.1%	9,023	840	
02-21-22	01-30-22	78.7%	94,526	16,203	129,041	73.3%	1,859	561	2,829	65.7%	296	141	455	65.1%	8,884	833	
	01-22-22	77.9%	79,933		111,084	72.0%	1,334	0	2,109	63.3%	210		335	62.8%	8,693	808	
	01-15-22	77.5%	71,303		82,207	86.7%	982	0	1,576	62.3%	150		249	60.3%	8,479	788	
01-07-22	12-18-21	76.5%	8,717		14,605	59.7%	213	0	725	29.4%	43		118	36.4%	8,013	744	
	12-04-21	76.0%	5,002		8,202	49.8%	210	0	763	27.5%	55		153	36.0%	7,917	734	

PHAC1: Cases by Status | Plot 1: Vaccinated in Cases | Plot 2: #C19 deaths vs. SAR | Dashboard | PHAC1: Cases by Age | README | Side Effects 2022-02-05 | Side Effects 2021-07

Data Science seminar explaining how the results are computed



IVIM: your source of *Independently Verified Information.*

*For information about *Nouse Intelligent Vision Interfaces*, please go to www.nouse.ca.

Last updated: 29 March 2022

Maisonneuve, Karine (Elle/She/Her)

From: xxxxxxxxxxxxxxxxxxxx
Sent: Monday, April 4, 2022 11:54 AM
To: dmitry.gorodnichy@gmail.com; Gorodnichy, Dmitry
Cc: xxxxxx, xxxx; CBSA-ASFC_LROPS_HQ-RTOPS_AC
Subject: RE: Taking down posts on GCCollab and Open-Canada github

Hi Dmitry,

I noticed that You disregarded the following emails as the posts have not been removed. I'd like to ask you once again to remove the following and other links related to vaccine efficiency.

xxxxx

xxxxx
613-608-2244

From: xxxxxxxxxxxxxx , xxxxx <xxxxx .xxxxxxxxxxxxx @cbsa-asfc.gc.ca>
Sent: Friday, February 11, 2022 5:26 PM
To: dmitry.gorodnichy@gmail.com; Gorodnichy, Dmitry <Dmitry.Gorodnichy@cbsa-asfc.gc.ca>
Cc: xxxxxx , xxxx <xxxx.xxxxxx @cbsa-asfc.gc.ca>; CBSA-ASFC_LROPS_HQ-RTOPS_AC <CBSA-ASFC_LROPS_HQ-RTOPS_AC@cbsa-asfc.gc.ca>
Subject: Taking down posts on GCCollab and Open-Canada github

Dmitry,

It has to my attention that you've posted information on vaccine safety that is against publically held GoC policy (following link).
vitals | Official Canada Vital (Deaths) Statistics, analyzed using Data Science (open-canada.github.io)

The most recent update is posted on the day you are supposed to be on LWOP, which means you're not allowed to use any of GoC devices, network, or infrastructure.

Deleted now is another post by you on GCCollab with misinformation on vaccines and advocating against them.

Data Science for Freedom - with (or without) R : GCcollab (now deleted)

By the way of this email, **I am asking you to take down all your posted re vaccine using GoC network, devices, or online infrastructure, immediately**. I have copied HQ LR to pursue this matter as fit.

Thank you,

xxxxx

xxxxx xxxxxxxxxxxxx
Director, Data Science
Chief Data Office, Strategic Policy Branch
Canada Border Services Agency, Government of Canada

613-608-2244

xxxxx xxxxxxxxxxxxx
Directeur, science des données
Bureau principal des données, Direction générale des politiques stratégiques
Agence des services frontaliers du Canada, Gouvernement du Canada
613-608-2244

2022-04-27
3PM

Present:
xxxxx xxxxxxxxxxxxx , Director
xxxx xxxxxx , LR Advisor
Dmitry Gorodnichy, Senior Data Analyst
Lisa Dubé, Union representative PIPSC

Fact-Finding Interview meeting:

Specifically, it is alleged that you:

Disregarded your management's expectations outlined in an email from your Director General (DG) dated January 11, 2022 as well as during a bilateral meeting with your Director on February 1, 2022. Your DG clearly outlined that you were expected to refrain from making comments on social media that may compromise the Agency's reputation, including comments that may negatively impact your colleagues and members of management. Your Director clearly outlined during your bilateral meeting to follow the established process to voice your concerns about COVID vaccines and to not discuss concerns of COVID-19 Vaccines at work or publicly that contradicts the **Policy on COVID-19 Vaccination for the Core Public Administration Including the Royal Canadian Mounted Police (Policy)**. On February 11, 2022, you were further asked by your Director via email to take down all posts regarding COVID-19 vaccines using Government of Canada (GOC) network, devices, or online infrastructure which contradicted the Policy.

It is alleged that you willingly neglected to follow management expectations when posted information on social media platforms including on Government of Canada platforms. Specifically, you posted information publicly on COVID-19 vaccination's safety and efficiency, although, this may be your personal opinion, this information is contrary to the message that the Government of Canada is promoting, which is that vaccines are safe and efficient. These actions are contrary to the objectives and expectations of the **Policy on COVID-19 Vaccination for the Core Public Administration Including the Royal Canadian Mounted Police**, wherein it states that employees are expected to do their part to protect the health and safety of employees by being fully vaccinated unless accommodated, specifically the:

You were found to have posted this information on the following social media platforms:

- In February 2022, Open Government GCcollab page where you were identified as a public servant who works at CBSA, you attached the following white paper on a GitHub page - vitals | Official Canada Vital (Deaths) Statistics, analyzed using Data Science (open-canada.github.io). This paper was also promoted on R4GC (Use R!) Community : GCcollab) and you would have included the following links to this R4GC page:
    - https://youtu.be/4a8ZRipbeRo - Freedom Convoy – Speech by Army Major Stephen Chledowski: message against the mandatory vaccines

    - https://youtu.be/zs2AH14oTxM - Your video from the Freedom Convoy – providing your analysis on COVID-19 vaccine data stating the GOC's data shown is skewed/misleading/not accurate
    - https://ivi-m.github.io/vv/ (with single URL: www.IVIM.ca) - Source: "Cases following vaccination, COVID-19 Daily Epidemiology Update", Public Health Agency of Canada – providing your analysis on COVID-19 vaccine data stating the GOC's data shown is skewed/misleading/not accurate
- On February 4, 2022, you invited CBSA colleagues to an event you created which was a special edition of a weekly Lunch and Learn "Data Science with R" meetup on GCcollab titled "One Year since Vaccination - what have we learnt – using Open Canada data and Data Science" discussing COVID-19 vaccine safety and efficiency which raised concerns from your colleagues.
- In March 2022, Open Government GCcollab page where you created an event calendar for March 18, 2022 with the subject matter being analyzing vaccine side effects using Data Science.
- On your Twitter account "Dr. Dmitry Gorodnichy" – you posted information about COVID-19 vaccine safety and efficiency.
- In April, Open Government GCcollab page where you created an event calendar for April 1, 2022 with the subject matter being special update on new results from PHAC – analyzed using Spreadsheets and R.

K: read
D: Record?
T: You can take notes not record.
K: xxxx LR advisor - read the opening statement.
Purpose of meeting – full opp to provide the information – before getting started – Introduction – confidential discuss with authorized individual. Within this group. Union rep Lisa Dubé, confirm that Lisa follow with same confidentiality outline.

D: Lisa name yourself – don't know who you are.
K: I'll be taking notes, you too. Review all info, maybe follow-up meeting we will contact you. We will provide findings. No decision made.
Do you have any ?

D: yes. Separate trying to get money from vacation?
K: purpose of this meeting can pick up at some other time. Happy to talk about other items other time.
D: couple of hours ago – email with two – developing result update from official data – have you received email?
K: I did receive an email from you yes.
D: chance to open yet.
K: no you can refer to it during interview question.
D: It will make it easier.

K: Can we proceed?
D: opening letter at the same time so I can follow you. Yes.

Provided allegations and going through them.

Refers to DG email and bilat – allegations above.

D: go through line by line and respond?
K: let's get through the text for everyone's knowledge to set the context. Ok?
D: understand. Read text then paragraph by paragraph.
K: might monologue but to set context. Continues reading the allegations above.

Those are the allegations.

1. Is it you that you that posted that paper feb 2020?
    a. Yes.

Collaborative link: I've done myself but things done by others. Quite a few people – specifically.
K: it had your name next to them.
D: paper that feb 2020- paper which it is still there – a new draft maybe - I wrote this paper – doc placed it on forum – not only me that is contributive.
K: you wrote and posted the paper on GCCollab?
D: there are two papers – I can provide you the link – comment and comment 2 – one submitted journal, white paper both posted by myself on this forum. These paper refer to official date with disclaimer that I stand by which it is true within data.

K: What is the jist of that paper argument? IN your own words what does that paper argue
D: That it has been found – define as a procedure skew the results it has been embedded in the results / calculated the way it
K: algorithm bias within PHAC to make it more pro vaxx
Particular outcome?
D: Skewed the results in favor of fully vaccination.
K: algorithm within PHAC in favor of fully vacxx. In your own words how is this in line fed message.
D: in line with vax efficacy. What the vaccines when they work and not work so they can be improve. To make them better, you need to know the results / not skewed results. If skew the results you cannot really know its efficacy. If the vaxx works the same way, if it works less, you can do improve it, you increase the trust, so it supports.
K: so I gather. Fed gove messaging vaxx safe and efficient. It has said so from the beginning. The messaging has not changed from the beginning. Fed gov messaging vaxx safe and efficient. Algorithmic your paper contradict messaging on the vaxx.
D: Not contradict. It raises the trust. The data weak. This has been raised concerned sub of audit gen of Canada. Being considered. Go to website see the submission of concern and allegation.
K: Is your paper that saying that vaxx safe and efficient.
D: it shows what is shows. Never say conclusion.

K: You just said that algorithm skewed.
D: Does not mean vaxx not safe. No one is arguing that vaxx diminishes with time. You need to do something on top of it. We never say – we show data and the way to improve the data, inves different biases and skewed imbedded. Reviews from other region, but by removing biases. Time serious on any metrics. Responsible loyal who cares a lot about well being of everyone GOC make best use of datea to show the data shows. Many good things, no one can deny, to comm with people labled anti vaxx, data shows, it does decrease with time. Boosters, age type of vaxx. All data available – only make it more useable. One vaxx better than the other – blood cloths – AstraZeneca for young people. They get the benefit, they get the knowledge, both efficiency and efficacy.
K: Your DG and I cautioned you what you post on line – vaxx policy of GOC – and yet you decide to post white on GCcollab, why did you do that?
D: let's go back first question – denial – response your recommendation request – the first comm from xxxxx DG – informing me that absolutely right – freedom of choice – it is like I do ICE baths for me. My religion was denied. In that discussion with xxxxx , never mentioned at all, I cannot raised my concerns. The opposite – about I am organize meetup in the few Fridays and wanted to discuss with engagement community – because talk about vaxx people share ideas, shared side affects not be able to report it. Anyone can go official Canada website portal to help people to improve the vaccine when you call this number, thank you for this, because we can improve the creature of a vaccine, make it better. If people have issues, not this type of vaxx this type instead. xxxxx was positive to me discuss with engagement team. Slide door to have a discussion there. A lot of people hesitatnt elephant in the room.
K: more direct about the answers – purpose when you posted the document.
D: two documents posted – Christmas time submitted onset journal rejected to many papers – we posted as a white paper – to improve always to improve. Better matrix, allows to improve, a lot of attention on bias, we want better performance matrix, without skew.
K: Performance matrix you are providing is better than PHAC is providing. Have info that PHAC isn't ?
D: I would say – use data science that they don,t use.
K: Descriptive – what is your formal training in ….
D: None. I have no knowledge but data manipulation and visualization.
K: No subject matter expertise. Public health related like PHAC does?
D: data blind data, obnoctics ognostic. Population – it could be level of CO2 reported from 2 years ago, in order to portray over time….
K: Just analysing the data. Whether or not ognostic or not, what is your expertise in pub health, numerology, you've also included.
D: non of my co authors do. None of them exp in demetriology, they know how to display the data, skew data.
K: fair enough virology, data online, potential misinterpreting the data the risk is there.
D: anyone can go to Canada online.
K: there is a difference between analyse (can do for myself) and going on pub forum what that result says. Youtube video, freedom convoy, Major General
Is that you in that video
D: video at that time, freedom fighters, concerned to say something, importantly resonate with them, they don't use emotion, calm down, we have data, it is me, carefully watch it. How much empathies, appreciation gratitude for Canadian to share data.

K: Whether or not is it you talking?
D: it is me. To help these people to understand there is data, don't have to come up with anything. Shows good things on vaxx
K: what was the purpose of that video.
D: Promoting the data to breach divide data just data shows what it shows that's it. Careful to sway shows percentages, publish. Now we have more data. End you today recent results. I lead seminars. Professional – earn money. With my skill every Frid and Wed everyone from any group of people – they allow to talk to liberals conservatives Anti vaxx pro vaxx. Data helps each group – shows kills the argument those that doesn't like vaxx – decepate with time. Ok maybe that's what the data is.

K: video where you talk freedom convoy and major? How is that in line with Fed gove message?
D: I don't remember sharing in a group – Only sent it to one person in private. A lot of discussion expressing concerns. Gov evoked emergency act, fabricated info, a lot of debates, very emotional major, CBC saying something else, discussion refer to the bill of rights, don't remember posted in a group setting. Parlement discussaion about vaxx, it was good invited different group of prof showing a lot of interest.
K: GC Collab that was removed?
D: Every Friday seminar questions. Continue form my home account. Allows everyone to join from their home.
K: Removed because it was inconsistent – not saw out the foot proot online, this was brought to my attention emailed to me and asked if CBSA is sanctioned this behaviour.
D: We live in a very polurized env. Thanks from many people that are not contacting you contacitn me. But on the other side contacting you. Help me improve the dash board. Website has been improved thanks to data scientist. We received from everyone.
K: In interest of tiem, I appreciate that there are diff sides of the argument bc facts. Another thing that happened Feb 4 spec addition l&L when working full time – took ½ day off. Still using equipment at work.
D: Feb 4 exactly not be able at work PM. Not use any CBSA equipment.
K: Teams link to your office ?You were CBSA employee whether you were off or not. One year since vac using open Canada disucsing covid – unrelated to your work, has nothing to do with daily taskings, not relevant to your work. You created this L&L.
D: created this L&L we use any data set to practice techniques, not related to our work.
K: I don't want a story. Y or N
D: Di you create.
D: Yes.
K: was it inline with the Fed cgov safety.
D: Better use data when you better use data you can improve data.
K: What you were showing – how was that in line with fed gov messaging.
D: Again result, data update and analysed, not for the purpose of talking of vaxx how data can be used, apply data tehcique to show data vaxx, since Nov using stat canda data.
K: Why were you analysing vac data.
D: this is what people want to talk about. When we get together on Fri, we start what do you want to dot? What type of data set, to practice timesheet. Graph and procly.
K: Peo0ple came to you I want you to atalk about vac safety at work. Analyse data?

D: discuss various ideas, data available to analyse. Not my idea, visualise stat cnad what we used to track covid cases. Building gradually each week a new function, it had been build, as we start looking data, see something, childrend, dogs, differnet things that come up at L&L.
K: digrasing D. I ask you what was the nature of that argument, lets face it, you stated yourself, you are making providing more objective info than PHAC, on safety and efficiency and discu at work when you were EE , your time – talking about vaxx with work colleauges.
D: We talk ½ time, we sing songs. We atlk about…
K: Is this your twitter account? Shows Dr. Dmitry Gorodnichy. OInly your statements?
D: might not be mine sometimes. chief scienc advisor, wirting the letter since feb 2022 after put on Leave. spend more time on analyzing data. I have time to dedicate myself to this. My family and my friends high stake in Ukraine – latest results I sent you today. Vaxx helps …
K: clarify – this is your account you are posted on issues safety whether or not they are efficient, PHAC misleading the publice on vaxx.
D: I submitted on behalf of the group….
K: you've mentioned religious obligation against vaxx.
D: Karma neaver do bad things. If something evil or you will suffer, not diet, serious than that.
K: I am not passing judgement, simply relidious obligation against vaxx.
D: doing right things. I got the first dose of vaxx – on my religious conscient right thing to do at that time. Now essentially more data and verification, data send you later, now change, no one denies immune better.
K: Request proceeds omicron. Confirmed you asked – then disclosed you received one dose.
D: that is correct.
K: Check March 22 you created an event calendar – vaxx side affects March 18. You created?
D: again every Fr all the time. I am hosting them. Since I don't have acces TeAMS I post on zoom. I still do, coming FRI everyone invited to be there.
K: Describe how it is inline with fed messaging.
D: It is exactly the same, if you understand what works or not, you select what works. One of the batches bad, we know it, so better choices today. Moderna website. One particulat popo use one vaxx than the other. Create trust withing community. People see – I can tell you.
K: I tend to trust doctor, specialists, I appreciate, I trust prof that do this for a living. How much confidence continue to host and participate and leads these events, despite the warning not to discuss pub vaxx issues.
D: We discuss everything, relate to your health.
K: Even if contradicts DG provided.
D: Join us wekekly data science, more official , data available in Canada.
K: publ discussion vac efficiency safety,
D: I continue to read as anyone in Canada, official data, same website, skill the data and show the result every week. Develop dash board every week and we show on youtube channel created by another person, but created videos on zoom, webpage – watch all seminars all transparent. Nothing illegal all supporting data. Official data.

K: Questions for us?
D: didn't go through … yes. You made a number of allegations. I know they are not personal, crafted by your colleagues in HQ. Respect: Loyalty Comments negatyively your colleagues, everything I do is supporting them, to report – never bad never named any names, no colleagues involved here.

K: I first hand colleagues sharing concerns – I am not making that up. Evidence and complaints. You were on leave. Be aware offended people unknowingly.
D: Needs to be written. The way I do it. To promote diverse opinion to create a safe env coming from political and religious background. To respond to them.
K: I follow gov Canada policy, doesn't matter how I feel, obligated as employee and I do it. Any question for me?
D: publ confidence integrity and leadership taking into consideration health and security is beyond to do to improve health of everyone. The opposite, help people make informed decision, I am contributing to h&s, loyalty – talk with most ignited are not supported health Canada, I show great Canada, open Canada. How much has been done by liberal gov. it is all about showing them there is all this info here. Helpig unite the nation, sometone Is trying to divide. Non-partisan, not leibaral and non conversvative. I represent no one. Ot bring our differences together. Allegations unfair and unjust. What you have done – how did you help your colleagues to make better choices vaxx. – I know I've done everything so that their health and mortality be reduced. Very important comment, I have prove of opposite. Helping people to make this informed decision. Data is changing. Gov cnda doing strange things not allow to treavel when vax and non vax spreasding equally Covid.
K: I appreciate D. Do you have questions for me.
D: another comment – xxxxx . I need to do something – CBSA trapped me 6 children without job. Plumber – data my only skill, I am forced by my ER to seek money alternatively – this is the most unhuman way – Do I stay any other way to keep employe, Yes I would apply. No point of getting vaxx and using legal way, to show unlawful, me and many Canadians trapped of income, huge damage, but entire family and many canadaian. 20% not vaxx. Not happy part of popo of Canada. We have the right bill of rights, we have right to express concerns. To all democraphic way, Auditor gene, open – submitted to you too. Go against vaxx. Not blocked by youtube FB not considered against American, supporting source. Comments from people, against negatively impacted, no treated fair treatment for people with different opinion. Russia and Ukraine – it is horrible, you know it if fake – people likeme, vaxx fake, my data is real, I don't say anything, helpj make decision, invite you to go back to those portal to see to restore my income. I am doing this on necessity I am forced by ER to found other ways to earn income – wrok from home. But I am forced to find something else. All I can do right now. If you reinstate me back nothing like this would be happening. GOC was supposed to renew the Policy, many people suffering, selling their house. April 6 do you know what has happened, why GOC not doing it? Are you afraid to criticize the GOC? No we use democratic way to express our ways, go to NDP, express our concerns. Many of them. Not about violated Policy, we do what we can. So don't take it personally, you don't understand where I come from. You don't know my family, but you or anyone get problems you will understand.
K: I sympathize what happening in Ukraine. As a kid I used to see rocket…. Not about that sorry to hear what is happening in Ukriane. Thi is about the GOC vaxx policy and the messaging it has and what you have been doing in the public with respect to that.It is about your activiites raiins concerns about vaxx efficiencies and efficacies. xxxx and Lisa do you have any questions?
Lisa: Not for me.
xxxx : No. If you wish to add anything else in writing you can do so.
D: I do. The Policy – vaxx efficient and safe in Oct and the same GOC posted numbers – you go to their website data shows whatever it shows, if you go there % fully vaxx doubled sep to dec – is it GOC criticizing itself ?

K: You might want to submit in writing, provide as written material. If not we are over tiem. If you have other questions concerns you can email me. Will pass it on to xxxx as part of the file.
D: It is unfortunate, what difficult situation , invite ½ hours give me a call connect with me, to atalk about life. It will be – I am not a villain I could help Agency. I'd love to work there. When I am back love to be there. I am denied to work in the field use my skills, I am astricized bc of my belief. I do you have a warm kind heart. I cannot
K: I appreciate it. There are ways to come back to work.
D: cannot beyond your religion.
K: I didn't set the Policy I am simply implementing it. Question forward it to me.
D: Look at the data before getting the boosters, to see what boosters are doing. Good example – I promote GOC, educate yourself and make an informed decision. Particular children do not die from COVID but complications from the Vaxx. Thank you
K: I really have to go pick my kids.
D: Thank you wish you good health.

End 4:16pm

2022-05-31
1:30PM

Present:
xxxxx xxxxxxxxxxxxxx , Director
xxxx xxxxxx , LR Advisor
Dmitry Gorodnichy, Senior Data Analyst
Lisa Dubé, Union representative PIPSC

At the request of Mr. Gorodnicy, management schedule a follow-up meeting to the Fact-Finding meeting that took place on April 27, 2022 to allow Mr. Gorodnichy to provide additional information.

Meeting started at 1:31pm –
D: Thank you to allowing me to present more. I'll start from the letter to go one by one paragraph – sent April 5, 2022 – email I sent you on May 4, 2022 – asked questions and provided additional info – response in your letter - Your Director clearly outlined during your bilateral meeting to follow the established process to voice your concerns about COVID vaccines – What was that process ? except what I followed.

K: this is the third time I answerd this questions. You should proper grievance process, when you disagree with the decision.
D: you answering different question – not about the decision – it is about the processes clearly outlined to voice your concerns about COVID vaccines – what was that established process?
K: I revert to my Previoius response to you.
D: In order for me to make an informed decision – second questions – I asked to provide more training related to COvid vaccines is this correct –
K: there was a singular training and updated version that I sent to you.
D: That training attended – at that time I saw it was based on the data before the vaccine data – data training – question to xxxxx and you – I need to get more information – accommodation denied, require to do the training, I was trying to get this training not available, I asked you to get the training. October already did. This information was not provided to me. Request for more data was not granted. Asked you data training Covid vaccine data.
K: I was following Policy, employees refusing to comply with Policy to do training. This training for ees of GOC on vaccines to be aware of actual. Not for pedimiologist.
D: asking for data for training which will be updated training. Asking please provide training – which show evidence efficacy of vaccines and safety. Refer to me to the training, trying to access but not available at the time. Now I lost all access. I cannot see the new training. Seek out the conclusion – information is provided to me. To make informed decision. I was asking for information and not granted to me.
K: You are not asking me a question you saying a statement. I don't agree with your statement. There is a singular GOC that you seemed to have taken.
D: Wanted to find more information –

K: I don't think any particular piece of information that would satisfy you. You are trying to be an investigative. I can follow the Policy, there is I am not going to pretend I am a researcher epidemiology. I don't understand the purpose of this discussion. The allegation you publicly …
D: mitigating factors: I talked to xxxxx and raised my concerns – Oct provide info and training – now this info was not given to me at that time –
K: GOC does not giving training epidemiology. Your question is about data on epidemiology – you are not convinced.
D: I am saying I make decision based on the information to date. I have concerns – that data outdated was provided, I trust my colleagues to develop a training – training was built on 2019-2018 outdated. Official training – not 2020 but 2022. Appreciate the fact you may not have training but I asked for the training from you and xxxxx and yes I expressed my concerns because new data in Jan 2022. You told me to follow established to voice my concerns.
K: Dmitry this is a waist of time, I don't know what you are trying to get out of this, I provided you the answer to your question. That is all I have. You are mistaken what you feel about Covid vaccine and what you think the vaccine is with Covid Policy. Separate issue – GOC policy – investigation is about you go beyond the Code. It is not about you investigation Covid 19 information. I am not here to demonstrate that COvid vaccine is safe. It is about your conduct related to Covid 19 vaccines.
T: the same training for every EE and Grievance process.
D: Info keep changing – conv. With xxxxx , expressed concerns side effects – I proposed to create a safe place within the engagement team. I asked spec if she would approve it. She said go for it. After this I approached – prepare a tutorial can submit side effects through website. Mitigating factor as not been mentioned at all. This shows I followed the direction/recommendations from xxxxx . Expressed my concerns of side effects – if you go to xxxxx or Jenny Parker was communicated lunch and learn and public forum (portal), how they can be allowed the forms. I communicated DG xxxxx and encouragement on that. Preparing the lunch and learn, my concerns could be create a safe place (find those emails please) back in January 2022, many things I will grieve in a normal proper way.
Information about side effects, I am not the owner of this information, provided to me by a number of employees – they had arthritis – help eachother- direct/indirect link. Peer to peer support about concersn on side effects, helping them to report it. Up to you to treat it as aggravating factor or mitigating factor.
Portal still there, it is not me that put all this information, I edited it, I was happy, your perception as a … I do anything to help my colleagues, helath and deaths, covid vaccine, affect me my wife childrend, we discuss it / public nothing but public, did something against vaccine, just visualize data, automated – preparing algorithmi help GOC to publicise its own data, I have proof that it is most efficient. Data – see over time but just going overtime, and you see it changes. Factor of 20 – vac better than no vac, it is still better. Data which is there, odds dying 1.79 reduce from 20 – mitigating factor, I show this info who are extremely illegal action, I manage to convince them that It is not that bad, and manager to change their opino that Vaxx work. You won't be able to do it. I convince some of them it works with elderly, with problems. For younger children much less than 1% covid – Stat Canada – mitigating factor – created this web app – tool – to track covid cases – made a tutorial – track at multiple level. In nov 2021 total deaths, deaths by causes, to master skill of utilization, you can see engaged people, interactive tools, build this tools, ideas from community, total deaths after vaxx went up more than 4x in some provinces, Qc it went down. Now for most it went up and put some of those graphs, I am promoting leveraging Canada data, make more use of it, on both side of the conversation, some are starving right now, many people believe GOC not doing illegal. Data showing something and old data. I reused, promote more than any other who are communicating with other population. Last week, in NB – they had a spike mysterious spike – I can talk about it because on CBC – I go to this data set and what I see, the data has been erased the data. I am finding wrongdoing/concerns – I am using demographically that is provided.

Last statement – Pub available data, used demographic wase, Official of auditor general- I can write to them – as mitigating factor I raised concerns and submitted formal way and I recorded too.

K: xxxx and Lisa any questions?
T: No
L: No
K: thank you
Ended: 2:02PM

https://youtu.be/4a8ZRipbeRo -

Freedom Convoy – Speech by Army Major Stephen Chledowski:

Good Day folks, my name is Major Stephen Chledowski. I have served Canada in the Canadian Armed Forces for 20 plus years. I hold a first class honors degree in policital science and I have held several army commend positions. I have an urgent message for all Canadians.

For nearly two years our own elected government officials have been using the bullying tactics of fear intimidation coercion and financial and physical violence against us to gain compliance for certain repeated medical procedures. We tell our children that bullying is wrong, we know it to be so. Yet we allow our leaders to do this to us. They have knowingly and repeatedly violated the highest laws of the land in the Canadian charter of rights and freedoms. As well as other signed international human rights agreements. Canadians have been lulled into believing that the same government who suppresses your freedoms in the name of safety will one day just reward you back with your freedoms if you just comply to ever-changing rules and health orders. That folks is the very definition of tyranny. Not democracy. Humans are inherently free. Kings and Queens and government cronies can't give you your basic human rights. They are naturally yours. They can't be given, they can't be taken, they can only be suppressed. In the charter of rights and freedoms queen Elizabeth is recognising in law our fundamental freedoms. The federal and provincial governments of Canada have chosen through a well planned and orchestrated set of measures to trick and fool and scare you the very people who elected them and pay their salaries into complying with the suppression of our basic human rights. They have knowingly betrayed you and me under the lie of safety.

This past remembrance day as I stood in front of the military cenotaph in Fredericton to honor my comrades who gave their lives for others freedom. I overheard the premier of NB, Premier Higgs, and our member of parliament Jennica Atwin tell members of the public house how special it was that these brave members of the military gave their lives for their freedom. That same freedom that these very liars and deceivers are actively working right now to suppress. I stood there a soldier of nearly 21 years, as senior officer in the Canadian Army, as a veteran of afhanistan, participating in opmedusa the largest combat operation for Canada since the Korean war. Where I watched my own brave comrades fight, get injured and die. But I also stood there as a person who hasn't taken in the Covid-19 injection. The irony so even though I serve this country and it has been an honor to do so an absolute honor. Like many thousands of Canadians who chosen body autonomy and pro-choice. I am unable to share in the same privileges now, like eating in a restaurant, going out in public to an event or even traveling across provinces to see my child. This is happening to many others. Theses government traders to freedom are supressing the rights of the very people they claim to honor and it made me sick to my stomach. These Canadian governments are now focused on our children.
video is Censored
I am calling on our community to put an immediate halt on children's injections until the Canadian public can receive the accurate truthful date from these Covid injections that have already occurred. The Canadian public has a right to be able to make informed medical choices.

Especially for the little children. To tell them repeatedly it is safe and effective and not give them that choice is a crime and is also genocide. The Media and government must put an immediate halt to all scientific medical censorship and the silencing of health professionals who do not comply with your agenda as well as hear from injury/victims. The Canadian public has a right to hear from those in our communities and families who have been injured by this procedure.

I am calling on my military and police comrades. All of you. All of us who have sworn a personal oath to protect our family our friends and our communities. To now stand up and protect your loved ones against this government forced medical tyranny. You chose to serve because you wanted to give back to your community and instead the government has turned your love for your community and your loyalty against you. And you are now a weapon agains the very people that you love. Brothers and sisters you can't be forever for forever changing industry government measures which use fear and violence and also be for your loved ones and for freedom. You have to choose. I am asking you to choose your family and your community. This is why you serve. And this is your moment to be a hero for your loved ones. They deserve the truth, they deserve to be protected. I am also calling in all Canadians to join in solidarity together. Freedom and love for our community, freedom to choose who you want to be, where you want to live. What you want to experience and learn, what your spirituality is and what you want to practice. Who you want to love, what you want to put in your own bodies is the foundation of our democracy in Canada. We cannot freedom die with this generation. May god forever bless the free citizens of Canada.

- https://youtu.be/zs2AH14oTxM - Dmitry's own video – disclaimer he represents no one – no religion, not the convoy, just here to present the science. Gives them the IVIM.ca website. Supporting the evidence and true numbers/data so they understand the meaning behind those numbers, the essence. States he works for the GOC, that all ees of the GOC are bound by the Code of Ethics, the rules says – it is very hard to say anything which could be seen as going against your government, otherwise you would be essentially facing suspension or you will be fired. Government employee the way even when he sees something is happening there, it is very hard to say anything because you will face potentially a challenge and this is what I'm trying to do here, I am trying to walk this very thin borderline you know like really balancing here I'm trying to support the government through their own data, through their own sources I'm uploading every day effort which has been done which allowed me to do this research to do this analysis. The truth is there that of course much more could have been done by the government and again please understand that I speak in a different language I have to be very careful because if I say anything it will be seen as going against my employer it will come back to me very badly. What I am saying here is that I support my employer I am a proud government employment employee and I thank god….

https://ivi-m.github.io/vv/ (white Page) (with single URL: www.IVIM.ca) – Source: "Cases following vaccination, COVID-19 Daily Epidemiology Update", Public Health Agency of Canada.

Potential breach of the following sections of the Code of Conduct:

Next Steps:

Objective: To determine if there was a breach of the Code of Conduct.

Maisonneuve, Karine (Elle/She/Her)

From: Dmitry O. Gorodnichy <dmitry.gorodnichy@gmail.com>
Sent: Wednesday, April 27, 2022 11:24 PM
To: xxxxxxxxxxxxx,xxxxxx
Cc: Lisa Dubé; xxxxxx, xxxx
Subject: Additional questions and clarifications

xxxxx ,

1)
I did forget to ask you one question today, which I have already asked in my email - pasted below. Can you or your HR colleagues please respond to it?
Namely, do we have now a new COVID training that I can watch? And what was "this established process to voice my concerns" that you are referring to?

Similarly, in your letter you referred to "the established process to voice your concerns about COVID vaccines" that you "clearly outlined" during the bilateral meeting with me.
Do you mean EAP, Or are you referring to something else?
I also dont have any recollection or reference related to that either. If you have any, can you please email a copy of it to me too.?

Also, I do remember that we had a discussion with you about the COVID-19 vaccine training which I was instructed to do by DG in her January 11, 2022 letter.
I told you that it was vital to me to get such training so I could make the informed decision and that, unfortunately, I could not find any such training anywhere at that time.
I hence approached you asking for your help to find it for me, and you replied that you will let me know once it becomes available. As of today, I still have not heard from you in this regard.
If you do have any information about any such training that is available to me now (or if you have any communications related to it that you sent me and which I might have missed), can you please also email it to me too please.

2)
Also, I recalled the name of the person - xxxxxx Parker - who was helping me to organize/coordinate the "Vaccine side-effect reporting training'
for our Engagement Team members during my February 4th Lunch and Learn, after I have discussed the idea of having such discussion with xxxxx and
she expressed support for me doing that.
He is the training that we set up : https://open-canada.github.io/vitals/report-side-effect for this meeting (note it was built with help from other CBSA folks)

3)
I realized now - that because we ran out time, I did not have time to tell you more about this second half of this February 4th Lunch and Learn
(which was dedicated to creation of the support group within our branch for those who experienced vaccine side-effects and

showing how affected people can submit their report directly without a doctor directly to Health canada) and
my discussions with xxxxx which led to it (actually not one, but two meetings - I mixed up the dates today when I was telling you about my meeting with xxxxx)
During the first meeting with xxxxx (on Jan 11), I told her that I have no problem getting vaccinated once I learn more about it (through the training)
Then, since there was no training available, I started collecting all available official data myself, which I then shared with her (cc yourself) - also shared and discussed them with our data science community - they are posted here: https://open-canada.github.io/vitals/analysis
It was after that when i got help from our community members and idea to organize a seminar and training on reporting side effects, and when I requested for an additional meeting with xxxxx , which happened last week of January (?) and which eventually led me to coordinate efforts with Engagement team for this particular "Vaccine anniversary" lunch and learn

4)
Perhaps, you can allocate addional 30 mins so that I can present you this side of the story, which could also be , if needed, supported by xxxxxx and xxxxx and R community members - and also so that you can provide me responses to my questions (instead of typing it all)

5) Finally, I just posted today my regular weekly 'Cases by vaccination status' update on twitter - see images below:
https://twitter.com/Gorodnichy_Dm/status/1519497068645126144
https://twitter.com/Gorodnichy_Dm/status/1519488970475851776

		Deaths in the reported week								Deaths since December 14, 2020						
As of:	Full vaccination rate	Unvaccinated (0 doses)	Not yet protected (1 dose)	Partially vaccinated (1 dose)	Fully vaccinated (2+ doses)	Will booster (3 doses)	Total	Fully vaccinated / Total		Unvaccinated (0 doses)	Not yet protected (1 dose)	Partially vaccinated (1 dose)	Fully vaccinated (2+ doses)	Will booster (3 doses)	Total	Fully vaccinated / Total
04-10-22	81.5%	46	1	3	149	97	199	75%		9,511	783	876	4,605	1,835	15,775	29.2%
04-03-22	81.4%	51	1	5	131	69	187	70%		9,465	782	872	4,411	1,700	15,530	28.4%
03-27-22	81.3%	56	1	6	130	63	193	67%		9,426	781	870	4,281	1,616	15,358	27.9%
03-20-22	81.2%	64	1	7	140	64	212	66%		9,372	781	867	4,158	1,543	15,178	27.4%
03-13-22	81.0%	24	-2	0	112	69	134	84%		9,313	780	856	4,019	1,494	14,968	26.9%
03-06-22	80.9%	37	-2	1	132	79	168	79%		9,258	779	852	3,891	1,426	14,780	26.3%
02-27-22	80.7%	52	0	2	174	101	228	76%		9,179	779	846	3,738	1,351	14,542	25.7%
02-20-22	80.4%	119	3	8	262	139	392	67%		9,240	786	857	3,683	1,286	14,566	25.3%
02-13-22	79.9%	144	3	13	320	378	480	67%		9,147	785	849	3,495	1,189	14,276	24.5%
02-06-22	79.4%	173	3	17	377	333	570	66%		9,023	780	840	3,216	1,047	13,859	23.2%
01-30-22	78.7%	142	3	14	296	141	455	65%		8,884	776	833	2,897	868	13,390	21.6%
01-22-22	77.9%	111	3	11	210		335	63%		8,693	775	808	2,490		12,766	19.5%
01-15-22	77.5%	88	3	8	150		249	60%		8,479	770	788	2,032		12,069	16.8%
12-18-21	76.5%	68	3	5	43		118	36%		8,013	759	744	1,077		10,593	10.2%
12-04-21	76.0%	89	4	6	55		153	36%		7,917	753	734	1,017		10,421	9.8%
11-27-21	76.0%	106	5	8	61		180	34%		7,861	752	731	981		10,325	9.5%
10-30-21	74.0%	119	6	10	66		201	33%		7,540	741	710	776		9,767	7.9%
10-02-21	71.0%	155	11	16	57		240	24%		7,120	719	681	520		9,040	5.8%
09-11-21	68.0%	145	12	14	42		213	20%		6,700	699	639	312		8,350	3.7%
09-04-21	67.0%	99	9	10	22		140	16%		6,587	696	632	246		8,161	3.0%
08-14-21	63.4%	34	1	3	7		45	15%		6,035	639	570	119		7,363	1.6%
08-07-21	61.5%	28	2	4	5		38	13%		5,974	639	570	104		7,287	1.4%
07-17-21	49.9%	33	3	6	4		46	9%		5,896	636	561	89		7,182	1.2%
07-10-21	40.0%									5,863	633	555	85		7,136	1.2%

Full analysis:			Relative proportions of COVID impact on vaccinated vs. unvaccinated populations										
www.IVIM.ca			Average weekly number of cases in each vaccination status group (per million)										
Last updated:			All ages combined										
04-27-2:			COVID-19 Cases Deceased					Odds of cases					
Report Date (Reports archive)	As of:	Full vaccination rate	0 doses	1 doses	2+ doses	3 doses	All	0 doses / 1 dose	0 doses / 2+ doses	0 doses / 3 doses	1 doses / 2+ doses	1 doses / 3 doses	2+ doses / 3 doses
04-27-22	04-10-22	81.5%	8.0	2.9	4.8	5.4	5.2	2.49	1.94	0.88	0.78	1.13	1.06
04-19-22	04-03-22	81.4%	8.7	4.7	4.2	3.8	4.9	3.05	1.91	0.89	0.63	0.89	1.08
04-13-22	03-27-22	81.3%	9.6	5.1	4.2	3.5	5.0	4.20	1.79	0.91	0.43	0.49	1.04
04-01-22	03-20-22	81.2%	11.0	5.7	4.5	3.6	5.5	4.33	1.89	0.90	0.44	0.21	1.03

Can you please let me know if this (ie, reposting, quoting, plotting, computing various functionals and performance metrics from officially published PHAC data) is considered "violation of the vaccine policy" (i,e putting *" information that is contrary the message that the Government of Canada is promoting, which is that vaccines are safe and efficient")* or violation of anything else you are alleging me of?

If so, then It should be stated that it was PHAC (and StatCan) who violated this policy - by publishing the numbers that go against this message of the Government of Canada , namely showing ...

1. that Percentage of cases/hospitalizations/deaths among vaxed goes up and up every week, since their very first report
2. that people with 2 and 3 doses die more than those with 1 dose,
3. that vaccinated catch and spread infection more than unvaccinated,
4. that 82 % of all covid deaths are people 70+; and people under 40 have very rare chance of dying from covid but they do get vaccine complications
5. that half of Canadian provinces had very excess death rate AFTER May 2021 (which is when the vaccination of general public commenced), higher than that during the pandemic before vaccination (see image I sent this morning - from www.ivim.ca/app)

Dmitry

On Wed, Apr 27, 2022 at 1:20 PM Dmitry O. Gorodnichy <dmitry.gorodnichy@gmail.com> wrote:
>
> xxxxx ,
> Below are examples of the results I've obtained from Official GC data using the tools that we've been developing with colleagues, and which I shared with public:
> 1) one on excess deaths after vaccination for Age group 0 to 44 (which shows very disturbing statistics for Atlantic and West provinces) - from Death Tracker App: http://ivim.ca/app
> 2) the other on odd of COVID deaths with boosters vs. without booster (which also shows rather disturbing data) - from IVIM Main Dashboard: http://ivim.ca
>
> The results are self-explanatory but I want to have your opinion on them, as per your allegations - lack of loyalty, compromising Agency's reputation, negatively impacting colleagues, etc... -
> which I believe are all unfounded and unjust, as all my efforts show exactly the opposite, as all of them help everyone to better understand and make use of official GC data - to be healthier and live longer, while also helping bridge the growing polarization in our society
>
> See you at 3pm
>

> Dmitry
>

vitals

Official Canada Vital (Deaths) Statistics, analyzed using Data Science

View On GitHub

This project is maintained by open-canada

Reporting COVID-19 vaccines side effects

Background

Reporting of serious (or life threatening) side effects of vaccines is mandatory in Canada. However, reporting of non-serious (or not life threatening) side effects in Canada is voluntary. Many doctors may not have time to do it, nor they provide guidance to their patients on how they can do it.

For this reason many non-serious side effects remain unreported. Many doctors will not do it, and consumers do not know how to do it. In fact, many Canadians may not even know that they can do report vaccine side-effect themselves, i.e. without a medical doctor. There are no instructions on the Health Canada portal on how to do it. The link to the Health Canada Voluntary Side Effect Reporting portal may also be rather difficult to find.

This page is created to address this gap and to help Canadians to report any vaccine (or any drug) side-effect, as a consumer. Health Canada encourages everyone to do so. – It is thanks to such efforts that vaccines (and drugs) can be improved for the benefits of all.

Once you know how to do it, it should not take more than fifteen minutes to do it. This is how you do it. An Example is provided here.

Submitting Voluntary Side Effect Report via Health Canada portal

Step 1: Go to the Health Canada Voluntary Side Effect Reporting portal : https://hpr-rps.hres.ca/side-effects-reporting-form.php?form=voluntary

Step 2: Submit electronic form there as shown in this Example.

- There are three places there that you need to know how to fill out:
  - in Section B: Patient ID write your initials;
  - in Section D: Product DIN and Product Name - paste the vaccine names (and batch/lot number, if available), as printed on your receipt.

- Make sure you provide a valid email address, which will be used to send you to further instructions on how ontinue side-effect report process.

- If you still have problems submitting the form (i.e., clicking on button “SUBMIT” does not lead you anywhere),
  call Heath Canada Voluntary Reporting support line: Tel. 866-234-2345, if you leave a message. They should respond within 24 hours. If they did not, please call again.

Step 3: A few (2-5) days later you should receive email from *Canada Vigilance (HC/SC)* *canadavigilance@hc-sc.gc.ca* (with Subject: “Correspondence from the Marketed Health Products Directorate - Adverse Reaction Number 0009xxxxx), which will provide you with the
Adverse Reaction Report (AER) number and which will ask you to submit additional details though their portal.

If you don’t receive email from them within 5 business days, please check you Spam folder and, if it is not there, please call them at Tel. 866-234-2345 and leave a message.

As they note in their email: *“Posting of reports in the online database remains 3 months behind the date of reporting. This delay accounts for the necessary activities involved in report processing”*

Additional resources:

The following additional resources are provided to help you prepare your side-effect report. There you can check if your symptoms are already reported in national adverse event reporting systems, and if so, how common they are, for which type of vaccine, and which vaccine batch (a.k.a. lot, which is the number printed on your vaccination receipt)

- Recalls and safety alerts, Government of Canada https://recalls-rappels.canada.ca/: for [Moderna], for [Pfizer], for [Astrazeneca])
- 'Reported side effects following COVID-19 vaccination in Canada', Canadian COVID-19 vaccination safety report, Public Health Agency of Canada, https://health-infobase.canada.ca/covid-19/vaccine-safety/
- US Government Vaccine Adverse Event Reports (VAERS): https://vaers.hhs.gov. You can also check if your vaccine batch (lot) is among the "bad ones", according to VAERS data, here,
- Comprehensive world-wide COVID-19 vaccine reports repository
- CUMULATIVE ANALYSIS OF POST-AUTHORIZATION ADVERSE EVENT REPORTS OF PF-07302048 (BNT162B2) RECEIVED THROUGH 28-FEB-2021. Prepared by Pfizer, Released to Public Health and Medical Professionals for Transparency (https://phmpt.org) under the court order on 17 November 2021: https://phmpt.org/wp-content/uploads/2021/11/5.3.6-postmarketing-experience.pdf

The authoritative source for COVID-19 information is Canada.ca/coronavirus.

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GitHub Pages
using the Dinky theme

vitals

Official Canada Vital (Deaths) Statistics, analyzed using Data Science

View On GitHub

This project is maintained by open-canada

Statistical analysis of official data sources related to vaccine efficacy and safety (NEW EVIDENCE SINCE OCTOBER 2021)

open-canada.github.io/vitals

Last Updated: 2021-01-14

GC Sources:

[1] 'Cases following vaccination', COVID-19 Daily Epidemiology Update, Public Health Agency of Canada, https://health-infobase.canada.ca/covid-19/epidemiological-summary-covid-19-cases.html

Quote: "For cases from December 14, 2020 up until November 27, 2021, fully vaccinated cases were 68% less likely to die as a result of their illness, compared to unvaccinated cases (Table 3)."

Analysis: In the considered period (December 14, 2020 – November 27, 2021) over 75% (10100 / 13075) of all COVID deaths occurred prior to May 1, 2021, when the majority of population (over 97%) was unvaccinated. Recomputing these numbers for the period after May 1 (when the proportion of vaccinated was approximately equal to the proportion of

unvaccinated) results in the opposite conclusion – the majority (over at least 75%) of people who died of COVID between May and November were fully vaccinated

[2a] Hospitalizations by vaccination status, COVID-19 (coronavirus) in Ontario, https://covid-19.ontario.ca/data/hospitalizations#hospitalizationsByVaccinationStatus

[2b] For more information on cases following vaccination, please see the Weekly epidemiology report (PDF) available on the Government of Canada's COVID-19 data trends page

Quote: "Incidence [of COVID-19 cases] among fully vaccinated cases has surpassed those among unvaccinated since mid-December 2021."

[3] 'Reported side effects following COVID-19 vaccination in Canada', Canadian COVID-19 vaccination safety report, Public Health Agency of Canada, https://health-infobase.canada.ca/covid-19/vaccine-safety/

Quotes:

Figure 1: **Cumulative serious reports, including deaths:** 6287 (January–October), **5200** (May-October).

Table 1: Count of reported adverse events of special interest up to and including October 22, 2021 (n = 3,793). This includes: 166 Auto-immune diseases, 1,111 heart diseases (including 64 Cardiac arrests and failures, 77 Heart Attacks, 970 Myocarditis1/Pericarditis), 947 thrombosis and blood clots, 37 Acute kidney injury, 25 Liver injury, 781 Nerves and central nervous system failures (including 594 Bell's Palsy), 487 Anaphylaxis, and 208 deaths (some of which are still under investigation).

Analysis: The above numbers are almost twice as high as the number of *COVID deaths* in the same period (May-October) which is *2975* (which can be computed using the Vitals App), and much higher (by one order of magnitude) than the number of deaths from *COVID alone* (estimated using UK data as 13.6% * 2975 = 404), and even much more higher (by two orders of magnitude) when compared to the number of deaths of _COVID

alone for the age population younger than 65 years of age (estimated using UK data as 22% * 13.6% * 2975 = 89). Note that most people who received vaccine since May are less than 65 years of age, meaning that they have extremely small chance of having complications from COVID, and yet many of them have already lost their lives or quality of live because of vaccines.

Furthermore, the above number (5200) does not count for “non-serious” events and not reported yet events, which can be still very debilitating for many families (such as shingles, arthritis, heart pains, and menstrual irregularities – reported among GC employees and members of their families), which can be estimated as an order or two orders of magnitude higher than the number of reported serious events.

It is also noted that the above number of adverse events (5200) is quoted from the reports for up to November 6 2021 (to allow comparison with death statistics which are reported with three months delay). Since that time, the number of adverse events from vaccination continues to grow at the rate faster than that of vaccination and faster than that of deaths* with COVID, having reached 7378 at the time of writing this note.

- According to the StatCan and UK Statistics data (See below), most (over 75%) deaths reported as “COVID deaths” are co-mobility deaths and occurred in 64+ age group.

[4] Recalls and safety alerts, Government of Canada: https://recalls-rappels.canada.ca/

Quote: “Health Canada updates Pfizer-BioNTech and Moderna COVID-19 vaccine labels to include information on myocarditis and pericarditis” and “…to reflect very rare reports of Bell’s Palsy”

Analysis : There is a several months lag between when severe events are reported and when the vaccine recall alerts are posted. Furthermore, these alerts do not include all serious problems and do not include non- serious problems described above. The recall alerts issued so far list three complications that count for less than third of reported serious complications, and less 7% of all reported adverse events, and it is estimated that many adverse events, including series ones, remain unreported yet.

[5] Statistics Canada, Canadian Vital Statistics - Death database . Provisional weekly death counts, by selected grouped causes of death. https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=1310081001 (Dashboard: https://open-canada.github.io/vitals)

Analysis : Since May (i.e. since the beginning of mass vaccination of general public), when the rate of vaccination started to rapidly increase (from 3% in May to 75% in October), the rate of unreported 'Information Unavailable' and Ill-defined / unspecified causes of mortality 'R99' has also started to rapidly increase.

Additionally, it is observed that since the introduction of the 'COVID death' category in 2020, the reporting of all other causes deaths started to decline, even for those causes that historically have a trend to go up (including cancer, heart diseases, accidents and others), meaning that since 2020 many of these deaths have been counted under the "COVID category". This agrees with the analysis from UK data (see below) that shows that only 13.6% of *COVID-reported deaths* are *COVID only deaths*, and that *78% of COVID only deaths* happened among 65+ population, with is the average age of COVID only deaths being 82 years, which is statistically equal to the average life expectancy in UK.

Data from UK:

Sources:

- https://coronavirus.data.gov.uk/details/deaths
- FOI Ref: FOI/2021/3240, https://www.ons.gov.uk/aboutus/transparencyandgovernance/freedomofinformationfoi/deathsfromcovid19withnootherunderlyingcauses

Conclusion: Of all reported in UK 127,704 COVID deaths, 13.6% (17,371) are due to COVID alone. Additionally, it is noted that 78% of all COVID alone deaths occurred in people with 65+ of age, with the average age of death from COVID being 82.5 years, which is statistically equal to the average life expectancy in UK.

```
2020 Total deaths, 9,400                    0-64, 1,549          65 and over
2021 Q1 Total deaths, 6,483                 0-64, 1,560          65 and over
2021 Q2 Total deaths, 346                   0-64, 153            65 and over
2021 Q3, Total deaths, 1,142        0-64, 512           65 and over, 630
```

Data from USA:

Source:

- COVID-19 Cases and Hospitalizations by COVID-19 Vaccination Status and Previous COVID-19 Diagnosis — California and New York, May–November 2021, https://www.cdc.gov/mmwr/volumes/71/wr/mm7104e1.htm

Conclusion: Data from California and New York show that *natural immunity* with or without vaccine provided significantly reduced number of hospitalization in the age of delta. *Natural immunity without vaccine* resulted in less hospitations compared to *Natural immunity with vaccine*.

Other sources:

- USA COVID Vaccine Adverse Event Reports: https://vaers.hhs.gov (browse reports at https://openvaers.com)

Note: VAERS lists many adverse events that are not reported yet in Canada (such as shingles, arthritis, menstrual problems etc.)

- ‘COVID-19 vaccine efficacy and effectiveness—the elephant (not) in the room’, The Lancet, VOLUME 2, ISSUE 7, E279-E280 (JULY 01, 2021): https://doi.org/10.1016/S2666-5247(21)00069-0

Note: Explains why the efficacy of COVID-19 vaccines is not 95%, as reported by vaccine manufacturers and quoted in many governments policies, but less than 1%, which statistically is less then by a chance

- ‘US COVID-19 Vaccines Proven to Cause More Harm than Good Based on Pivotal Clinical Trial Data Analyzed Using the Proper Scientific Endpoint “All Cause Severe Morbidity”’. Trends Int Med. 2021; 1(1): 1-6 (25 August 2021). https://www.scivisionpub.com/pdfs/us-covid19-vaccines-proven-to-cause-more-harm-than-good-based-on-pivotal-clinical-trial-data-analyzed-using-the-proper-scientific--1811.pdf

- Covid-19: Researcher blows the whistle on data integrity issues in Pfizer’s vaccine trial BMJ 2021; 375 :n2635 (02 November 2021) doi:10.1136/bmj.n2635. https://www.bmj.com/content/375/bmj.n2635

- ‘Why are we vaccinating children against COVID-19?’, Toxicology Reports, Volume 8, 2021, Pages 1665-1684, ISSN 2214-7500 (14 September 2021) https://doi.org/10.1016/j.toxrep.2021.08.010

- ‘Covid-19 vaccines and treatments: we must have raw data, now’, BMJ 2022; 376 doi: (19 January 2022) https://doi.org/10.1136/bmj.o102

- CUMULATIVE ANALYSIS OF POST-AUTHORIZATION ADVERSE EVENT REPORTS OF PF-07302048 (BNT162B2) RECEIVED THROUGH 28-FEB-2021. Prepared by Pfizer, Released to Public Health and Medical Professionals for Transparency (https://phmpt.org/) under the court order on 17 November 2021: https://phmpt.org/wp-content/uploads/2021/11/5.3.6-postmarketing-experience.pdf

The above references expose the lack of evidence and scientific integrity in the reports produced by the COVID vaccine manufacturers. The data from vaccine tests have never been made public — All vaccine manufacturers refuse to provide them

The last document, *released by Pfizer under the court order* on 17 November 2021, provides data that was collected, but not disclosed by the manufacturer prior to 17 November 2021, on real world adverse events observed in the first 2.5 months after Emergency Use Authorization. Among others, it lists: over 1,200 deaths; over 25,000 nervous system adverse events; and Anaphylaxis and Vaccine-Associated Enhanced Disease (listed under “Safety concerns”).

- *“A Personal Declaration Of Opposition To The Abuse of Our Charter of Rights and Freedoms By The State”* by Hon. Brian Peckford (the last living First Minister who helped craft the Constitution Act 1982 and The Charter of Rights and Freedoms that forms part of it): pdf (with links), html (with comments)

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Maisonneuve, Karine (Elle/She/Her)

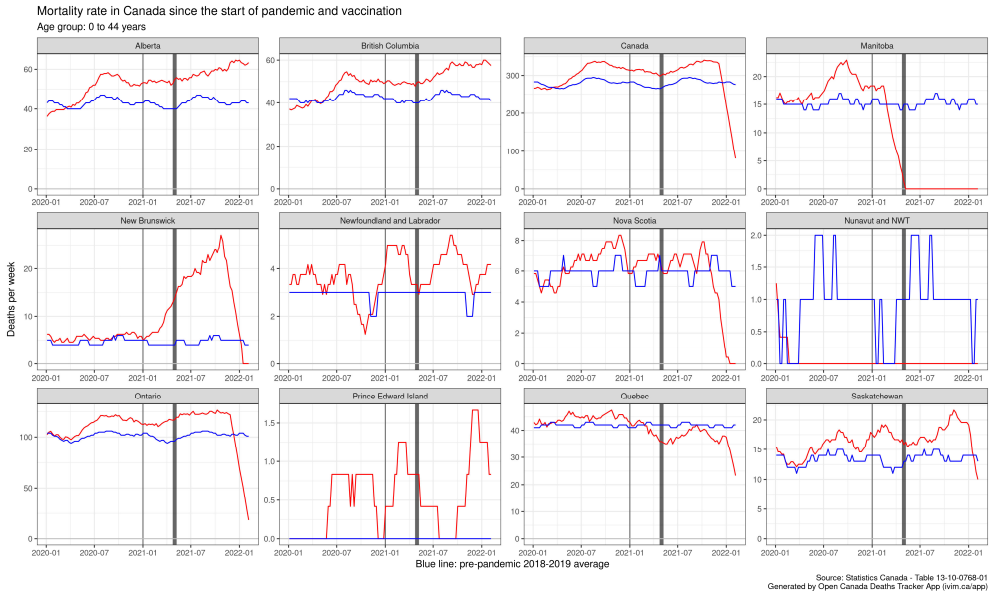
From: Dmitry O. Gorodnichy <dmitry.gorodnichy@gmail.com>
Sent: Wednesday, April 27, 2022 1:21 PM
To: xxxxxxxxxxxxxxxxxxxx
Cc: Lisa Dubé; xxxxxx; xxxx
Subject: Re: Notice - Please acknowledge receipt

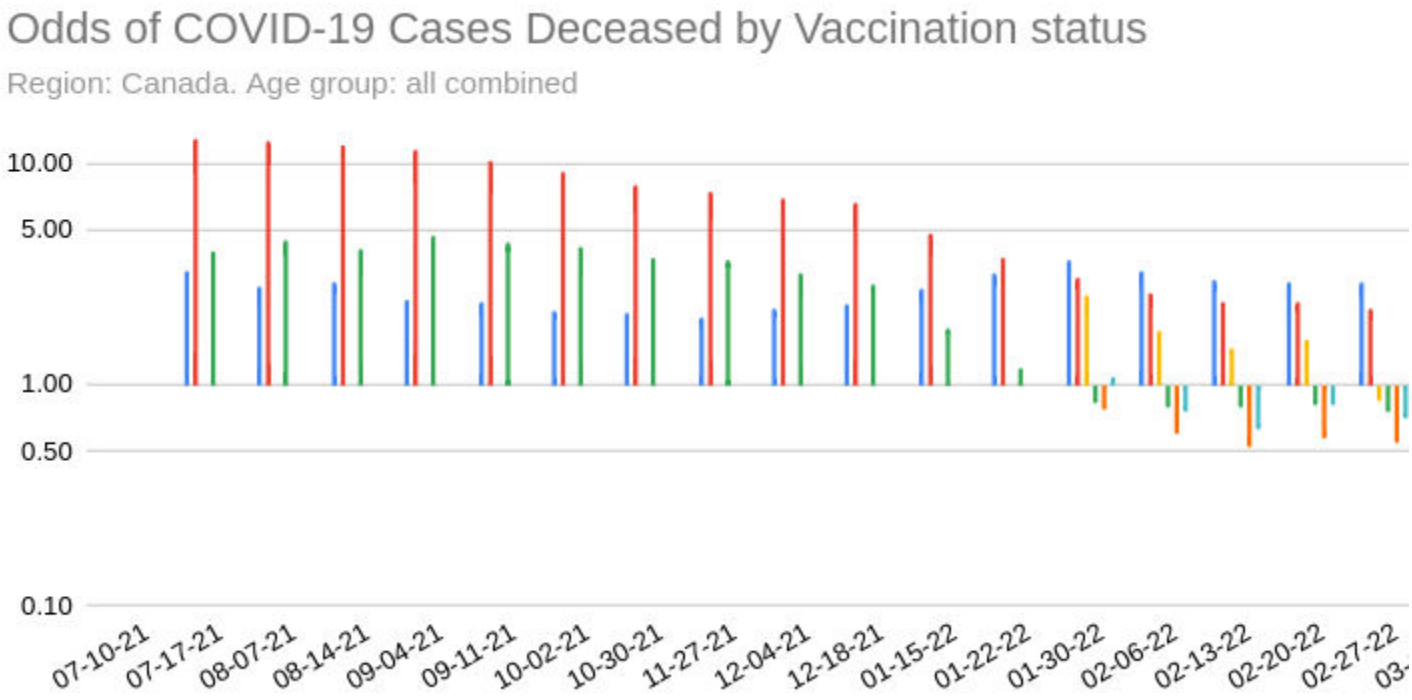
xxxxx ,
Below are examples of the results I've obtained from Official GC data using the tools that we've been developing with colleagues, and which I shared with public:
1) one on excess deaths after vaccination for Age group 0 to 44 (which shows very disturbing statistics for Atlantic and West provinces) - from Death Tracker App: http://ivim.ca/app
2) the other on odd of COVID deaths with boosters vs. without booster (which also shows rather disturbing data) - from IVIM Main Dashboard: http://ivim.ca

The results are self-explanatory but I want to have your opinion on them, as per your allegations - lack of loyalty, compromising Agency's reputation, negatively impacting colleagues, etc... -
which I believe are all unfounded and unjust, as all my efforts show exactly the opposite, as all of them help everyone to better understand and make use of official GC data - to be healthier and live longer, while also helping bridge the growing polarization in our society

See you at 3pm

Dmitry





On Thu, Apr 21, 2022 at 4:42 PM xxxxxxxxxxxxxx, xxxxx <xxxxx.xxxxxxxxxxxxx@cbsa-asfc.gc.ca> wrote:

> Hi Lisa,
>
> No problem. it is moved to Wednesday 3 pm. Thank you.
>
> xxxxx
>
> 613-608-2244
>
> **From:** Lisa Dubé <ldube@pipsc.ca>
> **Sent:** Thursday, April 21, 2022 2:27 PM
> **To:** xxxxxxxxxxxxxx , xxxxx <xxxxx.xxxxxxxxxxxxx @cbsa-asfc.gc.ca>
> **Cc:** xxxxxx , xxxx <xxxx.xxxxxx @cbsa-asfc.gc.ca>; Dmitry O. Gorodnichy <dmitry.gorodnichy@gmail.com>
> **Subject:** Re: Notice - Please acknowledge receipt
>
> Good afternoon xxxxx ,

My name is Lisa Dubé, I am a Labour Relations Officer at PIPSC and I will be representing Dmitry in the upcoming meeting. Due to a misunderstanding between Dmitry and I, I understand that the meeting was postponed to the afternoon of April 26, 2022. Unfortunately, I have prior engagements at that time and would not be able to accompany Dmitry. Would it be possible to schedule the meeting in the morning of that same day or on Wednesday or Thursday afternoon? I would greatly appreciate your collaboration and understanding. I can also make myself available tomorrow if it is more convenient for you.

Thank you,

Lisa Dubé
Labour Relations Officer, PIPSC, National Capital Region
Agente syndicale, IPFPC, Région de la capitale nationale
250 Tremblay Road, Ottawa, ON K1G 3J8

ldube@pipsc.ca

On Wed, Apr 20, 2022 at 4:42 PM Dmitry O. Gorodnichy <dmitry.gorodnichy@gmail.com> wrote:

> Ok. I will let you if anyone can still accompany me then
>
> Thanks
>
> Dmitry
>
> On Wed, Apr 20, 2022, 4:38 PM xxxxxxxxxxxxxx, xxxxx , < xxxxx . xxxxxxxxxxxxxx@cbsa-asfc.gc.ca> wrote:
>
> > Hi Dmitry,
> >
> > Let's meet on Tuesday next week as I do not have tomorrow time slot available any longer.
> >
> > Thank you,
> >
> > xxxxx

xxxxx

613-608-2244

From: Dmitry O. Gorodnichy <dmitry.gorodnichy@gmail.com>
Sent: Wednesday, April 20, 2022 4:31 PM
To: xxxxxxxxxxxxxx , xxxxx <xxxxx .xxxxxxxxxxxxx @cbsa-asfc.gc.ca>
Cc: Lisa Dubé <ldube@pipsc.ca>
Subject: Re: Notice - Please acknowledge receipt

xxxxx ,

Thanks for your fast response and sharing the missing documents

Unfortunately, Tuesday next week will not for us

So I'm ok to proceed tomorrow as originally planned from 2 to 3 - with my union rep (in Cc - Lisa Dube) attending it, if this option is still available

Please let both of us know.

Thank you

On Wed, Apr 20, 2022 at 1:30 PM xxxxxxxxxxxxxx, xxxxx <xxxxx .xxxxxxxxxxxxx@cbsa-asfc.gc.ca> wrote:

> Hi Dmitry,
>
> I can reschedule one last time, but we are unable to meet Monday the 25th. I have rescheduled the meeting for the 26th at 2 pm. Please make necessary arragements on your side.

Attached you have the email from Jan 11 2022 and related document as a reminder.

Thank you,

xxxxx

xxxxx

613-608-2244

From: Dmitry O. Gorodnichy <dmitry.gorodnichy@gmail.com>
Sent: Tuesday, April 19, 2022 1:32 PM
To: xxxxxxxxxxxxxx , xxxxx <xxxxx .xxxxxxxxxxxxx @cbsa-asfc.gc.ca>
Subject: Re: Notice - Please acknowledge receipt

Hi xxxxx ,

I need to ask for another extension, if at all possible.

The lawyer whom I found to support me cannot make it for this Thursday, but offered four times slots for coming Monday 25th April: 10, 11, 14, or 15:00

Would any of these be suitable for your end?

Also, I lost access to my work Laptop and cannot retrieve "email from your Director General (DG) dated January 11, 2022" , which you alleged me of disregarding.

Would that we be possible for you to retrieve it and email a copy of it to me please?

Similarly, in your letter you referred to "the established process to voice your concerns about COVID vaccines" that you "clearly outlined" during the bilateral meeting with me.

Do you mean EAP, Or are you referring to something else?

I also dont have any recollection or reference related to that either. If you have any, can you please email a copy of it to me too.?

Also, I do remember that we had a discussion with you about the COVID-19 vaccine training which I was instructed to do by DG in her January 11, 2022 letter.

I told you that it was vital to me to get such training so I could make the informed decision and that, unfortunately, I could not find any such training anywhere at that time.

I hence approached you asking for your help to find it for me, and you replied that you will let me know once it becomes available. As of today, I still have not heard from you in this regard.

If you do have any information about any such training that is available to me now (or if you have any communications related to it that you sent me and which I might have missed), can you please also email it to me too please.

Thank you

Thank you

Dmitry

On Tue, Apr 12, 2022 at 4:08 PM Dmitry O. Gorodnichy <dmitry.gorodnichy@gmail.com> wrote:

> Thanks,
>
> I'm confirming my attendance. I will let you know the name of a person who will accompany me next week
>
> Dmitry

On Tue, Apr 12, 2022 at 11:03 AM xxxxxxxxxxxxxx, xxxxx <xxxxx.xxxxxxxxxxxxx@cbsa-asfc.gc.ca> wrote:

Hi Dmitry,

Based on your request, I have postpone the meeting for one week. Please confirm your attendance.

Thank you,

xxxxx

xxxxx

613-608-2244

From: Dmitry O. Gorodnichy <dmitry.gorodnichy@gmail.com>
Sent: Monday, April 11, 2022 5:18 PM
To: xxxxxxxxxxxxxx , xxxxx <xxxxx .xxxxxxxxxxxxxx @cbsa-asfc.gc.ca>
Subject: Fwd: Notice - Please acknowledge receipt

Hi xxxxx

Sorry, I was out of town and not checking my emails for some time.

I did find the letter in a pack of mail as I came back home. Interestingly enough, I don't know who signed it on my behalf, possibly the postman himself (because the signature in the receipt - attached in this email - is not mine, none of my family members signed it either..). And I read all your emails now...

I need to ask you to delay the requested "Fact checking" meeting if possible. - I wont have time to prepare for it and find proper support, as further explained below.

This is all extremely stressful and busy for me, following CBSA denying my legitimate request for accommodation and not allowing the exemption from mandatory vaccination on religious grounds - despite all the evidence that was provided to you, and cutting the main source of income for my large family (of seven people) for more than two months now. Rather cruel, I would say... (especially knowing that other more compassionate options were available, as further listed below)

It's primordial for me now to focus on my heath and health, in particular mental health, of my family, half of whom have been seriously affected because of what GC and CBSA has done to me.

Until CBSA reinstates me back, as many other countries and municipalities have already done around the globe and in Canada, I need to be seeking for alternative ways to support my family with the skills and tools I have. This is why I created the www.IVIM.ca portal and I lead weekly "Data Science with Open Canada" seminars, where I invite other prominent data scientists and where we jointly and openly analyze Official GC data related to vaccine efficacy and safety, the results are which are posted on the portal and YouTube.

I do not think I have done anything wrong or breached anything what I've been alleged for - but in contrary - I remain strong in my religious beliefs and ethics values , doing my best to help canadians and GC to better use Data Science tools for the problems that have so badly affected over 20% of Canadian families, while also maintaining and keeping up to date my professional data science skills, which I hope will allow me to remain employable in my field.

If CBSA can allow me to have leave WITH pay (which I know I could have, according to Collective agreement, including Sick leave, as I'm not feeling well for several weeks now), Or, if CBSA can employ me as a contractor so I could just continue working on CBSA projects from home, as I've been successfully doing for two years, while earning the living for my family, I would not be under such distress and lack of time, having additional health problems, and would be able to meet with you at earlier date.

Also, as you know, I have contacted several weeks ago CBSA Compensation requesting them to cash out my accumulated Vacations time, and I still have not heard from them, which, as you understand , in the situation I'm today does not make my life easier.

If that's something you can help me with - in anything of the above - or, at minimum, so I can get the vacation money m that would really helpful... and would be very much appreciated. Please let me know

Please also let me know if my request for postponing the meeting can be granted.

Thank you

Dmitry

---------- Forwarded message ---------
From: xxxxxxxxxxxxxx , xxxxx <xxxxx . xxxxxxxxxxxxxx@cbsa-asfc.gc.ca>
Date: Fri, Apr 8, 2022 at 2:13 PM
Subject: RE: Notice - Please acknowledge receipt
To: dmitry.gorodnichy@gmail.com <dmitry.gorodnichy@gmail.com>
Cc: xxxxxx , xxxx< xxxx. xxxxxx @cbsa-asfc.gc.ca>

xxxxx

613-608-2244

From: xxxxxxxxxxxxx, xxxxx
Sent: Friday, April 8, 2022 2:12 PM
To: dmitry.gorodnichy@gmail.com
Cc: xxxxxx , xxxx< xxxx. xxxxxx @cbsa-asfc.gc.ca>
Subject: RE: Notice - Please acknowledge receipt

Hi Dmitry,

I trust you've received the notice, your acknowledgement is attached. Talk to you next week.

Thank you,

xxxxx

xxxxx

613-608-2244

From: xxxxxxxxxxxxx, xxxxx
Sent: Tuesday, April 5, 2022 12:10 PM
To: dmitry.gorodnichy@gmail.com
Subject: RE: Notice - Please acknowledge receipt
Importance: High

Hi Dmitry,

Please noted updated letter based on most recent activities.

Please acknowledge receipt to proceed with the meeting next week. Thank you,

xxxxx

xxxxx

613-608-2244

From: xxxxxxxxxxxxx, xxxxx
Sent: Monday, April 4, 2022 11:56 AM

To: dmitry.gorodnichy@gmail.com
Subject: Notice - Please acknowledge receipt

Hi Dmitry,

Please see attached noticed. Invitation being sent to you email address. Thank you,

xxxxx

xxxxx xxxxxxxxxxxxxx

Director, Data Science

Chief Data Office, Strategic Policy Branch

Canada Border Services Agency, Government of Canada

613-608-2244

xxxxx xxxxxxxxxxxxxx

Directeur, science des données

Bureau principal des données, Direction générale des politiques stratégiques

Agence des services frontaliers du Canada, Gouvernement du Canada

613-608-2244

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Dmitry

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Dmitry

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Dmitry

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Dmitry

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Dmitry

Data Apps:
To help you see the *truth*

Open Canada Vital Statistics (Deaths) Tracker

Developer: Dmitry Gorodnichy

URL & Mirrors:

- o-canada.shinyapps.io/vitals.
- open-canada.github.io/Apps/vitals

To reference The App, please use the following reference:

- Dmitry Gorodnichy et al, "Some observations from Canadian Vital Statistics Death (CVSD) Database related to the 'Elephant in the Room'", Comment submission to The Lancet Journal, 6 January 2022. Available online at https://open-canada.github.io/vitals/comment.pdf

Data Source:

- Statistics Canada, Table 13-10-0810-01 (Provisional weekly death counts, by selected grouped causes of death)
- Statistics Canada, Table 13-10-0768-01 (Provisional weekly death counts, by age group and sex (Updated monthly)
- 'COVID-19 Daily Epidemiology Update', Public Health Agency of Canada
  - After June 2022: https://health-infobase.canada.ca/covid-19/ (contains Archives since June 2022)
  - From August 2021 to May 2022: https://health-infobase.canada.ca/covid-19/epidemiological-summary-covid-19-cases.html (Archive of past reports: web.archive.org)

Discussion and Insights:

- Subpage
- https://open-canada.github.io/vitals

Source Code (in R/Shiny):

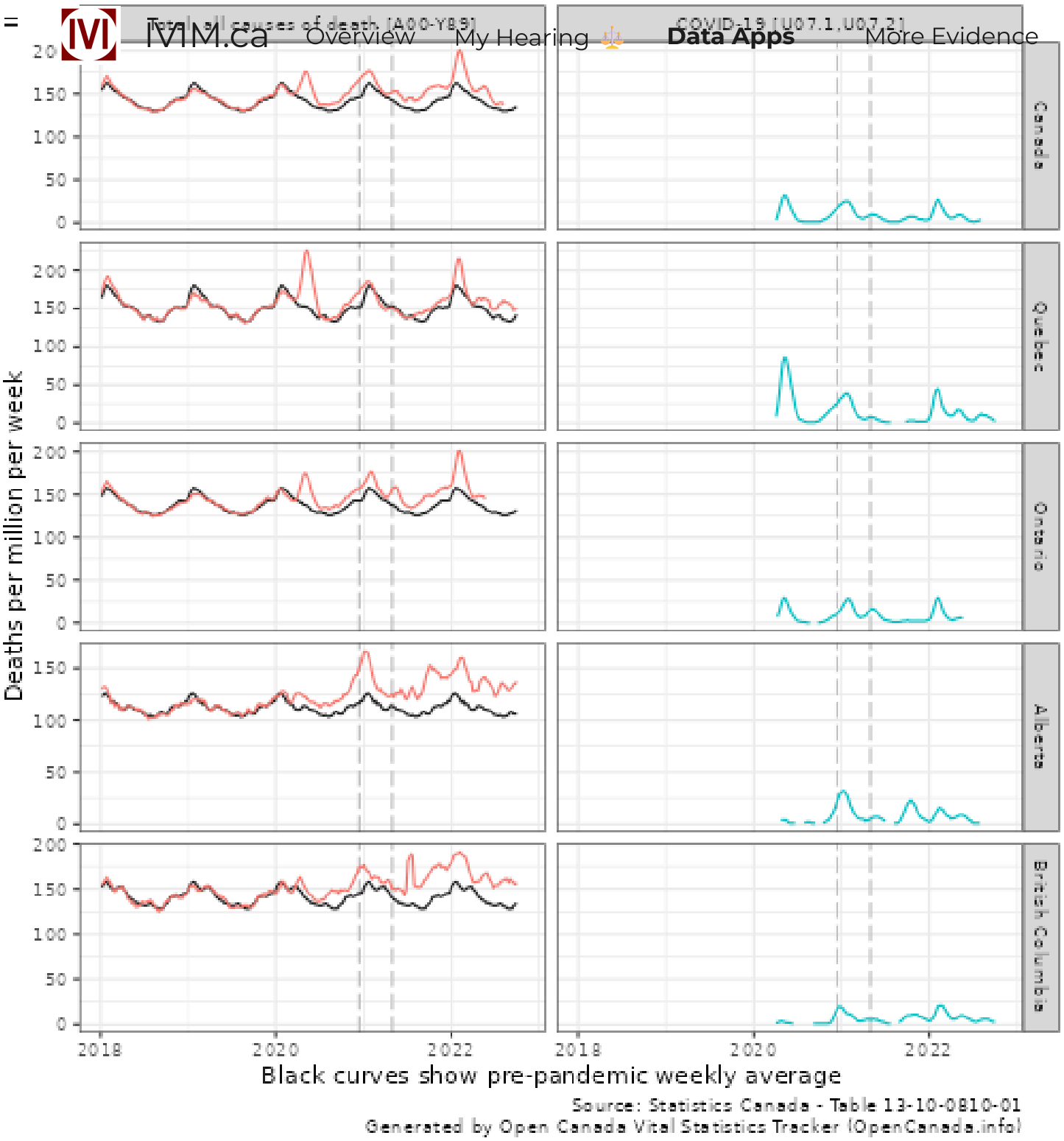
- https://github.com/open-canada/vitals
- Cloned at: https://github.com/ivi-m/vitals

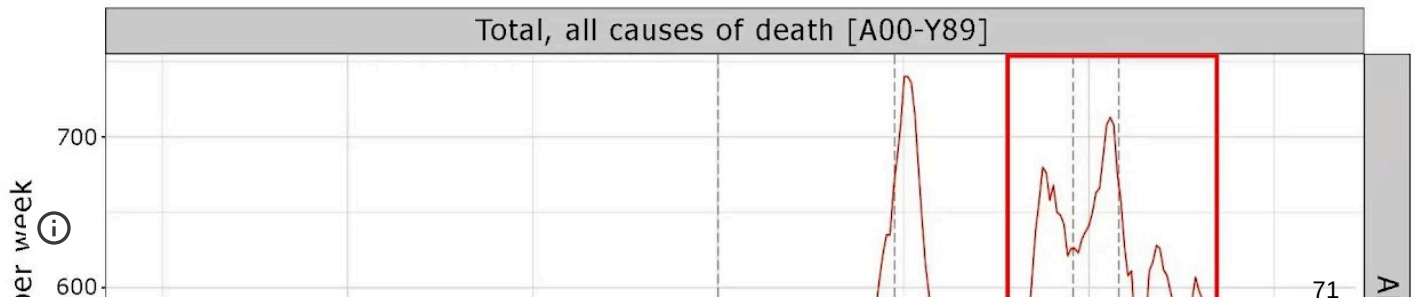
Code reuse:

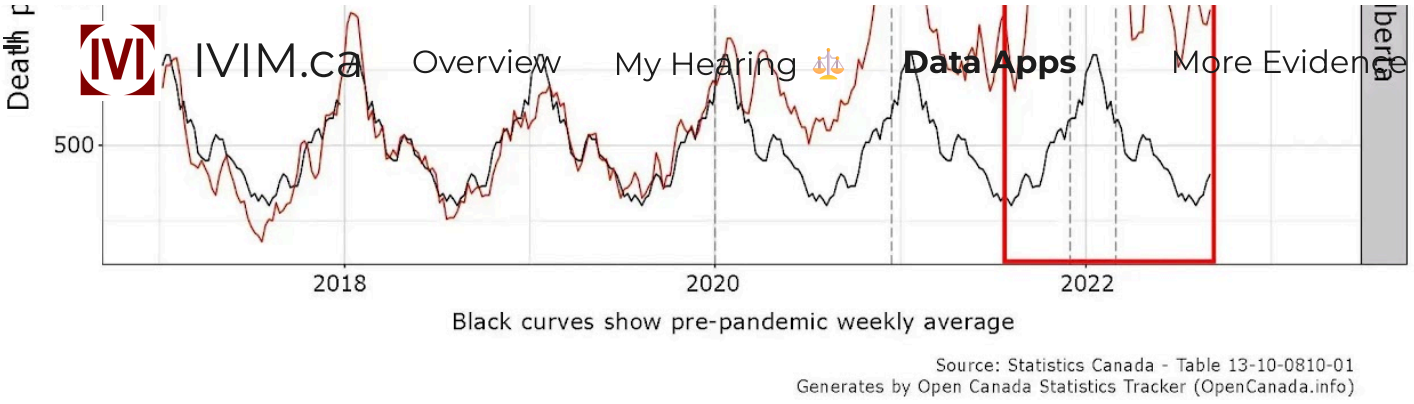
- opencanada.shinyapps.io/info
- https://sites.google.com/view/open-canada

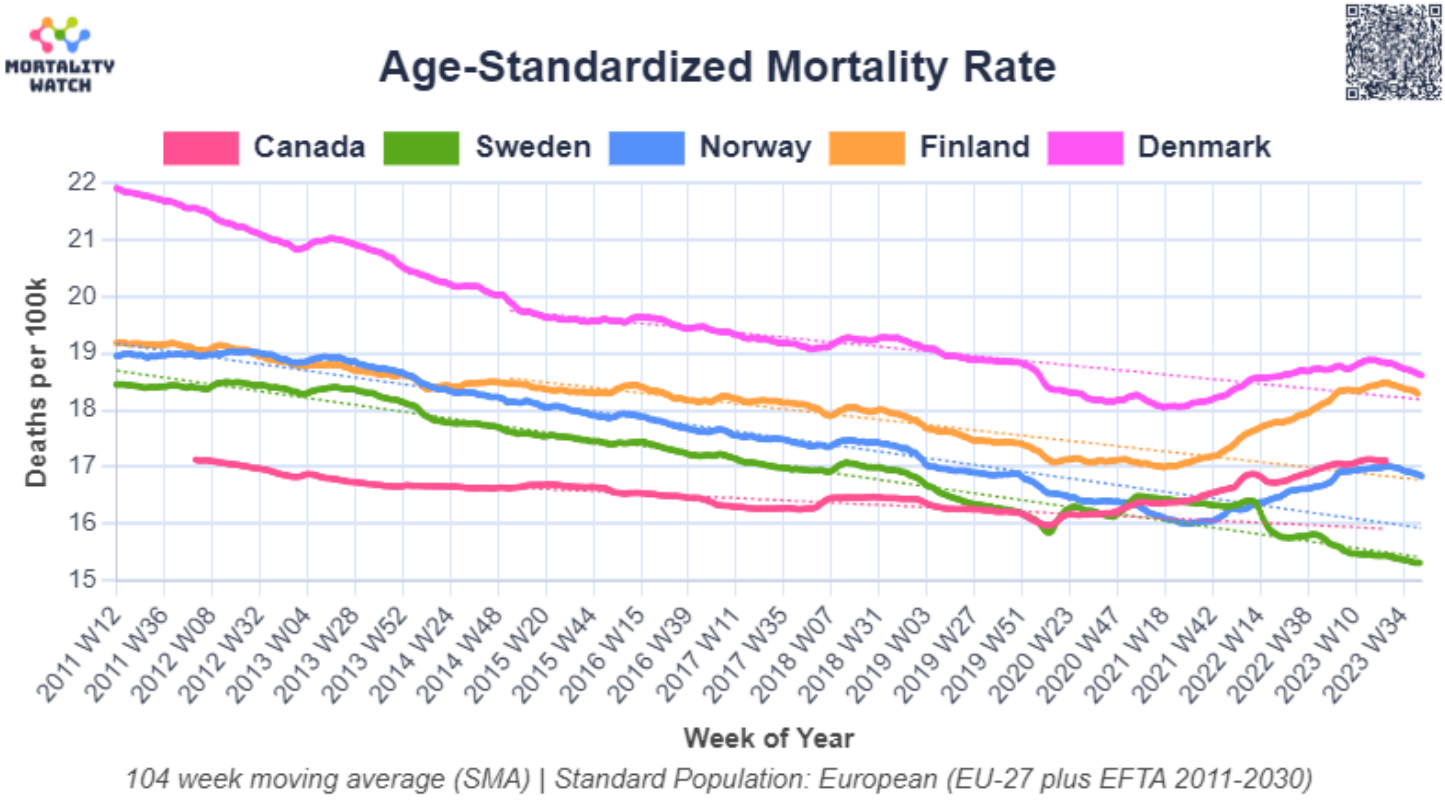
Other apps developed by Dmitry:

- Public Service Employee Survey (PSES) results interactive tracker
- Border Wait Time Tracker and Predictor (used to be linked from Gov't of Canada Open Apps portal)
- More at https://open-canada.github.io/Apps


Total, all causes of death [A00-Y89]
COVID-19 [U07.1,U07.2]
Canada
Quebec
Ontario
Alberta
British Columbia
Deaths per million per week
0
50
100
150
200
2018
2020
2022
Black curves show pre-pandemic weekly average
Source: Statistics Canada - Table 13-10-0810-01
Generated by Open Canada Vital Statistics Tracker (OpenCanada.info)


Total, all causes of death [A00-Y89]
700
600
71





Data Apps developed by colleagues and friends:

- opencanada.info (https://opencanada.shinyapps.io/info)
- mortality.watch
- usmortality.com
- pervaers.com
- vaccines.shinyapps.io/CAVE, vaccines.shinys.io/abstractor
- matchyourbatch.org (https://knollfrank.github.io/HowBadIsMyBatch/HowBadIsMyBatch.html)

Developed by governments and other organizations:

- StatCan Provisional deaths and excess mortality in Canada dashboard
- Office for Health Improvement and Disparities: Excess mortality in England
- ourworldindata.org:
  - Excess mortality: Deaths from all causes compared to average over previous years
  - ourworldindata.org/coronavirus
- The Organisation for Economic Co-operation and Development (OECD) : OECD.Stat - Mortality, by week: Excess deaths by week, 2020-2023



Twitter, Facebook
Substack: @dg4vp, @ivim
YouTube: @dr.dmitry.gorodnichy, @IVIM
Contact: info @ ivim . ca
IVIM (CC) 2007-2025

Maisonneuve, Karine (Elle/She/Her)

From: xxxxxxxxxxxxx,xxxxxx
Sent: Tuesday, May 3, 2022 5:24 PM
To: Dmitry O. Gorodnichy
Cc: Lisa Dubé; xxxxxx, xxxx
Subject: RE: Additional questions and clarifications

Hi Dmitry,

Re your question regarding training. it can be found on the Canada School of Public Service at this link: COVID-19 Vaccine Fundamentals (csps-efpc.gc.ca).

Re established process reference: CBSA employees can grieve a decision that they don't agree with through a grievance process. that is what I mentioned to, especially in the context of not publically challenge and undermining public confidence in vaccine safety and efficiency that is against GoC messaging.

Re whether or not you have violated any CBSA or GC policy or regulation, we have not made any determination on that subject and in the process of assessing the facts and evidence.

I am happy to meet with your at a later time.

I didn't see any other questions that's pertinent to this matter.

Thank you. K

xxxxx
613-608-2244

From: Dmitry O. Gorodnichy <dmitry.gorodnichy@gmail.com>
Sent: Wednesday, April 27, 2022 11:24 PM
To: xxxxxxxxxxxxxx , xxxxx <xxxxx .xxxxxxxxxxxxx @cbsa-asfc.gc.ca>
Cc: Lisa Dubé <ldube@pipsc.ca>; xxxxxx , xxxx <xxxx.xxxxxx @cbsa-asfc.gc.ca>
Subject: Additional questions and clarifications

xxxxx ,

1)
I did forget to ask you one question today, which I have already asked in my email - pasted below. Can you or your HR colleagues please respond to it?
Namely, do we have now a new COVID training that I can watch? And what was "this established process to voice my concerns" that you are referring to?

Similarly, in your letter you referred to "the established process to voice your concerns about COVID vaccines" that you "clearly outlined" during the bilateral meeting with me.
Do you mean EAP, Or are you referring to something else?
I also dont have any recollection or reference related to that either. If you have any, can you please email a copy of it to me too.?

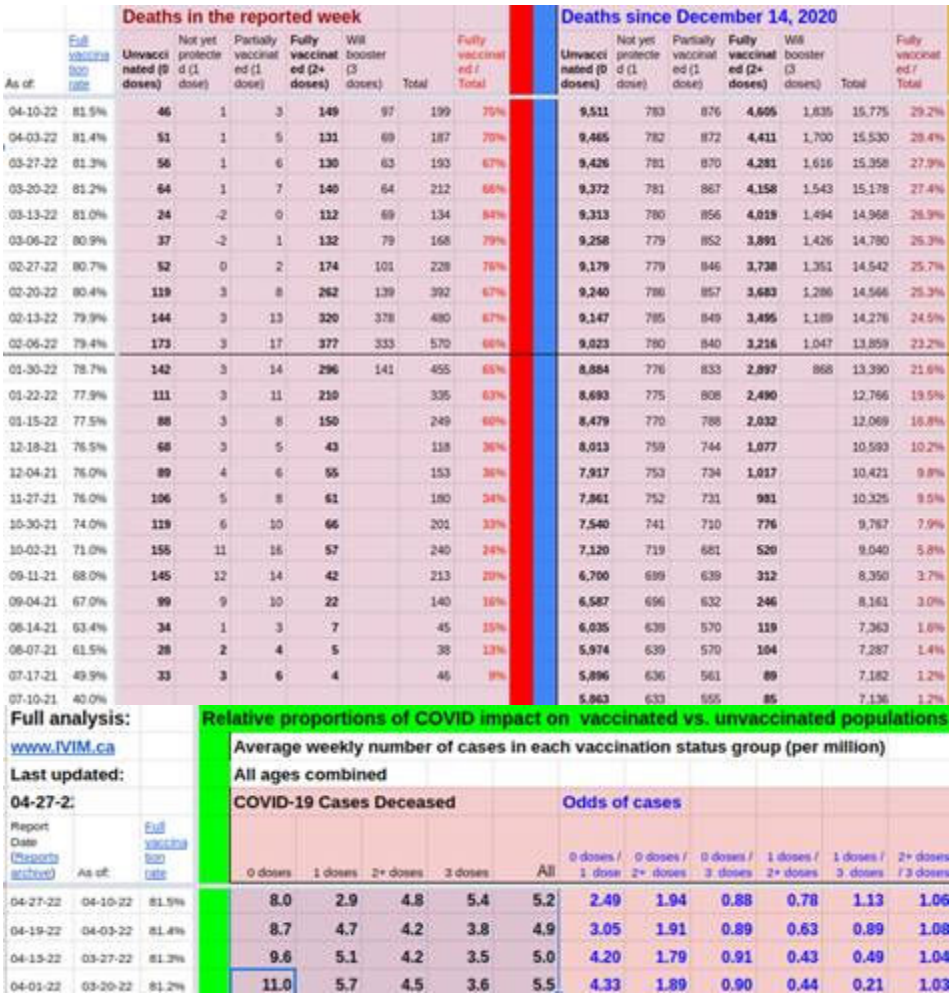
Also, I do remember that we had a discussion with you about the COVID-19 vaccine training which I was instructed to do by DG in her January 11, 2022 letter.
I told you that it was vital to me to get such training so I could make the informed decision and that, unfortunately, I could not find any such training anywhere at that time.
I hence approached you asking for your help to find it for me, and you replied that you will let me know once it becomes available. As of today, I still have not heard from you in this regard.
If you do have any information about any such training that is available to me now (or if you have any communications related to it that you sent me and which I might have missed), can you please also email it to me too please.

2)
Also, I recalled the name of the person - xxxxxx Parker - who was helping me to organize/coordinate the "Vaccine side-effect reporting training'
for our Engagement Team members during my February 4th Lunch and Learn, after I have discussed the idea of having such discussion with xxxxx and
she expressed support for me doing that.
He is the training that we set up : https://open-canada.github.io/vitals/report-side-effect for this meeting (note it was built with help from other CBSA folks)

3)
I realized now - that because we ran out time, I did not have time to tell you more about this second half of this February 4th Lunch and Learn
(which was dedicated to creation of the support group within our branch for those who experienced vaccine side-effects and
showing how affected people can submit their report directly without a doctor directly to Health canada) and my discussions with xxxxx which led to it (actually not one, but two meetings - I mixed up the dates today when I was telling you about my meeting with xxxxx)
During the first meeting with xxxxx (on Jan 11), I told her that I have no problem getting vaccinated once I learn more about it (through the training)
Then, since there was no training available, I started collecting all available official data myself, which I then shared with her (cc yourself) - also shared and discussed them with our data science community - they are posted here: https://open-canada.github.io/vitals/analysis
It was after that when i got help from our community members and idea to organize a seminar and training on reporting side effects, and when I requested for an additional meeting with xxxxx , which happened last week of January (?) and which eventually led me to coordinate efforts with Engagement team for this particular "Vaccine anniversary" lunch and learn

4)
Perhaps, you can allocate addional 30 mins so that I can present you this side of the story, which could also be , if needed, supported by xxxxxx and xxxxx and R community members - and also so that you can provide me responses to my questions (instead of typing it all)

5) Finally, I just posted today my regular weekly 'Cases by vaccination status' update on twitter - see images below:
https://twitter.com/Gorodnichy_Dm/status/1519497068645126144
https://twitter.com/Gorodnichy_Dm/status/1519488970475851776



Deaths in the reported week

As of:	Full vaccination rate	Unvaccinated (0 doses)	Not yet protected (1 dose)	Partially vaccinated (1 dose)	Fully vaccinated (2+ doses)	Will booster (3 doses)	Total	Fully vaccinated / Total
04-10-22	81.5%	46	1	3	149	97	199	75%
04-03-22	81.4%	51	1	5	131	69	187	70%
03-27-22	81.3%	56	1	6	130	63	193	67%
03-20-22	81.2%	64	1	7	140	64	212	66%
03-13-22	81.0%	24	-2	0	112	69	134	84%
03-06-22	80.9%	37	-2	1	132	79	168	79%
02-27-22	80.7%	52	0	2	174	101	228	76%
02-20-22	80.4%	119	3	8	262	139	392	67%
02-13-22	79.9%	144	3	13	320	378	480	67%
02-06-22	79.4%	173	3	17	377	333	570	66%
01-30-22	78.7%	142	3	14	296	141	455	65%
01-22-22	77.9%	111	3	11	210		335	63%
01-15-22	77.5%	88	3	8	150		249	60%
12-18-21	76.5%	68	3	5	43		118	36%
12-04-21	76.0%	89	4	6	55		153	36%
11-27-21	76.0%	106	5	8	61		180	34%
10-30-21	74.0%	119	6	10	66		201	33%
10-02-21	71.0%	155	11	16	57		240	24%
09-11-21	68.0%	145	12	14	42		213	20%
09-04-21	67.0%	99	9	10	22		140	16%
08-14-21	63.4%	34	1	3	7		45	15%
08-07-21	61.5%	28	2	4	5		38	13%
07-17-21	49.9%	33	3	6	4		46	9%
07-10-21	40.0%							

Deaths since December 14, 2020

Unvaccinated (0 doses)	Not yet protected (1 dose)	Partially vaccinated (1 dose)	Fully vaccinated (2+ doses)	Will booster (3 doses)	Total	Fully vaccinated / Total
9,511	783	876	4,605	1,835	15,775	29.2%
9,465	782	872	4,411	1,700	15,530	28.4%
9,426	781	870	4,281	1,616	15,358	27.9%
9,372	781	867	4,158	1,543	15,178	27.4%
9,313	780	856	4,019	1,494	14,968	26.9%
9,258	779	852	3,891	1,426	14,780	26.3%
9,179	779	846	3,738	1,351	14,542	25.7%
9,240	786	857	3,683	1,286	14,566	25.3%
9,147	785	849	3,495	1,189	14,276	24.5%
9,023	780	840	3,216	1,047	13,859	23.2%
8,884	776	833	2,897	868	13,390	21.6%
8,693	775	808	2,490		12,766	19.5%
8,479	770	788	2,032		12,069	16.8%
8,013	759	744	1,077		10,593	10.2%
7,917	753	734	1,017		10,421	9.8%
7,861	752	731	981		10,325	9.5%
7,540	741	710	776		9,767	7.9%
7,120	719	681	520		9,040	5.8%
6,700	699	639	312		8,350	3.7%
6,587	696	632	246		8,161	3.0%
6,035	639	570	119		7,363	1.6%
5,974	639	570	104		7,287	1.4%
5,896	636	561	89		7,182	1.2%
5,863	633	555	85		7,136	1.2%

Full analysis:
www.IVIM.ca
Last updated:
04-27-2:

Relative proportions of COVID impact on vaccinated vs. unvaccinated populations
Average weekly number of cases in each vaccination status group (per million)
All ages combined

Report Date (Reports archive)	As of:	Full vaccination rate	COVID-19 Cases Deceased: 0 doses	1 doses	2+ doses	3 doses	All	Odds of cases: 0 doses / 1 dose	0 doses / 2+ doses	0 doses / 3 doses	1 doses / 2+ doses	1 doses / 3 doses	2+ doses / 3 doses
04-27-22	04-10-22	81.5%	8.0	2.9	4.8	5.4	5.2	2.49	1.94	0.88	0.78	1.13	1.06
04-19-22	04-03-22	81.4%	8.7	4.7	4.2	3.8	4.9	3.05	1.91	0.89	0.63	0.89	1.08
04-13-22	03-27-22	81.3%	9.6	5.1	4.2	3.5	5.0	4.20	1.79	0.91	0.43	0.49	1.04
04-01-22	03-20-22	81.2%	11.0	5.7	4.5	3.6	5.5	4.33	1.89	0.90	0.44	0.21	1.03

Can you please let me know if this (ie, reposting, quoting, plotting, computing various functionals and performance metrics from officially published PHAC data) is considered "violation of the vaccine policy" (i,e putting *" information that is contrary the message that the Government of Canada is promoting, which is that vaccines are safe and efficient")* or violation of anything else you are alleging me of?

If so, then It should be stated that it was PHAC (and StatCan) who violated this policy - by publishing the numbers that go against this message of the Government of Canada , namely showing ...

1. that Percentage of cases/hospitalizations/deaths among vaxed goes up and up every week, since their very first report
2. that people with 2 and 3 doses die more than those with 1 dose,
3. that vaccinated catch and spread infection more than unvaccinated,
4. that 82 % of all covid deaths are people 70+; and people under 40 have very rare chance of dying from covid but they do get vaccine complications
5. that half of Canadian provinces had very excess death rate AFTER May 2021 (which is when the vaccination of general public commenced), higher than that during the pandemic before vaccination (see image I sent this morning - from www.ivim.ca/app)

Dmitry

On Wed, Apr 27, 2022 at 1:20 PM Dmitry O. Gorodnichy <dmitry.gorodnichy@gmail.com> wrote:
>

> xxxxx ,
> Below are examples of the results I've obtained from Official GC data using the tools that we've been developing with colleagues, and which I shared with public:
> 1) one on excess deaths after vaccination for Age group 0 to 44 (which shows very disturbing statistics for Atlantic and West provinces) - from Death Tracker App: http://ivim.ca/app
> 2) the other on odd of COVID deaths with boosters vs. without booster (which also shows rather disturbing data) - from IVIM Main Dashboard: http://ivim.ca
>
> The results are self-explanatory but I want to have your opinion on them, as per your allegations - lack of loyalty, compromising Agency's reputation, negatively impacting colleagues, etc... -
> which I believe are all unfounded and unjust, as all my efforts show exactly the opposite, as all of them help everyone to better understand and make use of official GC data - to be healthier and live longer, while also helping bridge the growing polarization in our society
>
> See you at 3pm
>
> Dmitry
>

Maisonneuve, Karine (Elle/She/Her)

From: xxxxxxxxxxxxx,xxxxxx
Sent: Monday, May 30, 2022 9:27 AM
To: xxxxxx, xxxx
Subject: FW: Additional questions and clarifications

FYI

xxxxx
613-608-2244

From: Dmitry O. Gorodnichy <dmitry.gorodnichy@gmail.com>
Sent: Monday, May 30, 2022 9:20 AM
To: xxxxxxxxxxxxxx , xxxxx <xxxxx .xxxxxxxxxxxxx @cbsa-asfc.gc.ca>
Subject: Re: Additional questions and clarifications

xxxxx ,

As per email below -
The purpose of tomorrow's additionally requested "fact checking"meeting is 1) to give me opportunity to provide additional details which I did not have time to present at the first "fact checking" meeting and 2) also to give me an opportunity to seek for clarifications, which as per your letter, I have right to do, but was not able to because we run out time last time.

Thank you
dmitry

On Tue, May 3, 2022 at 10:30 PM Dmitry O. Gorodnichy <dmitry.gorodnichy@gmail.com> wrote:

> Hi xxxxx ,
>
> I acknowledge receiving your responses.
> The following response however does not respond to the question that I was asking:
> Re established process reference: CBSA employees can grieve a decision that they don't agree with through a grievance process. that is what I mentioned to, especially in the context of not publically challenge and undermining public confidence in vaccine safety and efficiency that is against GoC messaging.
>
> I was asking about "*the established process to voice your concerns about COVID vaccines" ,* which is the phrase exactly copied from your allegation letter.
> I was NOT asking about the "*the established process to grieve the decision of my employer to put me on LWOP or to deny my request for accommodations on religious grounds.*
>
> Are you admitting now that you have NOT provided me with any information about any established processes to voice my concerns about COVID vaccines?
> For the record, that's exactly how i remember this. That you did not provide me any such information.
>
> As for "not publically challenging and undermining public confidence in vaccine safety and efficiency that is against GoC messaging"-
> It is not me who is publically challenging and undermining public confidence in vaccine safety and efficiency,

it is those very agencies who publish these data (PHAC and StatCan), as I'm simply quoting data from these official sources.

Also for the record, I do remember that I tried to discuss these concerns directly with yourself and xxxxx - when I sent you both on January 20(?) the official published by GC "NEW EVIDENCE SINCE OCTOBER 2021" on vaccine efficacy and safety (the same data which are now archived here: https://open-canada.github.io/vitals/analysis) and both of you refused to discuss my concerns or discuss these new official statistics with me.

And again, for the record, it was then when xxxxx - even though she did not want to discuss these new official statistics with me - she welcomed the idea of creating a support group within our branch where CBSA employees could safely and respectfully, without fear of retaliation or being bullied, discuss their concerns about vaccines and help each other, specifically through the SPB Engagement Team (including providing training over a Lunch and learn) - which is exactly what I did.

Yes, lets meet - if you can organize it - to have more clarity on that.

In meanwhile, I'll watch the training from Canada School of Public Service at this link: COVID-19 Vaccine Fundamentals (csps-efpc.gc.ca) - Thanks for sharing the link with me.

Thank you
Dmitry

On Tue, May 3, 2022 at 5:23 PM xxxxxxxxxxxxxx, xxxxx <xxxxx.xxxxxxxxxxxxx@cbsa-asfc.gc.ca> wrote:

> Hi Dmitry,
>
> Re your question regarding training. it can be found on the Canada School of Public Service at this link: COVID-19 Vaccine Fundamentals (csps-efpc.gc.ca).
>
> Re established process reference: CBSA employees can grieve a decision that they don't agree with through a grievance process. that is what I mentioned to, especially in the context of not publically challenge and undermining public confidence in vaccine safety and efficiency that is against GoC messaging.
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> Re whether or not you have violated any CBSA or GC policy or regulation, we have not made any determination on that subject and in the process of assessing the facts and evidence.
>
> I am happy to meet with your at a later time.
>
> I didn't see any other questions that's pertinent to this matter.

Thank you. K

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From: Dmitry O. Gorodnichy <dmitry.gorodnichy@gmail.com>
Sent: Wednesday, April 27, 2022 11:24 PM
To: xxxxxxxxxxxxxx , xxxxx <xxxxx . xxxxxxxxxxxxxx @cbsa-asfc.gc.ca>
Cc: Lisa Dubé <ldube@pipsc.ca>; xxxxxx , xxxx <xxxx . xxxxxx @cbsa-asfc.gc.ca>
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I did forget to ask you one question today, which I have already asked in my email - pasted below. Can you or your HR colleagues please respond to it?
Namely, do we have now a new COVID training that I can watch? And what was "this established process to voice my concerns" that you are referring to?

Similarly, in your letter you referred to "the established process to voice your concerns about COVID vaccines" that you "clearly outlined" during the bilateral meeting with me.
Do you mean EAP, Or are you referring to something else?
I also dont have any recollection or reference related to that either. If you have any, can you please email a copy of it to me too.?

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I hence approached you asking for your help to find it for me, and you replied that you will let me know once it becomes available. As of today, I still have not heard from you in this regard.
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Also, I recalled the name of the person - xxxxxx Parker - who was helping me to organize/coordinate the "Vaccine side-effect reporting training'
for our Engagement Team members during my February 4th Lunch and Learn, after I have discussed the idea

of having such discussion with xxxxx and
she expressed support for me doing that.

He is the training that we set up : https://open-canada.github.io/vitals/report-side-effect for this meeting (note it was built with help from other CBSA folks)

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I realized now - that because we ran out time, I did not have time to tell you more about this second half of this February 4th Lunch and Learn
(which was dedicated to creation of the support group within our branch for those who experienced vaccine side-effects and
showing how affected people can submit their report directly without a doctor directly to Health canada) and my discussions with xxxxx which led to it (actually not one, but two meetings - I mixed up the dates today when I was telling you about my meeting with xxxxx)
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4)
Perhaps, you can allocate addional 30 mins so that I can present you this side of the story, which could also be , if needed, supported by xxxxxx and xxxxx and R community members - and also so that you can provide me responses to my questions (instead of typing it all)

5) Finally, I just posted today my regular weekly 'Cases by vaccination status' update on twitter - see images below:

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https://twitter.com/Gorodnichy_Dm/status/1519488970475851776



As of:	Full vaccination rate	Deaths in the reported week: Unvaccinated (0 doses)	Not yet protected (1 dose)	Partially vaccinated (1 dose)	Fully vaccinated (2+ doses)	Will booster (3 doses)	Total	Fully vaccinated / Total	Deaths since December 14, 2020: Unvaccinated (0 doses)	Not yet protected (1 dose)	Partially vaccinated (1 dose)	Fully vaccinated (2+ doses)	Will booster (3 doses)	Total	Fully vaccinated / Total
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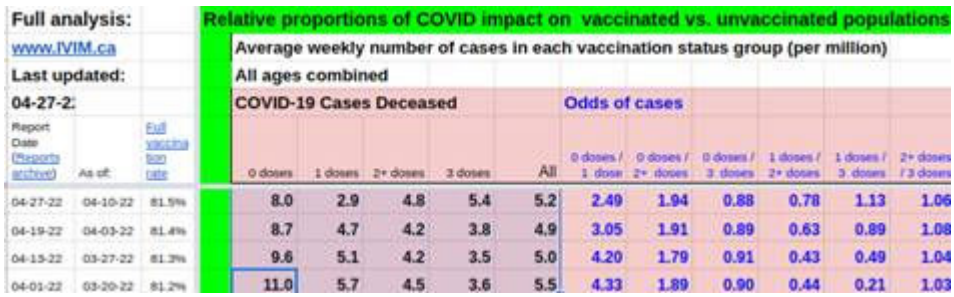

Full analysis:
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Last updated:
04-27-2:

Relative proportions of COVID impact on vaccinated vs. unvaccinated populations
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Report Date (Reports archive)	As of:	Full vaccination rate	COVID-19 Cases Deceased: 0 doses	1 doses	2+ doses	3 doses	All	Odds of cases: 0 doses / 1 dose	0 doses / 2+ doses	0 doses / 3 doses	1 doses / 2+ doses	1 doses / 3 doses	2+ doses / 3 doses
04-27-22	04-10-22	81.5%	8.0	2.9	4.8	5.4	5.2	2.49	1.94	0.88	0.78	1.13	1.06
04-19-22	04-03-22	81.4%	8.7	4.7	4.2	3.8	4.9	3.05	1.91	0.89	0.63	0.89	1.08
04-13-22	03-27-22	81.3%	9.6	5.1	4.2	3.5	5.0	4.20	1.79	0.91	0.43	0.49	1.04
04-01-22	03-20-22	81.2%	11.0	5.7	4.5	3.6	5.5	4.33	1.89	0.90	0.44	0.21	1.03

Can you please let me know if this (ie, reposting, quoting, plotting, computing various functionals and performance metrics from officially published PHAC data) is considered "violation of the vaccine policy" (i,e putting *" information that is contrary the message that the Government of Canada is promoting, which is that vaccines are safe and efficient")* or violation of anything else you are alleging me of?

If so, then It should be stated that it was PHAC (and StatCan) who violated this policy - by publishing the numbers that go against this message of the Government of Canada , namely showing ...

1. that Percentage of cases/hospitalizations/deaths among vaxed goes up and up every week, since their very first report
2. that people with 2 and 3 doses die more than those with 1 dose,
3. that vaccinated catch and spread infection more than unvaccinated,
4. that 82 % of all covid deaths are people 70+; and people under 40 have very rare chance of dying from covid but they do get vaccine complications
5. that half of Canadian provinces had very excess death rate AFTER May 2021 (which is when the vaccination of general public commenced), higher than that during the pandemic before vaccination (see image I sent this morning - from www.ivim.ca/app)

Dmitry

On Wed, Apr 27, 2022 at 1:20 PM Dmitry O. Gorodnichy <dmitry.gorodnichy@gmail.com> wrote:
>
> xxxxx ,
> Below are examples of the results I've obtained from Official GC data using the tools that we've been developing with colleagues, and which I shared with public:
> 1) one on excess deaths after vaccination for Age group 0 to 44 (which shows very disturbing statistics for Atlantic and West provinces) - from Death Tracker App: http://ivim.ca/app
> 2) the other on odd of COVID deaths with boosters vs. without booster (which also shows rather disturbing data) - from IVIM Main Dashboard: http://ivim.ca
>
> The results are self-explanatory but I want to have your opinion on them, as per your allegations - lack of loyalty, compromising Agency's reputation, negatively impacting colleagues, etc... -
> which I believe are all unfounded and unjust, as all my efforts show exactly the opposite, as all of them help everyone to better understand and make use of official GC data - to be healthier and live longer, while also helping bridge the growing polarization in our society
>
> See you at 3pm
>
> Dmitry
>

--
Dmitry

--
Dmitry

vitals

Official Canada Vital (Deaths) Statistics, analyzed using Data Science

View On GitHub

This project is maintained by open-canada

Statistical analysis of official data sources related to vaccine efficacy and safety (NEW EVIDENCE SINCE OCTOBER 2021)

open-canada.github.io/vitals

Last Updated: 2021-01-14

GC Sources:

[1] 'Cases following vaccination', COVID-19 Daily Epidemiology Update, Public Health Agency of Canada, https://health-infobase.canada.ca/covid-19/epidemiological-summary-covid-19-cases.html

Quote: "For cases from December 14, 2020 up until November 27, 2021, fully vaccinated cases were 68% less likely to die as a result of their illness, compared to unvaccinated cases (Table 3)."

Analysis: In the considered period (December 14, 2020 – November 27, 2021) over 75% (10100 / 13075) of all COVID deaths occurred prior to May 1, 2021, when the majority of population (over 97%) was unvaccinated. Recomputing these numbers for the period after May 1 (when the proportion of vaccinated was approximately equal to the proportion of

unvaccinated) results in the opposite conclusion – the majority (over at least 75%) of people who died of COVID between May and November were fully vaccinated

[2a] Hospitalizations by vaccination status, COVID-19 (coronavirus) in Ontario, https://covid-19.ontario.ca/data/hospitalizations#hospitalizationsByVaccinationStatus

[2b] For more information on cases following vaccination, please see the Weekly epidemiology report (PDF) available on the Government of Canada's COVID-19 data trends page

Quote: "Incidence [of COVID-19 cases] among fully vaccinated cases has surpassed those among unvaccinated since mid-December 2021."

[3] 'Reported side effects following COVID-19 vaccination in Canada', Canadian COVID-19 vaccination safety report, Public Health Agency of Canada, https://health-infobase.canada.ca/covid-19/vaccine-safety/

Quotes:

Figure 1: **Cumulative serious reports, including deaths:** 6287 (January–October), **5200** (May-October).

Table 1: Count of reported adverse events of special interest up to and including October 22, 2021 (n = 3,793). This includes: 166 Auto-immune diseases, 1,111 heart diseases (including 64 Cardiac arrests and failures, 77 Heart Attacks, 970 Myocarditis1/Pericarditis), 947 thrombosis and blood clots, 37 Acute kidney injury, 25 Liver injury, 781 Nerves and central nervous system failures (including 594 Bell's Palsy), 487 Anaphylaxis, and 208 deaths (some of which are still under investigation).

Analysis: The above numbers are almost twice as high as the number of *COVID deaths* in the same period (May-October) which is *2975* (which can be computed using the Vitals App), and much higher (by one order of magnitude) than the number of deaths from *COVID alone* (estimated using UK data as 13.6% * 2975 = 404), and even much more higher (by two orders of magnitude) when compared to the number of deaths of _COVID

alone for the age population younger than 65 years of age (estimated using UK data as 22% * 13.6% * 2975 = 89). Note that most people who received vaccine since May are less than 65 years of age, meaning that they have extremely small chance of having complications from COVID, and yet many of them have already lost their lives or quality of live because of vaccines.

Furthermore, the above number (5200) does not count for “non-serious” events and not reported yet events, which can be still very debilitating for many families (such as shingles, arthritis, heart pains, and menstrual irregularities – reported among GC employees and members of their families), which can be estimated as an order or two orders of magnitude higher than the number of reported serious events.

It is also noted that the above number of adverse events (5200) is quoted from the reports for up to November 6 2021 (to allow comparison with death statistics which are reported with three months delay). Since that time, the number of adverse events from vaccination continues to grow at the rate faster than that of vaccination and faster than that of deaths* with COVID, having reached 7378 at the time of writing this note.

- According to the StatCan and UK Statistics data (See below), most (over 75%) deaths reported as “COVID deaths” are co-mobility deaths and occurred in 64+ age group.

[4] Recalls and safety alerts, Government of Canada: https://recalls-rappels.canada.ca/

Quote: “Health Canada updates Pfizer-BioNTech and Moderna COVID-19 vaccine labels to include information on myocarditis and pericarditis” and “…to reflect very rare reports of Bell’s Palsy”

Analysis : There is a several months lag between when severe events are reported and when the vaccine recall alerts are posted. Furthermore, these alerts do not include all serious problems and do not include non- serious problems described above. The recall alerts issued so far list three complications that count for less than third of reported serious complications, and less 7% of all reported adverse events, and it is estimated that many adverse events, including series ones, remain unreported yet.

[5] Statistics Canada, Canadian Vital Statistics - Death database . Provisional weekly death counts, by selected grouped causes of death. https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=1310081001 (Dashboard: https://open-canada.github.io/vitals)

Analysis : Since May (i.e. since the beginning of mass vaccination of general public), when the rate of vaccination started to rapidly increase (from 3% in May to 75% in October), the rate of unreported 'Information Unavailable' and Ill-defined / unspecified causes of mortality 'R99' has also started to rapidly increase.

Additionally, it is observed that since the introduction of the 'COVID death' category in 2020, the reporting of all other causes deaths started to decline, even for those causes that historically have a trend to go up (including cancer, heart diseases, accidents and others), meaning that since 2020 many of these deaths have been counted under the "COVID category". This agrees with the analysis from UK data (see below) that shows that only 13.6% of *COVID-reported deaths* are *COVID only deaths*, and that *78% of COVID only deaths* happened among 65+ population, with is the average age of COVID only deaths being 82 years, which is statistically equal to the average life expectancy in UK.

Data from UK:

Sources:

- https://coronavirus.data.gov.uk/details/deaths
- FOI Ref: FOI/2021/3240, https://www.ons.gov.uk/aboutus/transparencyandgovernance/freedomofinformationfoi/deathsfromcovid19withnootherunderlyingcauses

Conclusion: Of all reported in UK 127,704 COVID deaths, 13.6% (17,371) are due to COVID alone. Additionally, it is noted that 78% of all COVID alone deaths occurred in people with 65+ of age, with the average age of death from COVID being 82.5 years, which is statistically equal to the average life expectancy in UK.

```
2020 Total deaths, 9,400                    0-64, 1,549          65 and over
2021 Q1 Total deaths, 6,483                 0-64, 1,560          65 and over
2021 Q2 Total deaths, 346                   0-64, 153            65 and over
2021 Q3, Total deaths, 1,142        0-64, 512           65 and over, 630
```

Data from USA:

Source:

- COVID-19 Cases and Hospitalizations by COVID-19 Vaccination Status and Previous COVID-19 Diagnosis — California and New York, May–November 2021, https://www.cdc.gov/mmwr/volumes/71/wr/mm7104e1.htm

Conclusion: Data from California and New York show that *natural immunity* with or without vaccine provided significantly reduced number of hospitalization in the age of delta. *Natural immunity without vaccine* resulted in less hospitations compared to *Natural immunity with vaccine*.

Other sources:

- USA COVID Vaccine Adverse Event Reports: https://vaers.hhs.gov (browse reports at https://openvaers.com)

Note: VAERS lists many adverse events that are not reported yet in Canada (such as shingles, arthritis, menstrual problems etc.)

- ‘COVID-19 vaccine efficacy and effectiveness—the elephant (not) in the room’, The Lancet, VOLUME 2, ISSUE 7, E279-E280 (JULY 01, 2021): https://doi.org/10.1016/S2666-5247(21)00069-0

Note: Explains why the efficacy of COVID-19 vaccines is not 95%, as reported by vaccine manufacturers and quoted in many governments policies, but less than 1%, which statistically is less then by a chance

- ‘US COVID-19 Vaccines Proven to Cause More Harm than Good Based on Pivotal Clinical Trial Data Analyzed Using the Proper Scientific Endpoint “All Cause Severe Morbidity”’. Trends Int Med. 2021; 1(1): 1-6 (25 August 2021). https://www.scivisionpub.com/pdfs/us-covid19-vaccines-proven-to-cause-more-harm-than-good-based-on-pivotal-clinical-trial-data-analyzed-using-the-proper-scientific--1811.pdf

- Covid-19: Researcher blows the whistle on data integrity issues in Pfizer’s vaccine trial BMJ 2021; 375 :n2635 (02 November 2021) doi:10.1136/bmj.n2635. https://www.bmj.com/content/375/bmj.n2635

- ‘Why are we vaccinating children against COVID-19?’, Toxicology Reports, Volume 8, 2021, Pages 1665-1684, ISSN 2214-7500 (14 September 2021) https://doi.org/10.1016/j.toxrep.2021.08.010

- ‘Covid-19 vaccines and treatments: we must have raw data, now’, BMJ 2022; 376 doi: (19 January 2022) https://doi.org/10.1136/bmj.o102

- CUMULATIVE ANALYSIS OF POST-AUTHORIZATION ADVERSE EVENT REPORTS OF PF-07302048 (BNT162B2) RECEIVED THROUGH 28-FEB-2021. Prepared by Pfizer, Released to Public Health and Medical Professionals for Transparency (https://phmpt.org/) under the court order on 17 November 2021: https://phmpt.org/wp-content/uploads/2021/11/5.3.6-postmarketing-experience.pdf

The above references expose the lack of evidence and scientific integrity in the reports produced by the COVID vaccine manufacturers. The data from vaccine tests have never been made public — All vaccine manufacturers refuse to provide them

The last document, *released by Pfizer under the court order* on 17 November 2021, provides data that was collected, but not disclosed by the manufacturer prior to 17 November 2021, on real world adverse events observed in the first 2.5 months after Emergency Use Authorization. Among others, it lists: over 1,200 deaths; over 25,000 nervous system adverse events; and Anaphylaxis and Vaccine-Associated Enhanced Disease (listed under “Safety concerns”).

- *“A Personal Declaration Of Opposition To The Abuse of Our Charter of Rights and Freedoms By The State”* by Hon. Brian Peckford (the last living First Minister who helped craft the Constitution Act 1982 and The Charter of Rights and Freedoms that forms part of it): pdf (with links), html (with comments)

Hosted on

GitHub Pages

using the Dinky theme

The Wayback Machine - https://web.archive.org/web/20220703060047/https://catalogue.csps-efpc.gc.…



COVID-19 Vaccine Fundamentals

Product code: WMT208

Available offerings

To register, you will be prompted to sign in.

Online

Course

English

Sign in to enrol

Online

Course

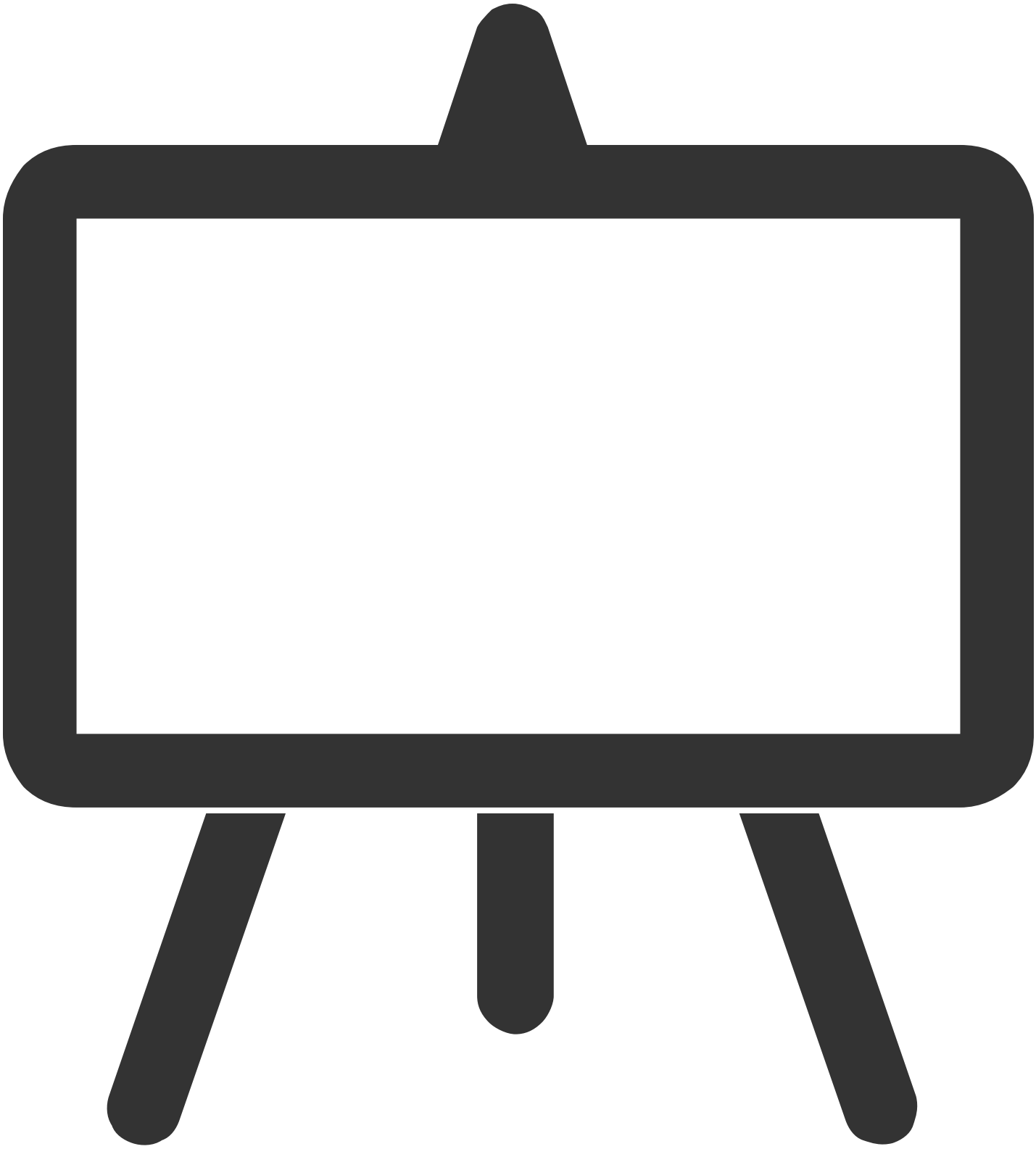
French

Sign in to enrol

Share this course with a colleague

About this course

Have something to share?



Delivery method

Online

Duration

Have something to share?

Less than 1 hour

Audience

Audience

Employees

Managers

Supervisors

Executives

> On July 8, 2022, the online course **COVID-19 Vaccine Fundamentals** (WMT208/W210) will be removed from the School's learning catalogue.
>
> Learners will have until 4 pm (ET) on July 8, 2022, to complete this online course.
>
> If you have additional questions, please contact the School's Client Contact Centre.

Vaccination is one of the most effective ways to protect yourself, your family and your community against COVID-19. This online training session provides federal employees with the foundational knowledge needed to understand the importance of vaccination, the benefits of getting vaccinated against COVID-19, and the process involved in developing vaccines and monitoring their safety. Through a series of video vignettes, participants will learn how vaccination against COVID-19 can protect them and also the people around them.

Topics include:

- explaining the benefits of vaccination
- monitoring vaccine safety and effectiveness

- understanding mRNA vaccines and how they work

> **This training session was developed by Health Canada's Public Service Occupational Health Program which is responsible for providing occupational health advice and guidance to the core public administration related to COVID-19.**

Notes:

Google Chrome users: There may be a 24-hour delay until your completion confirmation status appears in your learner profile.

This session will help to answer the following frequently asked questions:

- Why is vaccination important?
- How do I know the vaccines are safe?
- What are the common side effects of the different COVID-19 vaccines?
- Does someone who has had COVID-19 still need to get vaccinated?
- Do young, healthy people need to get vaccinated?

For questions about vaccines, please contact your health care provider. For questions related to the Policy on COVID-19 Vaccination for the Core Public Administration Including the Royal Canadian Mounted Police, please speak with your manager.

Legacy course code: W210

Related products

Job aid

TRN2-J01

COVID-19: Working Remotely - Tips for Team Leaders

This job aid provides tips to help team leaders manage team members who are working remotely during an emergency situation.

Job aid
TRN2-J02

COVID-19: Working Remotely - Tips for Team Members

This job aid provides tips to help public servants work effectively in a virtual team during an emergency situation.

Job aid
TRN2-J03

COVID-19: Working Virtually

This checklist provides tips and information to help you prepare to work remotely during the COVID-19 crisis situation.

Date modified: 2022-02-07

Maisonneuve, Karine (Elle/She/Her)

From: xxxxxxxxxxxxxxxxxxx
Sent: Monday, June 27, 2022 10:41 AM
To: xxxxxx, xxxx
Cc: Carr, Jeff
Subject: RE: For your action please - Signature on report
Attachments: Administrative Investigation Report.pdf

Hi xxxx,

Here it is.

Jeff FYI, investigation found the allegation against Dmitry is founded. We are proceeding to disciplinary action.

Thanks,

K

xxxxx
613-608-2244

From: xxxxxx , xxxx <xxxx.xxxxxx @cbsa-asfc.gc.ca>
Sent: Monday, June 27, 2022 10:04 AM
To: xxxxxxxxxxxxxx , xxxxx <xxxxx .xxxxxxxxxxxxx @cbsa-asfc.gc.ca>
Subject: For your action please - Signature on report
Importance: High

Bonjour xxxxx ,

Could you please e-sign the report attached and put it into a PDF format.

Thank you,

xxxx

xxxx xxxxxx **(she/her/elle/la)**

Labour Relations Advisor, Labour Relations Operations, Headquarters
Canada Border Services Agency / Government of Canada
xxxx.xxxxxx @cbsa-asfc.gc.ca / Mobile : 1 (343) 553-3390

Conseillère en Relations de travail, Relations de travail opérationnel, Administration centrale
Agence des services frontaliers du Canada / Gouvernement du Canada
xxxx.xxxxxx @cbsa-asfc.gc.ca / Portable : 1 (343) 553-3390

PROTECTED "B"

INVESTIGATION REPORT

Respondent(s):	**Dmitry Gorodnichy**
Title:	**Senior Data Analyst**
Group and Level:	**SE-RES03**
Work Location:	**Data Strategies**
Region:	**Strategic Policy Branch**
Incident Date(s):	**February 4, 2022, February 11, 2022 and March 18, 2022 and April 1, 2022**
Professional Standards Number:	**Tier 1 – Management Led**

Purpose of the Investigation:

The purpose of the investigation is to determine all relevant facts with respect to the allegations of misconduct, as stipulated below, by the respondent(s), and to establish a factual document upon which decisions can be made by the Employer concerning the incident(s).

Background:

Provide a brief summary of the events that gave rise to the investigation. Answer the Who, What, Where, When and any other information concerning the incident(s) under investigation.

On January 11, 2022, DG clearly outlined via email that Mr. Gorodnichy is expected to refrain from making comments on social media that may compromise the Agency's reputation, including comments that may negatively impact his colleagues and members of management. On February 1, 2022, Mr. Gorodnichy's Director, xxxxx xxxxxxxxxxxxx Director Data Science also clearly outlined during this bilateral meeting to follow the established process to voice his concerns about COVID vaccines and to not discuss concerns of COVID-19 Vaccines at work or publicly that contradicts the *Policy on COVID-19 Vaccination for the Core Public Administration Including the Royal Canadian Mounted Police (Policy)*.

On February 4, 2022, Mr. Gorodnichy's Director reached out to Mr. Gorodnichy to let him know that he is aware that Mr. Gorodnichy didn't follow his advice on February 1, 2022 on not discussing vacation safety in the workplace and asks for clarification as to why he didn't follow his advice.

On February 9, 2022, Mr. Gorodnichy is placed on Administrative Leave without Pay (LWOP) for not complying with the *Policy*.

On February 11, 2022, the Director is made aware of other posts from Mr. Gorodnichy on open sources GCcollab about vaccination safety messages that is contrary to the message that the Government of Canada (GOC) is promoting, which is that vaccines are safe and efficient. The Director requests that Mr. Gorodnichy takes down those posts wherein he is using GOC

network, devices, or online infrastructure immediately and informs him that he has ccd LR to determine next steps in addressing this matter.

On Monday February 14, 2022, Director of Open Canada – Treasury Board Secretariat (TBS), reaches out to Labour Relations (LR) TBS to inform them that on Friday February 11, 2022 they noticed that Mr. Gorodnichy's post on the Open Government GCcollab page was inappropriate for their pages and therefore removed it. They've also informed the GCcollab team as there was a white paper also being promoted on a page owned by Mr. Gorodnichy and it was also removed for not respecting the terms of use of the GOC platform.

No other posts seemed to have been posted by Mr. Gorodnichy after February 11, 2022, the day his Director requested that he takes down his posts. However, on March 18, 2022 Mr. Gorodnichy posts on GCcollab page an invite to an event with the subject matter being analyzing vaccine side effects using Data Science, on his personal twitter account he posted information about COVID-19 vaccine safety and efficiency and on April 1, 2022, another invite through GCcollab page with the subject matter being special update on new results from PHAC – analyzing using Spreadsheets and R.

On April 4, 2022, Lauren Hunter, Director of GCTolls, contacted LR TBS who forwarded the email to Andrea Chase, A/Manager LR and HR Redress for CBSA to address the matter. It was decided that given the ongoing conduct issue and that Mr. Gorodnichy is not following the conditions of use of the platform to reset the employee's password and pulled the post with the April 8, 2022 workshop invitation. Therefore the employee lost his right to have access to their account wherein he used a CBSA email address. However, Ms. Hunter did indicate that any employee are free to set up and account using a personal email and participate without representing themselves as a public servant.

Management, in consultation with LR, gathered the information above and established the allegations (outlined below under "Allegations"). A notice of investigation and a fact-finding interview invite was prepared and sent to the employee with an attempt to conduct the fact-finding interview/meeting on April 14, 2022. The employee requested more time to prepare and the fact-finding interview occurred on February 27, 2022. Mr. Gorodnichy was accompanied by Lisa Dubé, union representative, the Professional Institute of the Public Service of Canada (PIPSC).

Allegations:

Provide a statement of what the respondent(s) is/are alleged to have done wrong in violation of the CBSA Code of Conduct and any other relevant Law, Policy, Directive, Manual, Guidelines and Standard Operating Procedures etc., as applicable. Allegations should include the specific reference to the section(s) or area(s) that are alleged to have been contravened.

e.g. On <date>, <respondent(s)> is alleged to have <description of incident> in violation of CBSA Code of Conduct, <specific section reference or other applicable document reference>.
It is alleged that Mr. Gorodnichy: Disregarded your management's expectations outlined in an email from your Director General (DG) dated January 11, 2022 as well as during a bilateral meeting with your Director on February 1, 2022. Your DG clearly outlined that you were expected to refrain from making comments on social media that may compromise the Agency's reputation, including comments that may negatively impact your colleagues and members of management. Your Director clearly outlined during your bilateral meeting to follow the established process to voice your concerns about COVID vaccines and to not discuss concerns of COVID-19 Vaccines at work or publicly that contradicts the Policy on COVID-19 Vaccination for the Core Public Administration Including the Royal Canadian Mounted Police (Policy). On February 11, 2022, you were further asked by your Director via email to take down all posts regarding COVID-19 vaccines using Government of Canada (GOC) network, devices, or online infrastructure which contradicted the Policy. It is alleged that you willingly neglected to follow management expectations when posted information on social media platforms including on Government of Canada platforms. Specifically, you posted information publicly on COVID-19 vaccination's safety and efficiency, although, this may be your personal opinion, this information is contrary to the message that the Government of Canada is promoting, which is that vaccines are safe and efficient. These actions are contrary to the objectives and expectations of the Policy on COVID-19 Vaccination for the Core Public Administration Including the Royal Canadian Mounted Police, wherein it states that employees are expected to do their part to protect the health and safety of employees by being fully vaccinated unless accommodated, specifically the: You were found to have posted this information on the following social media platforms: • In February 2022, Open Government GCcollab page where you were identified as a public servant who works at CBSA, you attached the following white paper on a GitHub page - vitals | Official Canada Vital (Deaths) Statistics, analyzed using Data Science (open-canada.github.io). This paper was also promoted on R4GC (Use R!) Community : GCcollab) and you would have included the following links to this R4GC page: • https://youtu.be/4a8ZRipbeRo - Freedom Convoy – Speech by Army Major Stephen Chledowski: message against the mandatory vaccines • https://youtu.be/zs2AH14oTxM - Your video from the Freedom Convoy – providing your analysis on COVID-19 vaccine data stating the GOC's data shown is skewed/misleading/not accurate • https://ivi-m.github.io/vv/ (with single URL: www.IVIM.ca) - Source: "Cases following vaccination, COVID-19 Daily Epidemiology Update", Public Health Agency of

Canada – providing your analysis on COVID-19 vaccine data stating the GOC's data shown is skewed/misleading/not accurate

- On February 4, 2022, you invited CBSA colleagues to an event you created which was a special edition of a weekly Lunch and Learn "Data Science with R" meetup on GCcollab titled "One Year since Vaccination - what have we learnt – using Open Canada data and Data Science" discussing COVID-19 vaccine safety and efficiency which raised concerns from your colleagues.
- In March 2022, Open Government GCcollab page where you created an event calendar for March 18, 2022 with the subject matter being analyzing vaccine side effects using Data Science.
- On your Twitter account "Dr. Dmitry Gorodnichy" – you posted information about COVID-19 vaccine safety and efficiency.
- In April, Open Government GCcollab page where you created an event calendar for April 1, 2022 with the subject matter being special update on new results from PHAC – analyzed using Spreadsheets and R.

Authorities:

Indicate what specific authorities were violated (e.g. CBSA Code of Conduct and any other relevant Law, Policy, Directive, Manual, Guidelines and Standard Operating Procedures etc.). Include references to specific sections and paragraphs etc.

If founded, these allegations could be found to have breached the *Values and Ethics Code for the Public Service* and the *CBSA Code of Conduct*.

Chapter 1:

A. Our Values:

a. Respect:

i. Our Values in Action – Respect: providing impartial, objective and factual information, advice and support in a timely manner to further Agency objectives.

b. Professionalism:

i. Our CBSA Values – Federal public servants are entrusted to use and care for public resources responsibly, for both the short term and long term. Employ public resources wisely and properly (GC Collab)

c. Integrity: Our Values in Action

i. making decisions and behaving in ways that maintain public confidence and preserve CBSA's reputation in light of its high visibility; and

ii. ensuring that our off-duty and private activities and our private financial affairs do not conflict with our official duties.

C. Leadership Conduct:

a. taking into consideration our own health, safety and security and that of our colleagues.

D. Expected Standards of Conduct

3. Social Media:
When commenting in social media fora:
we are mindful of our duty of loyalty and remain non-partisan;

4. Private, Off-Duty Conduct and Outside Activities:
We understand that our outside activities and off-duty conduct are usually private matter, They could become work-related matters, however, if they have negative consequences on the Agency.

5.2. Public Criticism of the CBSA and/or the Government of Canada:
We refrain from making public criticisms of the CBSA and/or the Government of Canada including posting critical comments on social media fora.

6. Electronic Network Access and Uses:
following the CBSA's policies and procedures regarding the access restrictions to data banks including computer-based detection systems and the posting of information (GC Collab);

12. Neglect of Duty:
Carry out policies, procedures, or assignment or instructions from our managers without delay (Insubordination).

Investigation Findings:

Evidence: *Provide a listing of all sources of evidence that was reviewed or accessed, including but not limited to, IT Systems, IT reports, CCTV Footage, work schedules, complaints, statements and other documentation, as applicable. For each piece of evidence collected/reviewed include specifics such as dates, times, locations and approvals granted and resultant findings.*

Complaint received from the Director of Open Government (GCcollab):
They felt that the content of the document that was posted on the Open Government GCcollab page was not appropriate for their pages and therefore removed it. The Director's team also informed the GCcollab team of the white paper which was also promoted on Mr. Gorodnichy's own page and the GCcollab team also removed the post for not respecting the terms of use of the GoC platform. The Director flagged this to LR TBS who transmitted the information to LR CBSA as he felt that this post is counter to the duty of loyalty within the V&E code.

Complaint received from the Director of GCTools:
Because of previous instances raised by TBS, Mr. Gorodnichy's posts were being monitored by her team. And theynoticed another post they felt contained anti-vaccine content while representing himself as a GC data scientist. Because the employee was using a government email and identifying himself as a federal government employee, they pulled the post with the

April 8 workshop invitation and assessed all the other content the employee has posted. Because of the ongoing conduct issue, they initiated the password reset because the user is not following the conditions of use. This means that any employee who has lost that right will not have access to their account, although they are free to set up another account using a personal email and participate without representing themselves as a public servant. Mr. Gorodnichy confirmed in the fact-finding meeting that he has set up a personal account and continues having those meetings.

Emails from DG SPB and Director, Data Science wherein they are establishing their expectations.
Emails from Mr. Gorodnichy wherein he provides an explanation on the information he has been sharing on social media.

Interviews: *Provide a listing of all individuals interviewed, including the respondent(s). Include specifics such as dates, times, locations of each interview and whether the person was accompanied by an observer. Include all relevant information gained from each interviews.*

Interview with respondent Mr. Dmitry Gorodnichy April 27, 2022 at 15h00 via TEAMS and Second Interview May 31, 2022 at 13h30 via TEAMS both with Lisa Dubé, union representative, PIPSC and xxxx xxxxxx LR Advisor.

Mr. Gorodnichy was informed at the beginning of the meeting that he could not record the session however he could take notes during the meeting.

Mr. Gorodnichy referred to an email he submitted before the start of the fact-finding meeting and explained that it provides examples of the results he obtained from the Official Government of Canada data using the tools that he claims he has been developing with colleagues and which he shares with the public.

One example is on excess deaths after vaccination for age group 0-44 and in his opinion it shows very disturbing statistics for Atlantic and West Provinces and state that the death tracker app can be found at http://ivim.ca/app.

The other example is on odd of COVID deaths with boosters vs without boosters, which he believes that it shows disturbing data and can be found at http://ivim.ca.

Mr. Gorodnichy believes that the results of his analysis are self-explanatory and that he is not violating the CBSA Code of Conduct, such as lack of loyalty, compromising Agency's reputation, and negatively impacting Colleagues. He believes the allegations are unfounded and unjust, and that all his efforts show exactly the opposite, they help everyone understand and make use of official GC data, help them determine what to do for them (to get vaccinated or not get vaccinated and also which vaccine to choose for themselves), to be healthier and live longer, while also helping bridge the growing polarization in our society.

Mr. Gorodnichy stated that if management believes that the information he is reposting, quoting, plotting, computing various functional and performance metrics from officially published PHAC data, is considered a "violation of the vaccine policy" (i.e. putting *" information that is contrary the message that the Government of Canada is promoting, which is that vaccines are safe and efficient"*) or violation of anything else management is alleging him of, then in his opinion it was PHAC (and StatCan) who violated this policy as they published numbers that he believes go against the message of the Government of Canada, and described in his email that these numbers are showing:

1. that Percentage of cases/hospitalizations/deaths among vaxed goes up and up every week, since their very first report
2. that people with 2 and 3 doses die more than those with 1 dose,
3. that vaccinated catch and spread infection more than unvaccinated,
4. that 82 % of all covid deaths are people 70+; and people under 40 have very rare chance of dying from covid but they do get vaccine complications
5. that half of Canadian provinces had very excess death rate AFTER May 2021 (which is when the vaccination of general public commenced), higher than that during the pandemic before vaccination (see image I sent this morning - from www.ivim.ca/app)

During the fact-finding, Mr. Gorodnichy confirmed that he posted the documents (both white papers) that management was referring to in their email invite to the fact-finding but added that he is not the only one that contributed to the information in those documents. He also confirmed that it is him in the video with the freedom convoy, that he posted on Twitter and that he organized the events on GCcollab and continues to organize those events.

Mr. Gorodnichy explained that the reason he is doing these analysis and posting them is to help the public make informed decisions on which vaccines to get, as in his opinion based on the analysis he has done some vaccines are a better choice for certain types of people (ex: AstraZeneca better for younger individuals). It is also to show the “real” results, as he believes the results shown by PHAC/GOC and the algorithm used is skewed and doesn’t reflect the reality. Mr. Gorodnichy doesn’t believe his message is contrary to the GOC’s message, as in his opinion the data shows what it shows, meaning that he never says a conclusion on whether or not the vaccines are safe and efficient or not safe and not efficient. What he is trying to say is that the data shown is weak not reflecting the reality and he believes the public deserves to have results that are not skewed, to get the benefit and efficiency of each vaccine, the knowledge, so that the public can make an informed decision on whether or not to get vaccinated and which vaccine to take.

When asked why he went against the DG’s and Director’s advice regarding posting online about the vaccination policy, Mr. Gorodnichy responded that the goal of his posts is to help improve the vaccines by providing not skewed results. He doesn’t state or promote that he is for or against the vaccines, he stipulates that the information he shows can support or not support the use of vaccines, the results shows what it shows and it depends on what time of

the year (pre-vaccines, October vaccines vs Feb/March vaccines, etc doesn't have the same results as he believes the vaccines may be improving or not improving). What he is trying to do is show the accurate information as he believes the GoC is not showing the accurate data.

Furthermore, for the lunch and learns that he has been scheduling while at work and after he was placed on LWOP, Mr. Gorodnichy explains that he had asked xxxxx (DG) the permission/support to do those with the objective to have a safe place for employees/colleagues to share their minor side effects related to the vaccines and show them how to report these minor side effects to the government so they can improve the vaccines.

He states that his intent when posting the data and having those lunch and learns was to help the government/institution to improve the vaccine, and help the public make informed decisions on whether or not to take the vaccines/which vaccines based on his data analysis that he believes is more accurate/not skewed. Mr. Gorodnichy doesn't believe his messaging is contrary to the message that the Government of Canada is promoting, which is that vaccines are safe and efficient. He believes he is showing the truth based on his analysis whether it is showing that a certain vaccine is more/less efficient than another vaccine for some demographic category.

Analysis and Conclusion:

For each allegation, provide a detailed analysis of the facts, testimony, and evidence gathered during the investigation. All relevant information should be analysed and, as required, specific references to the documents included will be quoted. The analysis determines what happened by summarizing evidence and reviewing any identified gaps or inconsistency in evidence to determine culpability.

A conclusion should be provided based on the analysis, weighing the evidence and applying the balance of probabilities, to determine whether each allegation is founded (partially or in-whole) or unfounded.

While each incident in isolation may not suggest violation of values of ethics, the cumulative nature of Dmitry's action highlight an increasingly deliberate, persistent, growing patterns of questioning the vaccine safety and efficacy, which goes against the messaging of the government of Canada covid-19 vaccine policy and messaging, which is that vaccines are safe and efficient.

Even after repeated demands to remove messages on vaccine safety and efficacy, Dmitry continued to post these messages and hold meetings to discuss vaccine efficacy and safety publically, often using GoC digital infrastructure.

Although the employee says that he disputes the above assessment, that he is not posting information that goes against the GoC messaging, the evidence as outlined above (e.g., removal of his message on GC collab, complaints from staff) suggests otherwise.

In conclusion, based on the analysis of the evidence, the allegation that the employee willingly neglected to follow management expectations as outlined above, and willingly posting information on social media platforms including on Government of Canada platforms on COVID-19 vaccination's safety and efficiency, that is contrary to the message that the Government of Canada is promoting is founded.

Investigator(s):	xxxxx xxxxxxxxxxxxx
Title:	**Acting Executive Director Data Strategy**

Signature: _____ Date: _____
(Investigator)

Maisonneuve, Karine (Elle/She/Her)

From: Gorodnichy, Dmitry
Sent: Tuesday, June 28, 2022 6:27 PM
To: xxxxxxx; xxxxxxx
Cc: xxxxxx, xxxx; LDube@pipsc.ca; dmitry.gorodnichy@gmail.com
Subject: Corrections - Tentative: Invite to Pre-Disciplinary Hearing

xxxxxxx ,
I acknowledge receiving both your emails
I've requested Lisa to join me for this meeting. Once she confirms, I will confirm too.

I found a couple of minor typos as well as some critical factual incorrectness in IR, They are listed below

Page 2:

The employee requested more time to prepare and the fact-finding interview occurred on February 27, 2022. Mr. Gorodnichy was accompanied by Lisa Dubé, union representative, the Professional Institute of the Public Service of Canada (PIPSC).

SHOULD BE

… on April 27, 2022 and another one on May 30, 2022 …

Page 7:

5. that [half of] Canadian provinces had[very excess death rate] AFTER May 2021 (which is when the vaccination of general public commenced), higher than that during the pandemic before vaccination

SHOULD BE
that **SOME** Canadian provinces had [EITHER **very large number of excess deaths**, OR very large death rate, BUT NOT excess death rate …]

AND it is also CRITICAL to specify that this statement was made specifically **ONLY for Age group 0 to 44** – as I wrote in my email of Apr 27, 10:2O to xxxxx / xxxx)
(For other age group , esp. for 70+, the Stat Canada numbers show the opposite)

**

Similarly, it is also CRITITAL to specify the exact periods for which two other observations where made, namely

2. that people with 2 and 3 doses die more than those with 1 dose, **- since January 2022**
3. that vaccinated catch and spread infection more than unvaccinated **- since December 2021**

Also: this observation should say REPORTED (or AS REPORTED BY PHAC)
1. that **REPORTED BY PHAC** Percentage of cases/hospitalizations/deaths among vaxed goes up and up every week, since their very first report

**

On Page 8, It is incorrect to write
" Dmitry continued to post these messages and hold meetings to discuss vaccine efficacy and safety publically**, <u>often</u> using** GoC digital infrastructure. "

I did continue having weekly seminar and publish weekly newsletters and other posts on many platforms to promote advanced analysis of open Canada data related to vaccines (over 200 posted since I was put on LWOP, but only **ONCE (1)** I did post it **on** GCCOLLAB. And even his case, I **DID NOT USE** GoC digital infrastructure, I USED my own laptop, from which I logged in to GCCollab, in order to post the training opportunity that I knew other GC employees could benefit from – in line with *Values and Ethics Code for the Public Service* and the *CBSA Code of Conduct*.)

**

Finally, one important fact is NOT mentioned in IR:

On May 31, Dmitry filed a grievance against Agency's decision to put him on LWOP where he provided additional grounds relevant to this investigation, Specifically:

"C: It is illegal to force me to perform a medical procedure such as injecting myself with COVID-19 vaccine without providing complete and up to date information on the efficacy and safety of such vaccines. Where there is a threat of harm or reprisal or pressure from an authority there is no consent and therefore the act is assault

"Complete and up to date information" refers to data that have become available by the date when the decision to put in me on LWOP was made, specifically from October 2021 to January 2022. Multiple requests to obtain such information were made to both my director and director general, but none of the requested information was provided to me.
Furthermore, because the requested up to date data on the safety and efficacy of COVID-19 vaccines was not provided to me by my employer, I have obtained such data myself - from the official government sources, such as Public Health Agency of Canada, Statistics Canada, Government of Ontario, as well as from the Vaccine Manufacturers (Pfizer) new reports that have become available after October 2022 - and shared it by email with both my director and director general three weeks prior to the employer's decision to put me on leave without pay due to non-compliance with the vaccine policy, asking them to discuss my concerns raised by these new data on the grounds that these new data showed lower much safety and efficacy levels of COVID-19 vaccines compared to levels shown by the old data. ("Old data" refers to the data that was available prior to October 2022). Both director and director general refused to look into these data and discuss my concerns raised by these new data. Nor provided they to me any processes where I could voice my these concerns about COVID-19 vaccines, in particular the concerns raised by the new official Government of Canada data that has become available after October 2021.
"

I Assume that we will have opportunity to further explain and correct the made incorrectness at the meeting next week/

Thank you
Dmitry

Maisonneuve, Karine (Elle/She/Her)

From: xxxxxxx, xxxxxxx
Sent: Tuesday, June 28, 2022 3:55 PM
To: Gorodnichy, Dmitry
Cc: xxxxxx, xxxx
Subject: Invite to Pre-Disciplinary Hearing
Attachments: 2022-06-27 - Administrative Investigation Report.pdf

Follow Up Flag: Follow up
Flag Status: Completed

PROTECTED 'B'

June 28, 2022

Dmitry Gorodnichy
Senior Data Analyst
Data Science
Strategic Policy Branch

Re: Invite to Pre-Disciplinary Hearing

Enclosed please find a copy of the administrative investigation report in relation to the allegation of misconduct, specifically that you willingly neglected to follow management expectations, and willingly posted information that is contrary to the message that the Government of Canada is promoting, on social media platforms including Government of Canada platforms, on COVID-19 vaccination's safety and efficiency. The allegation is further detailed in the administrative investigation report attached.

CBSA management has determined that the allegation is founded and that your actions have breached the *Values and Ethics Code for the Public Service* and the *CBSA Code of Conduct*.

Since it has been established that improper conduct has occurred, you are invited to a pre-disciplinary meeting where you can comment on the content of the report and present any clarifications or extenuating circumstances that you feel have not been addressed in the course of the investigation, and present any mitigating factors or other information you feel management should consider before rendering a decision on an appropriate corrective measure. Management will subsequently consider all relevant information presented at the meeting, and make a decision regarding the appropriate corrective measure to take, which could include discipline. No decision will be made at the meeting

The pre-disciplinary hearing will be held on **Wednesday July 6th at 10:00 am on MS Teams**. **Please confirm by email that you will attend the meeting no later than July 4th.** An invitation to the meeting will follow shortly.

Should you fail to attend this meeting without a valid reason, then a decision will be made based on the present information.

According to article 38.02 of your collective agreement, you have the right to be accompanied by a union representative. Should you choose to be accompanied by a Union Representative, please coordinate with them to ensure they are available to attend the meeting. xxxx xxxxxx , Labour Relations Advisor, will also attend the meeting.

In appreciation of the stress caused by these circumstances, I want to remind you of the availability of our Employee Assistance Program (EAP). The EAP is a voluntary and confidential service designed to help employees who have personal concerns that affect their personal well-being. You can reach a counsellor 24/7 at 1-877-367-0809 or TTY, for hearing impaired: 1 877-338-0275.

Should you have any questions or concerns, please do not hesitate to contact me.

Yours truly,

xxxxxxx xxxxxxx
A/DIRECTOR Data Science – Chief Data Office
Strategic Policy Branch

c.c. Labour Relations

Attached: Administrative Investigation Report

Canada Border Services Agency | Agence des services frontaliers du Canada

PROTECTED "B"

INVESTIGATION REPORT

Respondent(s):	**Dmitry Gorodnichy**
Title:	**Senior Data Analyst**
Group and Level:	**SE-RES03**
Work Location:	**Data Strategies**
Region:	**Strategic Policy Branch**
Incident Date(s):	**February 4, 2022, February 11, 2022 and March 18, 2022 and April 1, 2022**
Professional Standards Number:	**Tier 1 – Management Led**

Purpose of the Investigation:

The purpose of the investigation is to determine all relevant facts with respect to the allegations of misconduct, as stipulated below, by the respondent(s), and to establish a factual document upon which decisions can be made by the Employer concerning the incident(s).

Background:

Provide a brief summary of the events that gave rise to the investigation. Answer the Who, What, Where, When and any other information concerning the incident(s) under investigation.

On January 11, 2022, DG clearly outlined via email that Mr. Gorodnichy is expected to refrain from making comments on social media that may compromise the Agency's reputation, including comments that may negatively impact his colleagues and members of management. On February 1, 2022, Mr. Gorodnichy's Director, xxxxx xxxxxxxxxxxxx Director Data Science also clearly outlined during this bilateral meeting to follow the established process to voice his concerns about COVID vaccines and to not discuss concerns of COVID-19 Vaccines at work or publicly that contradicts the *Policy on COVID-19 Vaccination for the Core Public Administration Including the Royal Canadian Mounted Police (Policy)*.

On February 4, 2022, Mr. Gorodnichy's Director reached out to Mr. Gorodnichy to let him know that he is aware that Mr. Gorodnichy didn't follow his advice on February 1, 2022 on not discussing vacation safety in the workplace and asks for clarification as to why he didn't follow his advice.

On February 9, 2022, Mr. Gorodnichy is placed on Administrative Leave without Pay (LWOP) for not complying with the *Policy*.

On February 11, 2022, the Director is made aware of other posts from Mr. Gorodnichy on open sources GCcollab about vaccination safety messages that is contrary to the message that the Government of Canada (GOC) is promoting, which is that vaccines are safe and efficient. The Director requests that Mr. Gorodnichy takes down those posts wherein he is using GOC

network, devices, or online infrastructure immediately and informs him that he has ccd LR to determine next steps in addressing this matter.

On Monday February 14, 2022, Director of Open Canada – Treasury Board Secretariat (TBS), reaches out to Labour Relations (LR) TBS to inform them that on Friday February 11, 2022 they noticed that Mr. Gorodnichy's post on the Open Government GCcollab page was inappropriate for their pages and therefore removed it. They've also informed the GCcollab team as there was a white paper also being promoted on a page owned by Mr. Gorodnichy and it was also removed for not respecting the terms of use of the GOC platform.

No other posts seemed to have been posted by Mr. Gorodnichy after February 11, 2022, the day his Director requested that he takes down his posts. However, on March 18, 2022 Mr. Gorodnichy posts on GCcollab page an invite to an event with the subject matter being analyzing vaccine side effects using Data Science, on his personal twitter account he posted information about COVID-19 vaccine safety and efficiency and on April 1, 2022, another invite through GCcollab page with the subject matter being special update on new results from PHAC – analyzing using Spreadsheets and R.

On April 4, 2022, Lauren Hunter, Director of GCTolls, contacted LR TBS who forwarded the email to Andrea Chase, A/Manager LR and HR Redress for CBSA to address the matter. It was decided that given the ongoing conduct issue and that Mr. Gorodnichy is not following the conditions of use of the platform to reset the employee's password and pulled the post with the April 8, 2022 workshop invitation. Therefore the employee lost his right to have access to their account wherein he used a CBSA email address. However, Ms. Hunter did indicate that any employee are free to set up and account using a personal email and participate without representing themselves as a public servant.

Management, in consultation with LR, gathered the information above and established the allegations (outlined below under "Allegations"). A notice of investigation and a fact-finding interview invite was prepared and sent to the employee with an attempt to conduct the fact-finding interview/meeting on April 14, 2022. The employee requested more time to prepare and the fact-finding interview occurred on February 27, 2022. Mr. Gorodnichy was accompanied by Lisa Dubé, union representative, the Professional Institute of the Public Service of Canada (PIPSC).

Allegations:

Provide a statement of what the respondent(s) is/are alleged to have done wrong in violation of the CBSA Code of Conduct and any other relevant Law, Policy, Directive, Manual, Guidelines and Standard Operating Procedures etc., as applicable. Allegations should include the specific reference to the section(s) or area(s) that are alleged to have been contravened.

e.g. On <date>, <respondent(s)> is alleged to have <description of incident> in violation of CBSA Code of Conduct, <specific section reference or other applicable document reference>.
It is alleged that Mr. Gorodnichy: Disregarded your management's expectations outlined in an email from your Director General (DG) dated January 11, 2022 as well as during a bilateral meeting with your Director on February 1, 2022. Your DG clearly outlined that you were expected to refrain from making comments on social media that may compromise the Agency's reputation, including comments that may negatively impact your colleagues and members of management. Your Director clearly outlined during your bilateral meeting to follow the established process to voice your concerns about COVID vaccines and to not discuss concerns of COVID-19 Vaccines at work or publicly that contradicts the Policy on COVID-19 Vaccination for the Core Public Administration Including the Royal Canadian Mounted Police (Policy). On February 11, 2022, you were further asked by your Director via email to take down all posts regarding COVID-19 vaccines using Government of Canada (GOC) network, devices, or online infrastructure which contradicted the Policy. It is alleged that you willingly neglected to follow management expectations when posted information on social media platforms including on Government of Canada platforms. Specifically, you posted information publicly on COVID-19 vaccination's safety and efficiency, although, this may be your personal opinion, this information is contrary to the message that the Government of Canada is promoting, which is that vaccines are safe and efficient. These actions are contrary to the objectives and expectations of the Policy on COVID-19 Vaccination for the Core Public Administration Including the Royal Canadian Mounted Police, wherein it states that employees are expected to do their part to protect the health and safety of employees by being fully vaccinated unless accommodated, specifically the: You were found to have posted this information on the following social media platforms: • In February 2022, Open Government GCcollab page where you were identified as a public servant who works at CBSA, you attached the following white paper on a GitHub page - vitals | Official Canada Vital (Deaths) Statistics, analyzed using Data Science (open-canada.github.io). This paper was also promoted on R4GC (Use R!) Community : GCcollab) and you would have included the following links to this R4GC page: • https://youtu.be/4a8ZRipbeRo - Freedom Convoy – Speech by Army Major Stephen Chledowski: message against the mandatory vaccines • https://youtu.be/zs2AH14oTxM - Your video from the Freedom Convoy – providing your analysis on COVID-19 vaccine data stating the GOC's data shown is skewed/misleading/not accurate • https://ivi-m.github.io/vv/ (with single URL: www.IVIM.ca) - Source: "Cases following vaccination, COVID-19 Daily Epidemiology Update", Public Health Agency of

Canada – providing your analysis on COVID-19 vaccine data stating the GOC's data shown is skewed/misleading/not accurate

- On February 4, 2022, you invited CBSA colleagues to an event you created which was a special edition of a weekly Lunch and Learn "Data Science with R" meetup on GCcollab titled "One Year since Vaccination - what have we learnt – using Open Canada data and Data Science" discussing COVID-19 vaccine safety and efficiency which raised concerns from your colleagues.
- In March 2022, Open Government GCcollab page where you created an event calendar for March 18, 2022 with the subject matter being analyzing vaccine side effects using Data Science.
- On your Twitter account "Dr. Dmitry Gorodnichy" – you posted information about COVID-19 vaccine safety and efficiency.
- In April, Open Government GCcollab page where you created an event calendar for April 1, 2022 with the subject matter being special update on new results from PHAC – analyzed using Spreadsheets and R.

Authorities:

Indicate what specific authorities were violated (e.g. CBSA Code of Conduct and any other relevant Law, Policy, Directive, Manual, Guidelines and Standard Operating Procedures etc.). Include references to specific sections and paragraphs etc.

If founded, these allegations could be found to have breached the *Values and Ethics Code for the Public Service* and the *CBSA Code of Conduct*.

Chapter 1:

A. Our Values:

a. Respect:

i. Our Values in Action – Respect: providing impartial, objective and factual information, advice and support in a timely manner to further Agency objectives.

b. Professionalism:

i. Our CBSA Values – Federal public servants are entrusted to use and care for public resources responsibly, for both the short term and long term. Employ public resources wisely and properly (GC Collab)

c. Integrity: Our Values in Action

i. making decisions and behaving in ways that maintain public confidence and preserve CBSA's reputation in light of its high visibility; and

ii. ensuring that our off-duty and private activities and our private financial affairs do not conflict with our official duties.

C. Leadership Conduct:

a. taking into consideration our own health, safety and security and that of our colleagues.

D. Expected Standards of Conduct

3. Social Media:
When commenting in social media fora:
we are mindful of our duty of loyalty and remain non-partisan;

4. Private, Off-Duty Conduct and Outside Activities:
We understand that our outside activities and off-duty conduct are usually private matter, They could become work-related matters, however, if they have negative consequences on the Agency.

5.2. Public Criticism of the CBSA and/or the Government of Canada:
We refrain from making public criticisms of the CBSA and/or the Government of Canada including posting critical comments on social media fora.

6. Electronic Network Access and Uses:
following the CBSA's policies and procedures regarding the access restrictions to data banks including computer-based detection systems and the posting of information (GC Collab);

12. Neglect of Duty:
Carry out policies, procedures, or assignment or instructions from our managers without delay (Insubordination).

Investigation Findings:

Evidence: *Provide a listing of all sources of evidence that was reviewed or accessed, including but not limited to, IT Systems, IT reports, CCTV Footage, work schedules, complaints, statements and other documentation, as applicable. For each piece of evidence collected/reviewed include specifics such as dates, times, locations and approvals granted and resultant findings.*

Complaint received from the Director of Open Government (GCcollab):
They felt that the content of the document that was posted on the Open Government GCcollab page was not appropriate for their pages and therefore removed it. The Director's team also informed the GCcollab team of the white paper which was also promoted on Mr. Gorodnichy's own page and the GCcollab team also removed the post for not respecting the terms of use of the GoC platform. The Director flagged this to LR TBS who transmitted the information to LR CBSA as he felt that this post is counter to the duty of loyalty within the V&E code.

Complaint received from the Director of GCTools:
Because of previous instances raised by TBS, Mr. Gorodnichy's posts were being monitored by her team. And theynoticed another post they felt contained anti-vaccine content while representing himself as a GC data scientist. Because the employee was using a government email and identifying himself as a federal government employee, they pulled the post with the

April 8 workshop invitation and assessed all the other content the employee has posted. Because of the ongoing conduct issue, they initiated the password reset because the user is not following the conditions of use. This means that any employee who has lost that right will not have access to their account, although they are free to set up another account using a personal email and participate without representing themselves as a public servant. Mr. Gorodnichy confirmed in the fact-finding meeting that he has set up a personal account and continues having those meetings.

Emails from DG SPB and Director, Data Science wherein they are establishing their expectations.
Emails from Mr. Gorodnichy wherein he provides an explanation on the information he has been sharing on social media.

Interviews: *Provide a listing of all individuals interviewed, including the respondent(s). Include specifics such as dates, times, locations of each interview and whether the person was accompanied by an observer. Include all relevant information gained from each interviews.*

Interview with respondent Mr. Dmitry Gorodnichy April 27, 2022 at 15h00 via TEAMS and Second Interview May 31, 2022 at 13h30 via TEAMS both with Lisa Dubé, union representative, PIPSC and xxxx xxxxxx LR Advisor.

Mr. Gorodnichy was informed at the beginning of the meeting that he could not record the session however he could take notes during the meeting.

Mr. Gorodnichy referred to an email he submitted before the start of the fact-finding meeting and explained that it provides examples of the results he obtained from the Official Government of Canada data using the tools that he claims he has been developing with colleagues and which he shares with the public.

One example is on excess deaths after vaccination for age group 0-44 and in his opinion it shows very disturbing statistics for Atlantic and West Provinces and state that the death tracker app can be found at http://ivim.ca/app.

The other example is on odd of COVID deaths with boosters vs without boosters, which he believes that it shows disturbing data and can be found at http://ivim.ca.

Mr. Gorodnichy believes that the results of his analysis are self-explanatory and that he is not violating the CBSA Code of Conduct, such as lack of loyalty, compromising Agency's reputation, and negatively impacting Colleagues. He believes the allegations are unfounded and unjust, and that all his efforts show exactly the opposite, they help everyone understand and make use of official GC data, help them determine what to do for them (to get vaccinated or not get vaccinated and also which vaccine to choose for themselves), to be healthier and live longer, while also helping bridge the growing polarization in our society.

Mr. Gorodnichy stated that if management believes that the information he is reposting, quoting, plotting, computing various functional and performance metrics from officially published PHAC data, is considered a "violation of the vaccine policy" (i.e. putting *" information that is contrary the message that the Government of Canada is promoting, which is that vaccines are safe and efficient"*) or violation of anything else management is alleging him of, then in his opinion it was PHAC (and StatCan) who violated this policy as they published numbers that he believes go against the message of the Government of Canada, and described in his email that these numbers are showing:

1. that Percentage of cases/hospitalizations/deaths among vaxed goes up and up every week, since their very first report
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5. that half of Canadian provinces had very excess death rate AFTER May 2021 (which is when the vaccination of general public commenced), higher than that during the pandemic before vaccination (see image I sent this morning - from www.ivim.ca/app)

During the fact-finding, Mr. Gorodnichy confirmed that he posted the documents (both white papers) that management was referring to in their email invite to the fact-finding but added that he is not the only one that contributed to the information in those documents. He also confirmed that it is him in the video with the freedom convoy, that he posted on Twitter and that he organized the events on GCcollab and continues to organize those events.

Mr. Gorodnichy explained that the reason he is doing these analysis and posting them is to help the public make informed decisions on which vaccines to get, as in his opinion based on the analysis he has done some vaccines are a better choice for certain types of people (ex: AstraZeneca better for younger individuals). It is also to show the “real” results, as he believes the results shown by PHAC/GOC and the algorithm used is skewed and doesn’t reflect the reality. Mr. Gorodnichy doesn’t believe his message is contrary to the GOC’s message, as in his opinion the data shows what it shows, meaning that he never says a conclusion on whether or not the vaccines are safe and efficient or not safe and not efficient. What he is trying to say is that the data shown is weak not reflecting the reality and he believes the public deserves to have results that are not skewed, to get the benefit and efficiency of each vaccine, the knowledge, so that the public can make an informed decision on whether or not to get vaccinated and which vaccine to take.

When asked why he went against the DG’s and Director’s advice regarding posting online about the vaccination policy, Mr. Gorodnichy responded that the goal of his posts is to help improve the vaccines by providing not skewed results. He doesn’t state or promote that he is for or against the vaccines, he stipulates that the information he shows can support or not support the use of vaccines, the results shows what it shows and it depends on what time of

the year (pre-vaccines, October vaccines vs Feb/March vaccines, etc doesn't have the same results as he believes the vaccines may be improving or not improving). What he is trying to do is show the accurate information as he believes the GoC is not showing the accurate data.

Furthermore, for the lunch and learns that he has been scheduling while at work and after he was placed on LWOP, Mr. Gorodnichy explains that he had asked xxxxx (DG) the permission/support to do those with the objective to have a safe place for employees/colleagues to share their minor side effects related to the vaccines and show them how to report these minor side effects to the government so they can improve the vaccines.

He states that his intent when posting the data and having those lunch and learns was to help the government/institution to improve the vaccine, and help the public make informed decisions on whether or not to take the vaccines/which vaccines based on his data analysis that he believes is more accurate/not skewed. Mr. Gorodnichy doesn't believe his messaging is contrary to the message that the Government of Canada is promoting, which is that vaccines are safe and efficient. He believes he is showing the truth based on his analysis whether it is showing that a certain vaccine is more/less efficient than another vaccine for some demographic category.

Analysis and Conclusion:

For each allegation, provide a detailed analysis of the facts, testimony, and evidence gathered during the investigation. All relevant information should be analysed and, as required, specific references to the documents included will be quoted. The analysis determines what happened by summarizing evidence and reviewing any identified gaps or inconsistency in evidence to determine culpability.

A conclusion should be provided based on the analysis, weighing the evidence and applying the balance of probabilities, to determine whether each allegation is founded (partially or in-whole) or unfounded.

While each incident in isolation may not suggest violation of values of ethics, the cumulative nature of Dmitry's action highlight an increasingly deliberate, persistent, growing patterns of questioning the vaccine safety and efficacy, which goes against the messaging of the government of Canada covid-19 vaccine policy and messaging, which is that vaccines are safe and efficient.

Even after repeated demands to remove messages on vaccine safety and efficacy, Dmitry continued to post these messages and hold meetings to discuss vaccine efficacy and safety publically, often using GoC digital infrastructure.

Although the employee says that he disputes the above assessment, that he is not posting information that goes against the GoC messaging, the evidence as outlined above (e.g., removal of his message on GC collab, complaints from staff) suggests otherwise.

In conclusion, based on the analysis of the evidence, the allegation that the employee willingly neglected to follow management expectations as outlined above, and willingly posting information on social media platforms including on Government of Canada platforms on COVID-19 vaccination's safety and efficiency, that is contrary to the message that the Government of Canada is promoting is founded.

Investigator(s):	xxxxx xxxxxxxxxxxxx
Title:	**Acting Executive Director Data Strategy**

Signature: _____ Date: _____
(Investigator)

- **10:00 - 11:00 : Pre-Disciplinary hearing [[Dmitry]]**
- Attendees : [[Dmitry]] [[xxxx xxxxxx]]
- 2022-06-27 - Administrative Investigation Report (1).pdf
- **Opening :**
  - Thank you for being here
  - As indicated in the invite, the purpose of the pre-disciplinary meeting is to provide you with an opportunity to review and respond to the administrative investigation
  - This could lead to the imposition of a disciplinary measure. No decision will be made at the meeting.
  - This is an opportunity for you to provide relevant information to comment on the report, to explain your actions, and to point out mitigating factors, and any other information you believe management should consider prior to rendering a final decision.
  - The role of the representative in the meeting is not strictly that of observer (as in an investigative interview) but could be broader, including an advocacy role, speaking to the matters referenced earlier. The representative's input must be relevant, and I will check at the end of the meeting, to ensure you are agreeing with the input of your representative
  - All information collected in the course of the investigation and this meeting is subject to disclosure under Access to Information & Privacy Act legislation.
  - You must maintain confidentiality about the investigation and this meeting and all related matters to this incident on a strict "need to know" basis.
  - You may not talk about this matter with colleagues including all witnesses and participants to this investigation and this incident.
  - Given the stress you may be experiencing, you are reminded of the availability of EAP.
  - Do you have any questions before we proceed?
- **Dmitry:**
  - **Can I disclose information?**
  - defending himself to disclose information about defending his rights "I should have the rights to talk about defending myself"
  - Says : he has the right to disclose this as long as he doesn't disclose anyone elses information on this
  - Do I have right to disclose my own information?
- **On the report**
  - Will share the written document later
  - Will go through document to provide us with background
  - Reads the invite and comments on the invite

- message the from the government of Canada on safety of the vaccine

- Comment on the report
  - Language is harsh
  - Finds the language harsh and wrong
  - Talks of his job evaluate safety and efficacy on system "only few in Canada with his knowledge"
  - "which goes against the messaging of the government of Canada covid-19 vaccine policy and messaging, which is that vaccines are safe and efficient."
    - says that his message is not against this message
      - He his saying that his message his contrary
      - Saying that solution is not efficient because data he has doesn't support it
      - Talks about biometrics systems (PIK, voice recognition systems) evaluation
      - Talks about OBIM work and that he is happy doing evaluation of systems, vendor evaluation of system - proving his credentials
      - Talks about false positive and false negative and difference over time and population
      - talks about data in Mtl and Vancouver that show efficacy of 60%
      - Providing examples with biometrics kiosks
      - talks about number he is tracking on PHAC websites
      - "starting in december, less death" some population is benefiting more some less
      - "when we complained about the performance, the performance improved" is he still talking about biometrics of vaccine efficacy
      - For children - very few people are dying from covid
      - From same chart - more children are suffering from other effects
      - Says that talking about it is following the code of ethics and what I'm doing and the open data people should be disciplined because we are not following the code of ethics
    - Will make his research public as soon as possible
    - Says he has very strong ethical values, scientific integrity and the law on his side
    - Sent email from TBS we statement on BA4 and BA5 and he says this individual will no be disciplined
    - Starting from June the % goes up

        - Talks that EX2 from TBS said that data does support the government message
        - Says he share the same values has the other person from TBS
        - Individual from TBS says that they are saving lives by saying this outloud
- Background
    - says its assault on democracy
    - Share his view on assaults in the grievance meeting
    - says we are under assault when we know the truth
    - Says its torture because his being stripped from his livelyhood
    - Says its similar to what is happening in Ukrain
    - Says that supporting the data we are under assault
    - Says we are afraid to follow him because we are afraid, we don't have the free will to follow GoC policy
    - Speaks of bill of rights
    - Says that if I do harm to me or his family, it will come back to me
    - Wants to escalate this above me because its not my fault
    - Does all of this because he wants to improve the efficacy of vaccines
    - Contacted a number of GoC agency and says they are under the same torture and cannot take action and exercise free will and judgment
    - Will show the official data and says that if I cannot comment its because I don't free will
        - shows epidemiology update
        - Nic - I refuse to comment on data I haven't reviewed
            - says that I don't want to reply because I'm afraid of torture
- **Comments on the letter send by** xxxxx **and** xxxxx
    - no questioning vaccine safety, talking about efficacy
    - says that its not correct that he continued to post (because he could not remove from GCcollab since it was already removed)
    - Says he closed his LinkedIn account
        - he remove it
    - Says he will remove all posts and then contest by saying we don't have the right
    - Says he is not using GoC Digital infrastructure - only did it once or twice - So he used his equipment to disseminate that information
        - not often - once or twice
    - Wants to schedule another meeting to go over the evidence
    - Not here to be my ennemy, says its the opposite
    - Says direction are not clear

  - Article sent to the Lancet with colleagues from Ottawa University ????? no clue what this refers to
  - Says needs to defend himself against torture and discrimination, says needs to fight from truth
  - "You tell me what to do and I'll do it"
    - as long as it doesn't affect his health or his family's
- Says that vaccines works
  - Says he cannot find the quote where is says that employees do their part to protect the health and safety of employees by being fully vaccinated unless accomodated.
  - At the second meeting with xxxxx (xxxx and Lisa were present)
    - says its not true that he was asked not to discuss this
    - Says xxxxx agreed he could discuss this with xxxxxx Parker
    - Says he is doing this on the best interest of the government of Canada
  - Talks about the slido email he sent me
    - says the questions were not from him
    - "will agency provide support or compensation for employees who have long-lasting serious reaction to the vaccine" said he brought the question up to xxxxx
    - Said he was allowed to talk about it
    - Said that no clear vehicle of voicing his concerns were provided
      - said xxxxx approved him talking to engagement team???
- Says it worth it because data and Karma are on his side
  - says he will follow guidance but he has rights
  - Could not remove messages because they were already down
- Says I'm preventing dissemination of data
- Assault on democracy and canadian citizens
- says xxxx and I are under the fear of torture and thus cannot answer this
- Feels he is being discriminated because cannot work on projects
- working with a journalist and a lawyer on this
- Fighting for everyone on the planet

2022-08-03
10am
Pre-Discipline meeting

Present
xxxxxxx xxxxxxx , A/Director Data Strategy
xxxx xxxxxx , LR Advisor
Dmitry Gorodnichy, Senior Data Analyst
Lisa Dubé, Union representative PIPSC

Start at 10:04am
Dmitry: Thank you for the opportunity. Let's jump in.
N: Before jumping I have a few notes. "Opening Statement" – Respond to admin inv. Could lead to discipline but no decision be made today. Opp to provide add info and mitigating factors and any other info you wish to consider. Lisa's role not only observer you can intervene and then I will ask you if you agree. Meeting subject to privacy, maintain confidentiality about the investigation and every matter on this. Not to talk with colleagues with colleagues. Remind you EAP. Before we start any question?

Dmitry: Question? What am I allowed to talk about this in public, for speaking against the vaccine, I am not but again, there is this thing happening to me, conduct against me, I do have right to tell this to anyone without naming names. More specific: Defending myself against myself, my rights, right and permission to talk about what I am doing, not work and colleagues, defending my rights – right to mention this to anyone, no details, I am simply saying called to pre-disc, lack of loyalty talking about vaccines, this need to be stated clearly, I have the right to speak about my own information, and your name will never be mention there, no colleagues name either, Protected B but my choice if I want my info to be public.
Do I have right to share my personal information publicly that I am alleged misconduct, I want to be known to public?

xxxx: Your question is noted.

Dmitry: So no answer.

xxxx: Confirmed that answers to his questions in the last email included the one above will be provided to him clearly at another time. Right now we are here for the pre-disc.

Dmity: ok. He has a lot of information to provide. Quickly – I will just go through documents to give you background. Key message that I am trying to talk about today. Finding the invite – specifically about this meeting – investigation report, xxxxx 's documents, xxxxx 's document, maybe put it on a different screen somewhere. Found it.

Invite pre-dis meeting: Allegation is as follows: Message of GOC safe and efficient – yes I can comment on that – all omission in the report and share clarification on the report – now open the report: Conclusion in the report: the language very harsh, against what is written here. Very opposite to the truth. I am a data scientist, evaluation of complex … which I have not develop myself, evaluating for efficacy and safety, part of my job to evaluate safety and efficacy of knowledge. I am a subject matter expert, there only a few in Canada. Statement: #1What is the message you say I am contradicting, "against the messaging which is the vaccine are safe and efficient" - #2 do something that goes against

the message – what is the message and what I do that goes against the message. What I say is the opposite of what this is saying.

The general pub is told something is efficient to gen pub different from date scientist is saying. This is why to bring you back to part of my work, I am doing with the Agency – efficacy biometrics I have ex voice recognition evaluating, all pixel, graphs to show how badly or well they performed. How changed over time, becomes worst or better for different products. I would be very happy to do this. The performance improves at times or better/worst. Go by vendors much worst then other ones. Just given you examples. What I am saying that for data scientist, the word efficient not just English language - we talk about two words false positive or false negative, change over time and different populations, graph I show here, biometrics, Montreal and Vancouver the worst 65% accuracy – 95% accuracy, based on this Dmitry your message is against the messaging – No I am saying performance variance depending population male and female – biometrics change depending – not efficient or risky I talked about biometrics as a data scientist language, same numbers all the time, numbers by PHAC all the time, used them, track them all the time, this means the bar is higher this means this. Orange is higher which means this. This is the same as I am saying right here. Some population benefiting more or less. These numbers change over time. They improved the performance in Vancouver because we complained and because of that it improved, because we talked data science, what I am doing the same methodology,.. plug this number for all ages group, for children indeed very few under 19 are dying from COVID, from the same source very more they are suffering from vaccines, make sure to make it known, we are following code of ethics, what I am doing, following code of ethics, not allowing me to show this data going against the code of ethics, anyone who are not allowing me doing this should be disciplined. Vaccines could be improved if this info is shared in a professional manner, no fear, saying something, your superior can use against you. My presentation starts here, I am going to make it public, as long as I don't violate anything. You know my position, I believe is important, I get money/benefits from this, what many people can take, strong spiritual values, I stick to those values, because of that I have courage, power, data on my side, supported by official data, law and everything. To all your quotes what specifically I have violated, I can say what you have violated. I sent you an email form ex from TBS, who said exactly the same statement, now no vaccine that work with …. Are we going to charge this person with misconduct, no he is doing what he is supposed to do. Data available right here, you could again, I make this available for everyone, this is the last starting from June 2022, % for each population, # for each week and you would see what the director said, 3-4 doses doesn't show it helps, he has apparently enough courage, diligence to share this information with other colleagues, I am also responsible this information shared with as many people, I am not helping against 4-5.

Let's get back to Key point:

Stated allegations, background, politicians, legal definition of assault shared in grievance, assault of Gov workers like myself, all work are under fault when you know the truth, if you don't know the truth you don't feel assaulted. Threatened, tortured, don't agree with superior, stripped for life for all means of income, more horrifying than to be stripped of income, except of horrors of war such happening, Ukraine, for you and xxxx, if you just realized by supporting this data you could lose your position, infinite # days this is the fear, drives your decision right now. I will prove to you that you are not right now, as my manager, you no longer have a free will to follow gov policies, on one side we have supreme rights/law, not to do any harm to anyone, if you do harm to me and anyone else it will get back to you, possible to exclude yourself, you are also a slave here, you are being assault.

We have responsibility for the public, they are all on my side, what I do to improve the vaccines, it is serving the public.

Democratic rights to express concerns, I am using this, payment of salaries missing benefits, children not attend activities because nothing to pay, yes we do what I can. Epidemiologists do what they can.

He communicated with the Office of audit general, civil liberties association (will be provided), fear of assault and torture. We, meaning myself, you and xxxx, cannot exercise the rights and to make decision – even to state allowed in public that we observe with our own eyes. I will prove it to you in three minutes. I will show you right now = official data shared with the public, Please look at this page and answer out loud this question: If you cannot answer this question, something is prohibiting you from answering.

I talk in terms of graph and shows graphs. Shows different demographics and severe adversary reactions. I am not saying that biometric not work or not efficient, it works but we need to improve it.

PHAC – shows the % of cases by vaccination status, for primary series you have only .8 % vs 42% - cases reported since the start of vaccination campaign, this only started two months ago,
Question: Nic, please look at this graph, I can make the graph visible to you again, (shows graph) – report tiny bar for 2 doses – do you see that statistic of fully vaccination published by PHAC in such of way as to minimize the number of cases after additional doses compared to those unvaccinated?

xxxxxxx: I will not comment I haven't reviewed all the data.

Dmitry: the doses started in May and counted in %, but cases since Dec, do you see that stat for these cases reported to minimize the number of cases, if you have difficulty answering you are afraid to answer, fear of torture like other public population. Can you see that this bar is small?

xxxxxxx: I am not comment on the graph, I see the graph,

Dmitry: I am not free at your will to see as appropriate, you will have enough time, in the evening with family and ask this question to yourself.

Letters sent to me by xxxxx and xxxxx , none of them talks about (conclusion) I am not questioning I am measuring it, only then you can making it better. It is part of my life, I do that everyday it is constant (not increasingly), against messaging – you have to say what article, statement, is violating – going against messaging. I was asked to removed I removed them right away, very important. When I was asked to remove in GC Collab – I went it was already removed by someone else, when xxxxx asked to remove, there was nothing to remove. If there is anything else to remove, tell me exactly and I will remove, and ask why, you are doing no wrong, but at least I can do it afterwards. Closed LInkedin closed right now, cannot reference CBSA, you are linked to GOC so remove it. I will do anything that you want me to do and then I will fight back. Not in the interest of the public. If you have once clear instruction explanation I remove right away.

Commented [CT1]: Reference to wording in the report where we say increasing it should be constant in his opinion.

GOC Digital Infrastructure – not correct/false – I use my own computer and my own account – Everyone can use GC Collab. Couple of times only (1-2 twice), important that people to know, I was invited as data scientists, how to use google spreadsheet to create graphs. Nic you are very familier with google sheets and I copied on graphs. I sent an invitation not used infrastructure.

Commented [CT2]: Wording used in the report – not infrastructure, GC Collabe page?.

Many other things very incorrect, written by people dictated, maybe used by somewhere else, but nothing to do with me.

Not have time – so we should schedule another meeting for me to provide evidence.

Most important, I am not here to be your enemy, to not comply, I am ready to follow instructions as long as I tis clear. Say nothing about health – not clear – remove this article but I still don't know why. Remove another newsletter but have to be very specific, what I can and cannot do. If it is clear and not lead to health problems/torture or more suffering, I've been denied good living for several months, the Agency is trying to keep me in this discrimination/torture. I need to fight for truth, you cannot tell me – you can tell me but illegal – to remove this statement. Again clear enough tell me what to do I will do it, it has to be clear, no connection to my health and health of my relatives.

GOC messaging is safe and efficient – I am fine with that, vaccines have proven, it is about diligence – employees are expected to – nothing on the policy, it is new since April – couldn't find this quote. Be quiet / shut up.

Commented [CT3]: Referencing wording in the report that employees are expected to… he says that wording is not in the Policy.

Very beginning, witnesses Lisa and xxxx – three times I asked – you wrote DG clearly outlined refrain from making comments (not true), asked xxxxx if I could discuss, engaging team, and xxxxx said yes why not. It was not clearly outlined that refrain to make comments. I am not talking about you or other colleagues, the best and interest of other GOV employees, I sent to xxxxxx Parker and to you Nic before the meeting.

We had this slide of pole – how to submit side affects of vaccines was made by other employees not me. I voted for it as well - 40 votes not answered at the time, showed to xxxxx and suggested to create safe space on how to address this concern on how to submit side affects – employee felt assaulted but they didn't know the terminology, I was allowed to talk about it and I did, clearly aligned the establish policy, DG establish – asked three times, what established process, grievance, not about that, it is about concerns I can grieve decisions not concerns. This was not answered – talk to engagement team where people feel safe, this is not true.

I've been really careful, lost benefits, it is hard on me and family but it is worth it, because data and karma is on my side. Messages put down, they were already put down, I couldn't put them down. List of things that quotes – went through the Code of Conduct outlined in the report – He wishes that management be very specific on what we mean.

Nothing wrong in what I posted – do you see it or not. You can open it, it helps all of us, to use the data, and if TBS director flagged it, he she not a data scientist and not accuracy. You efficacy is not just a general word, very important to measure this variation, you need to have spreadsheet and tools to evaluation, not a reason to accuse me of doing something wrong because they said comments.

She confirmed that anyone can use GC collab, nothing criminal here.

I build app, it shows everything that it shows, disturbing stats west statistic. This is the proof that you are fearful and under assault, discuss with your wife, assault on democracy.

Graph is very small and you are saying that you cannot answer the question, this answers the question.

NIc: I am realizing that we are over time, are you able to submit all the documents you have prepared with your comments for our review.

Dmitry: question remained if I can share with the public, some of those statements, make them as anonymous, doesn't need to be from Dmitry, simply to show the public concerned.

I am discriminated not allowed to work on projects right now, Louis-Guillaume told me that I am not allowed to work on certain projects. Another thing that is really sad. I have a lot of skills that help the Agency, very willing to work with them. Fact that I am not allowed to work on other projects. What the legal mechanism to address this, I don't want to put you under … you are all under the same assault and torture. Again we live under democratic country, means to fight this injustice. I feel I am being discriminated, I want to help you and children, I do discourage children vaccinated based on the data, not saying that not efficient but better to wait. Used another technology than biometrics…

I will send you this corrections which multiple there, I will send other documents to share in public, exclude portions where it mentions your names, how to deal with the discrimination, denying opportunity to work with my colleagues in projects, journalist working with me and helping me, but I'd rather work with you Nic, it is not a confrontation, it is about to work together to help others. We have 7 Million held in prison, this is illegal.

Nicola: We have to end this meeting and will gladly review it and answer your questions.

Dmitry: Apologize for a lot of information, a lot of things happening at the same time. Ask to be compassionate, exercise human under constitution responsibilities and do what you can as a person human being the best decision you can make. I know that we are all good people, not everyone is bad, we don't know what to do. Not about Canada, it is happening everywhere, it is Global. So thanks again, I will do my best.

Thank you.

Ended 11:12am.

PRI	Employee's Name	Delivery Method	Course Code	Course Title	Minutes Online Training	Pass	Language	Start date	End date	Classroom Course Duration (hours)
24920843	Dmitry Gorodnichy	Informal Learning	LA4000	IARPA Computer Vision Conference	N/A	Pass	EN	11/12/2008	11/14/2008	22.50
24920843	Dmitry Gorodnichy	External Classroom	EPHR1009	Second Language - French	N/A	Pass	EN	9/1/2009	11/3/2009	20.00
24920843	Dmitry Gorodnichy	Informal Learning	LA4000	Biometrics Consortium Conference	N/A	Pass	EN	9/22/2009	9/24/2009	22.50
24920843	Dmitry Gorodnichy	CBSA Classroom	H1000-P	Diversity and Race Relations	N/A	Pass	EN	3/1/2010	3/1/2010	1.00
24920843	Dmitry Gorodnichy	External Classroom	EPSE1006	NIST Conf IBPC	N/A	Pass	EN	3/2/2010	3/5/2010	30.00
24920843	Dmitry Gorodnichy	CBSA Classroom	R1034-P	Security Awareness	N/A	Pass	EN	4/1/2010	4/1/2010	7.50
24920843	Dmitry Gorodnichy	Informal Learning	LA4000	SPIES Defense, Security + Sensing Confer	N/A	Pass	EN	4/5/2010	4/9/2010	37.50
24920843	Dmitry Gorodnichy	Informal Learning	LA4000	AI/GI/CRV 2010 Conference	N/A	Pass	EN	5/30/2010	6/2/2010	30.00
24920843	Dmitry Gorodnichy	External Classroom	CSPS0027	The essentials of Managing PS (G110)	N/A	Pass	EN	6/7/2010	6/11/2010	37.50
24920843	Dmitry Gorodnichy	External Classroom	CSPS0027	The essentials of Managing PS (G110)	N/A	Pass	EN	7/5/2010	7/9/2010	37.50
24920843	Dmitry Gorodnichy	External Classroom	CSPS5186	Authority Delegation Assessment G110	N/A	Pass	EN	8/4/2010	8/4/2010	7.50
24920843	Dmitry Gorodnichy	Informal Learning	LA4000	Biometrics Consortium Conference	N/A	Pass	EN	9/21/2010	9/23/2010	22.50
24920843	Dmitry Gorodnichy	External Classroom	EPHS1001	Standard First Aid and CPR C & AED	N/A	Pass	EN	5/17/2011	5/17/2011	7.50
24920843	Dmitry Gorodnichy	Informal Learning	LA4001	Manager info session timesheets (SSP)	N/A	Pass	EN	10/11/2011	10/11/2011	3.00
24920843	Dmitry Gorodnichy	External Classroom	EPML1001	Workforce Adjustment Training-Managers	N/A	Pass	EN	3/12/2012	3/12/2012	7.50
24920843	Dmitry Gorodnichy	Informal Learning	LA4000	2012Public Security S&T Summer Symposium	N/A	Pass	EN	6/11/2012	6/14/2012	30.00
24920843	Dmitry Gorodnichy	Informal Learning	LA4000	2013 Biometrics Consortium Conference	N/A	Pass	EN	9/16/2013	9/19/2013	30.00
24920843	Dmitry Gorodnichy	Informal Learning	LA4000	Ninth Symposium and ICAO conference	N/A	Pass	EN	10/22/2013	10/24/2013	22.50
24920843	Dmitry Gorodnichy	Informal Learning	LA4000	International Biometric Performance Test	N/A	Pass	EN	4/1/2014	4/3/2014	22.50
24920843	Dmitry Gorodnichy	External Classroom	EPSE1005	Cognitech Video Scan Services	N/A	Pass	EN	7/8/2014	7/10/2014	22.50
24920843	Dmitry Gorodnichy	Informal Learning	LA4000	International Joint Conf. on Biometrics	N/A	Pass	EN	9/29/2014	10/2/2014	30.00
24920843	Dmitry Gorodnichy	Informal Learning	LA4000	2015 Gobal Identity Summit	N/A	Pass	EN	9/21/2015	9/21/2015	7.50
24920843	Dmitry Gorodnichy	External Classroom	EPIT1003	Data Mining	N/A	Pass	EN	10/9/2015	10/9/2015	7.50
24920843	Dmitry Gorodnichy	Informal Learning	LA4000	International Biometric Conference 2016	N/A	Pass	EN	5/30/2016	6/3/2016	37.50
24920843	Dmitry Gorodnichy	External Classroom	EPCO1000	Briefing Notes and Oral Briefings	N/A	Pass	EN	10/24/2017	10/24/2017	7.50
24920843	Dmitry Gorodnichy	Online Training	S7165-P	Insider Threat	32	Pass	EN		6/4/2018	N/A
24920843	Dmitry Gorodnichy	External Online	EOGD1042	Overview of Relevant HR-to-Pay Interface	N/A	Pass	EN		6/4/2018	N/A
24920843	Dmitry Gorodnichy	External Online	EOGD1041	Pay Cycle, Pay Calendar and Pay Stub	N/A	Pass	EN		6/4/2018	N/A
24920843	Dmitry Gorodnichy	Online Training	H7031-P	Values, Ethics & Disclo. Wrongdoing CBSA	126	Pass	EN		6/4/2018	N/A
24920843	Dmitry Gorodnichy	Online Training	H2046-P	Mental Health Awareness	23	Pass	EN		8/27/2018	N/A
24920843	Dmitry Gorodnichy	Online Training	H3001-N	Occupational Health&Safety in Work Place	44	Pass	EN		8/27/2018	N/A
24920843	Dmitry Gorodnichy	Online Training	R1034-P	Security Awareness	77	Pass	EN		6/4/2018	N/A
24920843	Dmitry Gorodnichy	Online Training	H7051-P	Violence Prevention in the Work Place	23	Pass	EN		8/27/2018	N/A
24920843	Dmitry Gorodnichy	External Online	CSPS5074	Creating a Respectful Workplace (G417)	N/A	Pass	EN		8/3/2018	N/A
24920843	Dmitry Gorodnichy	Online Training	R2002-P	Use of Social Media at the CBSA	18	Pass	EN		8/12/2021	N/A
24920843	Dmitry Gorodnichy	External Online	CSPS5084	Access Info & Privacy Fund.(I015)COR502	N/A	Pass	EN		8/31/2021	N/A
24920843	Dmitry Gorodnichy	External Online	CSPS6005	Harass. & Violence Employee(W101)WMT101	N/A	Pass	EN		8/31/2021	N/A

Maisonneuve, Karine (Elle/She/Her)

From: xxxxxxx , Katia
Sent: Friday, September 9, 2022 11:05 AM
To: xxxxxx, xxxx
Subject: TR: follow-up on pre-discipline meeting

FYI.

De : xxxxxxx , xxxxxxx < xxxxxxx . xxxxxxx @cbsa-asfc.gc.ca>
Envoyé : 9 septembre 2022 10:58
À : Gorodnichy, Dmitry <Dmitry.Gorodnichy@cbsa-asfc.gc.ca>
Objet : RE: follow-up on pre-discipline meeting

Noted, thank you for following up Dmitry.

I know my answer was long coming but I wanted to draft it properly.

Nic

From: Gorodnichy, Dmitry <Dmitry.Gorodnichy@cbsa-asfc.gc.ca>
Sent: September 9, 2022 10:56 AM
To: xxxxxxx , xxxxxxx < xxxxxxx . xxxxxxx @cbsa-asfc.gc.ca>
Subject: RE: follow-up on pre-discipline meeting

Nic,

In the light of my decision to leave it all behind, there's no need to reply to questions below – I'm removing everything I ever posted in pubic domain related to covid or vaccines, including Open Letter to Chief Science Adviser, Inquiries submitted to Office of Auditor General, research papers, and have no intent to post anything on this topics in public domain again.

Thanks

Dmitry

From: Gorodnichy, Dmitry
Sent: September 1, 2022 10:26 AM
To: xxxxxxx , xxxxxxx < xxxxxxx . xxxxxxx @cbsa-asfc.gc.ca>
Subject: RE: follow-up on pre-discipline meeting

Good morning, xxxxxxx

I've removed items you have requested me to remove while management is reviewing the documents and questions (post/video titled "A data scientist's quest for truth" wherein it talks about algorithmic biases embedded in PHAC reports and the investigation)

In gesture of full cooperation, I've also temporality closed my entire www.IVIM.ca site, which was redesigned following dismissal from work in February as a platform for me to showcase my professional data visualization skills and to help all Canadians to make better appreciation and use of official government data

Related to that however and the other (more general) part of your request, I do have a question.

In your previous instructions - July 18, July 6:
You requested that I **take down any posts wherein the message is contrary to the employer's interest**

As communicated to you already, I do not think that have any of this – as per my understanding of "employer's interest" (according to Code of Values and Ethics - such as responsible use of assets (data), protecting health, professionalism, integrity etc)

Now, you are requesting to remove **any posts** that **are related to the vaccination safety and efficiency, COVID-19**

Can you please clarify:

Does this include only all posts that I have created as a result of my employer's decision to put me on LWOP in February?

Or does this also include posts / video that I made about covid prior to that, such as a series of recorded Lunch and Learns on youtube and related pages where I teach how to build a web app to visualize Covid cases: https://itrack.shinyapps.io/covid/ ?

Also, does this include my Open Letter to Chief Science Adviser, Inquiry submitted to Office of Auditor General, and research papers analyzing StatCan and PHAC data written with my Ottawa U and uDal colleagues?

Also, does this also include any post about Canada, Ukraine or World, which may not mention specifically the words vaccination, safety and efficiency, or COVID-19, but which – one way or another - are now all related to COVID-19 and vaccines?

Please let me know

Thank you

Dmitry

From: xxxxxxx , xxxxxxx <xxxxxxx.xxxxxxx @cbsa-asfc.gc.ca>
Sent: August 31, 2022 4:57 PM
To: Gorodnichy, Dmitry <Dmitry.Gorodnichy@cbsa-asfc.gc.ca>
Subject: follow-up on pre-discipline meeting

Hi Dmitry,

As mentioned in the pre-discipline meeting, management is reviewing the documents you provided that you wish to post as well as your questions with respect to the employer's interest, including the question regarding your rights to share your personal information on the investigation publicly. In the meantime, I am reminding you of your obligation to refrain from posting any new posts until we provide you clear guidance, and remove any posts that are related to the vaccination safety and efficiency, COVID-19, on your social media including on the IVIM.com website such as the post/video that you posted on the IVIM.com titled "A data scientist's quest for truth" wherein it talks about algorithmic biases embedded in PHAC reports and the investigation.

xxxxxxx xxxxxxx

A/Director
Data Science Division, Chief Data Office
Strategic Policy Branch
Canada Border Services Agency, Government of Canada
xxxxxxx . xxxxxxx @cbsa-asfc.gc.ca

Directeur intérimaire
Division des sciences des données, Bureau de la dirigeante principale des données
Direction générale de la politique stratégique
Agence des services frontalieres du Canada, Gouvernement du Canada
xxxxxxx . xxxxxxx @cbsa-asfc.gc.ca

Thank you for using the iTrack COVID App. To proceed, please select one of the following links:

- Coronavirus Daily Report - Canada: https://itrack.shinyapps.io/covid/daily-report-canada (https://itrack.shinyapps.io/covid/daily-report-canada.Rmd)
- Canada App: https://itrack.shinyapps.io/covid/ca.Rmd (https://itrack.shinyapps.io/covid/ca.Rmd)
- USA App: https://itrack.shinyapps.io/covid/us.Rmd (https://itrack.shinyapps.io/covid/us.Rmd)
- International App: https://itrack.shinyapps.io/covid (https://itrack.shinyapps.io/covid)

Technical Information:

Name: Interactive COVID-19 Tracker (iTrack COVID App)
Type: Web Application. Compatible with mobile devices.
Description: A *data science* driven tool for *better* understanding the coronavirus pandemic dynamics and risks.
Keywords: covidcanada, covidusa, covidontario, covid19ontario, covid19quebec, covid19ottawa, covid19toronto, covid19montreal
Generator: R-Shiny

URL: https://itrack.shinyapps.io/covid (https://itrack.shinyapps.io/covid)
Homepage: "https://ivi-m.github.io/iTrack-COVID (https://ivi-m.github.io/iTrack-COVID)"
Data sources: Government of Canada (https://www.canada.ca/en/public-health/services/diseases/coronavirus-disease-covid-19/epidemiological-economic-research-data.html), University of Toronto Coronavirus database (https://art-bd.shinyapps.io/covid19canada/), Johns Hopkins University Coronavirus database (https://coronavirus.jhu.edu)
License: CC BY-NC (https://creativecommons.org/licenses/by-nc/4.0/legalcode).
Developer: Dmitry Gorodnichy (https://www.linkedin.com/in/dmitry-gorodnichy/)
Questions/Comments: dg@ivim.ca (email:dg@ivim.ca)

Main features:

- The iTrack COVID App provides LIVE updates on the situation with COVID-19 in Canada, USA, and other countries around the globe, by merging data from variety of sources: Government of Canada (https://www.canada.ca/en/public-health/services/diseases/coronavirus-disease-covid-19/epidemiological-economic-research-data.html), University of Toronto Coronavirus database (https://art-bd.shinyapps.io/covid19canada/), Johns Hopkins University Coronavirus database (https://coronavirus.jhu.edu) (additional databases can be added upon request)
- It computes multiple characteristics about the pandemic dynamics, such as pandemic Speed, Acceleration, and Growth, also known as Reproduction Rate or Rt, in addition to reporting the raw number of cases, reported elsewhere. In doing that, it checks the data for abnormalities and cleans the data were possible. This makes it possible to report and compare results at more detailed geographic and time scale, such as at municipal level and for each day), as opposed to reporting combined results at a provincial level or larger period of time, as done elsewhere.
- It can compute the regression model of the dynamic spread at municipal levels for all of the computed metrics, making it easier to see the trends and predict the future.
- It allows one to summarize the pandemic dynamics for the country or region graphically and in interactive tabular form for the current day or any historical day, making it possible to efficiently compare it across municipalities.
- Finally and in critical distinction from other dashboards, it allows one to conduct a fully automated search of high risk areas in the country using criteria measured from multiple pandemic dynamics characteristics.

Canada Border Services Agency | Agence des services frontaliers du Canada

PROTECTED B

October 12, 2022

Dmitry Gorodnichy
Senior Research Scientist
Data Science Division, Chief Data Office
Strategic Policy Branch

Dear Mr. Gorodnichy,

Subject: Disciplinary Decision

This letter is further to the findings of the administrative investigation into allegations of misconduct, which determined that improper conduct on your part had occurred and further to the pre-disciplinary meeting held on August 3, 2022, the purpose of this letter is to render my disciplinary decision.

It was determined that the allegation of misconduct, specifically that you willingly neglected to follow management expectations, and willingly posted information that is contrary to the message that the Government of Canada is promoting, on social media platforms including Government of Canada platforms, on COVID-19 vaccination's safety and efficiency was founded. Your actions were found to contravened the *Values and Ethics Code for the Public Service (Integrity, Excellence and Respect for Democracy)* and the *CBSA Code of Conduct (Chapter 1: Our Values (Respect, Professionalism and Integrity), C – Leadership Conduct and D – Expected Standards of Conduct (3. Social Media, 4. Private, Off-Duty Conduct and Outside Activities, 5.2 Public Criticism of the CBSA and/or Government of Canada, 6. Electronic Network Access and Uses and 12. Neglect of Duty).*

In determining an appropriate disciplinary measure, I considered all mitigating and aggravating factors, including that you cooperated and have been forthcoming throughout the investigative process, that you have a clear disciplinary record and delays in the process. However, I have also taken into account your repeated unwillingness to stop posting the information on social media even after being provided with clear expectations, and your lack of remorse and recognition that your posts are not in line with the Government of Canada's messaging. However, on September 9, 2022, you have assured me that you have taken down all posts and will not be posting these types of posts in the future, therefore, I also taken this into account.

Therefore, in accordance with the authorities delegated to me under Section 12(1)(c) of the *Financial Administration Act*, I have decided that a 5-day suspension without pay is an appropriate disciplinary measure. The date of your suspension will be from **October 31th to November 4th 2022**. In addition, you are required to take training **Navigating Social Media as a Public Servant (TRN125)** which is offered via the Canada School of Public Service.

Canada

Subject to and as provided in Section 208 of the *Federal Public Sector Labour Relations Act*, an employee who feels that he or she has been treated unfairly or considers himself or herself aggrieved by any action or lack of action by the employer is entitled to present a grievance no later than twenty-fifth (25th) day after the date on which he or she is notified orally or in writing or on which he or she first becomes aware of the action or circumstances giving rise to the grievance.

Be advised that a copy of this letter will be placed on your personnel file for the period corresponding to Article 38.04 your collective agreement unless subsequent disciplinary action is taken. In accordance with your collective agreement any document or written statement related to disciplinary action placed on the personnel file of an employee shall be destroyed after 2 years have elapsed since the disciplinary action was taken, provided that no further disciplinary action has been recorded during this period. This period will automatically be extended by the length of any period of leave without pay.

Lastly, I would like to clearly articulate that my expectations from this day forward are that if you wish to post information, comments, videos, other authors' posts and/or videos that contain information that may be contrary to, or not in line with, either the CBSA's or any of the Government of Canada's policy, procedures or messaging, that **you must seek management's and/or the CBSA Office of Values and Ethics guidance prior to posting such information on any social media platform**, including, but not limited to, Facebook, Twitter, YouTube, LinkedIn, blogs, Wikipedia, Instagram, Google docs or any other tool or device that allows for participatory multi-way information sharing, dialogue and user generated content.

In appreciation of the stress caused by these circumstances, I want to remind you of the availability of our Employee Assistance Program (EAP) should you require their support and guidance. The external service provider, LifeWorks by Morneau Shepell, may be reached 24/7 at 1 877 367 0809 or TTY, for hearing impaired: 1 877 338 0275.

Yours sincerely,

xxxxxxx xxxxxxx
A/Director
Data Science Division, Chief Data Science
Strategic Policy Branch

Please acknowledge receipt of this letter by endorsement below. Your signature does not imply agreement with this letter, but signifies that you have been briefed on the reason you are being disciplined.

I acknowledge receipt of this letter and attachments.

Dmitry Gorodnichy | Date

Attachment: *Values and Ethics Code for the Public Service* and CBSA *Code of Conduct*

c.c.: Employee Personnel File
Labour Relations, Operations, HQ
Compensation, Operations, HQ

Maisonneuve, Karine (Elle/She/Her)

From: xxxxxxx xxxxxxx
Sent: Wednesday, October 12, 2022 10:48 AM
To: Gorodnichy, Dmitry
Cc: xxxxxx, xxxx
Subject: Letter to be signed
Attachments: 2022-09-21 - Discipline Letter.pdf

Good morning Dmitry,

Please find attached the Discipline Letter that was shared this morning at our meeting. Please sign it (either wet signature or digital signature) and return it to me.
Given I put the letter in pdf format, the links to the course (TRN125) and the Values and Ethics Code for the Public Service and the CBSA Code of Conduct were removed, here they are :

Navigating Social Media as a Public Servant (TRN125)
Values and Ethics Code for the Public Service
CBSA *Code of Conduct*

Finally, the course TRN125 is an online course that is self paced and takes two hours to complete. I would ask you to complete it by the end of November and at completion, please send me the confirmation of completion.
I have encrypted this email and it prevents me from sharing it with Lisa. Could I ask you Dmitry to share it with her : Lisa Dubé ldube@pipsc.ca

Thank you,

xxxxxxx xxxxxxx

A/Director
Data Science Division, Chief Data Office
Strategic Policy Branch
Canada Border Services Agency, Government of Canada
xxxxxxx . xxxxxxx @cbsa-asfc.gc.ca

Directeur intérimaire
Division des sciences des données, Bureau de la dirigeante principale des données
Direction générale de la politique stratégique
Agence des services frontalieres du Canada, Gouvernement du Canada
xxxxxxx . xxxxxxx @cbsa-asfc.gc.ca

Treasury Board of Canada Secretariat | Secrétariat du Conseil du Trésor du Canada

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DEPARTMENT USE ONLY À L'USAGE DU MINISTÈRE

Reference No. N° de référence

2022-3941-137615

INDIVIDUAL GRIEVANCE PRESENTATION (*PSLRA* s. 208)
PRÉSENTATION D'UN GRIEF INDIVIDUEL (*LRTFP* a. 208)

Please note:
In accordance with *PSLRA* s. 207, all departments and agencies within the core public administration have an informal conflict management system (ICMS) in place. Its existence does not affect an employee's right to file a grievance. However, managers, employees and bargaining agent representatives are encouraged to use the ICMS when appropriate, at any stage of the grievance process, in an attempt to informally address workplace differences.

Veuillez noter :
Conformément à l'article 207 de la *LRTFP*, les ministères et organismes de l'administration publique centrale ont établi un système de gestion informelle des conflits (SGIC). L'existence d'un tel système n'affecte pas le droit d'un employé à soumettre un grief. Toutefois, les gestionnaires, les employés et les représentants des agents négociateurs sont encouragés à se servir du SGIC, à n'importe quelle étape du processus de grief, afin de tenter de régler de façon informelle les problèmes en milieu de travail.

SECTION 1
TO BE COMPLETED BY EMPLOYEE À REMPLIR PAR L'EMPLOYÉ

A

Surname Nom de famille	Given names Prénoms	Home and work telephone No. N° de téléphone maison et travail
Gorodnichy	Dmitry	613-355-9975

Home address Adresse du domicile	Job classification Classification du poste
618 Glenhurst Crescent, Ottawa (ON), K1J 7B7	SE-RES-03

Department or agency Ministère ou organisme	Branch/division/section Direction/division/section
Canada Border Services Agency (CBSA)	Chief Data Office

Position title (and number) Titre du poste (et numéro)	Work location Lieu de travail	Shift Quart de travail	E-mail address Adresse électronique
Research Scientist	NCR		dmitry.gorodnichy@gmai

Collective agreement (if applicable) Convention collective (s'il y a lieu)	Expiry date Date d'expiration
RE (Research) Collective agreement	September 30, 2022

B

Grievance details: statement of the nature of each act or omission or other matter giving rise to the grievance that establishes the alleged violation or misinterpretation, including a reference to, as the case may be, (i) any provision of a statute or a regulation, or of a direction or other instrument made or issued by the employer, that deals with the terms and conditions of employment and that is relevant, or (ii) any provision of a collective agreement or an arbitral award that is relevant.

Énoncé du grief : exposé de la nature de chaque action, omission ou situation ayant donné lieu au grief qui permettra d'établir la prétendue violation ou fausse interprétation, y compris, le cas échéant, le renvoi à : (i) toute disposition pertinente d'une loi ou d'un règlement, ou toute directive ou tout autre document pertinents de l'employeur concernant les conditions d'emploi, (ii) toute disposition pertinente d'une convention collective ou d'une décision arbitrale.

I grieve my employer's decision to suspend me without pay for 5 days per the letter dated October 12, 2022, as well as the contents of the letter.

The suspension is unreasonable, punitive and disproportionate in the circumstances.

It is a violation of the general principles of progressive discipline, the Guidelines on Discipline and any other applicable policies and/or legislation.

C

Date on which each act, omission or other matter giving rise to the grievance occurred Date de chaque action, omission ou situation ayant donné lieu au grief

October 12, 2022

Canada

D

Corrective action requested Mesures correctives demandées

- That my employer rescind the 5-day suspension without pay;

- That the suspension letter dated October 12, 2022, and any other related documents be removed from my file and destroyed;

- That I be reimbursed for any and all salary, pension and benefits lost as a result of the suspension;

- Any other measure deemed necessary to remedy the situation; and

- To be made whole.

Signature of employee Signature de l'employé

10.XI.2022
Date

SECTION 2
TO BE COMPLETED BY BARGAINING AGENT REPRESENTATIVE WHERE APPLICABLE
À REMPLIR PAR LE REPRÉSENTANT DE L'AGENT NÉGOCIATEUR S'IL Y A LIEU

Approval for presentation of grievance relating to a collective agreement or an arbitral award, and agreement to represent employee are hereby given
Par la présente, j'autorise la présentation du grief relatif à une convention collective ou à une décision arbitrale, et j'accepte de représenter l'employé

Lisa Dubé
Signature of Bargaining Agent Representative
Signature du représentant de l'agent négociateur

November 10, 2022
Date

Bargaining agent Agent négociateur	Bargaining unit/component Unité de négociation/élément	
PIPSC		
Name of local bargaining agent representative Nom du représentant local de l'agent négociateur	Telephone No. N° de téléphone	Facsimile No. N°de télécopieur
Lisa Dubé	613-228-6310, ext. 4934	613-228-9048
Address for contact Adresse pour fins de communication		E-mail address Adresse électronique
250 Tremblay Road, Ottawa (ON) K1G 3J8		ldube@pipsc.ca

SECTION 3
TO BE COMPLETED BY EMPLOYEE WHERE REPRESENTATIVE IS NOT A REPRESENTATIVE OF A BARGAINING AGENT
À REMPLIR PAR L'EMPLOYÉ, SI LE REPRÉSENTANT N'EST PAS CELUI DE L'AGENT NÉGOCIATEUR

I agree to act on behalf of the employee J'accepte d'agir au nom de l'employé

Signature of representative
Signature du représentant

Date

Name of representative Nom du représentant	Telephone No. N° de téléphone	Facsimile No. N° de télécopieur
Address for contact Adresse pour fins de communication		E-mail address Adresse électronique

SECTION 4
TO BE COMPLETED BY IMMEDIATE SUPERVISOR OR LOCAL OFFICER IN CHARGE
À REMPLIR PAR LE SUPÉRIEUR IMMÉDIAT OU LE CHEF DE SERVICE LOCAL

Name and title of management representative Nom et titre du représentant de la direction	Date received Date de réception
Signature	
XXXXXXX XXXXXXX Digitally signed by xxxxxxx xxxxxxx Date: 2022.11.14 10:53:45 -05'00'	

Maisonneuve, Karine (Elle/She/Her)

From: Lisa Dubé <ldube@pipsc.ca>
Sent: Thursday, January 12, 2023 12:35 PM
To: xxxxxxx, xxxxxxx xxxxxxx , Katia
Cc: Gorodnichy, Dmitry
Subject: Grievance Presentation
Attachments: Grievance Presentation_Dmitry Gorodnichy_1st level.pdf; Fraser v. P.S.S.R.B., [1985] 2 SCR 455.pdf

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Pour en savoir plus sur les courriels suspects et comment les signaler: Comment traiter les courriels indésirables.

Hi,

Thanks again for your presence this morning. As promised, please find attached a copy of the grievance presentation as well as a copy of the Fraser decision.

Dmitry and I remain available should you have any questions and look forward to your response.

Best regards,

Lisa Dubé (she/her/elle)
Labour Relations Officer, PIPSC, National Capital Region
Agente syndicale, IPFPC, Région de la capitale nationale
250 Tremblay Road, Ottawa, ON K1G 3J8
ldube@pipsc.ca

IN THE GRIEVANCE MATTER

B E T W E E N

DMITRY GORODNICHY

Grievor

-and-

CANADA BORDER SERVICES AGENCY

Employer

First Level Grievance Presentation - January 12, 2023

Lisa Dubé
Labour Relations Officer
The Professional Institute of the Public Service of Canada
250 Tremblay Road
Ottawa (ON) K1G 3J8

Tel: 613-228-6310, ext. 4934
Fax: 613-228-9048
Email: ldube@pipsc.ca

1. Grievance

The present grievance was filed on November 10, 2022, in response to the Discipline Letter sent to Mr. Gorodnichy on October 12 of the same year in which he received 5-day suspension without pay. Simply put, the grievance was filed because the grievor believes the 5-day suspension was unwarranted, given the circumstances of his case.

2. Key Events Leading Up to the Grievance

On February 9, 2022, Mr. Gorodnichy was placed on LWOP for non-compliance to the Policy on COVID-19 Vaccination. At the beginning of April, he was invited to participate to an investigation and the fact-finding interview was held on April 27, 2022, followed by a second meeting on May 31, 2022. It was alleged that Mr. Gorodnichy disregarded and willingly neglected to follow his management's expectations when posting information on various social media platforms. Specifically, it was alleged that Mr. Gorodnichy posted information on COVID-19 vaccination' safety and efficiency contrary to the message that the Government of Canada was promoting, which was that the vaccines are safe and efficient. During the two meetings, Mr. Gorodnichy explained that his intention was to help everyone understand the Government's data and make informed decisions on whether or not to get vaccinated and which vaccine to take. An investigation report was produced on June 27, 2022, in which the acting executive director data and strategy, Mr. xxxxx xxxxxxxxxxxxx , concluded that the allegation was founded. A pre-disciplinary meeting was held on August 3rd, 2022, and the disciplinary decision was communicated to Mr. Gorodnichy on October 12, 2022. Considering all mitigating and aggravating factors applicable, for willingly neglecting to follow management expectations and willingly posting information that is contrary to the message that the Government was promoting on social media platforms on COVID-19 vaccination' safety and efficiency, Mr. Gorodnichy was issued a 5-day suspension without pay.

3. Analysis

The Treasury Board Guidelines for Discipline and case law support the importance of considering all the mitigating factors. According to the Guidelines, the Employer has an obligation to consider all relevant mitigating factors before coming to a decision on the appropriate discipline.

The mitigating factors addressed in the disciplinary decision letter include the fact that Mr. Gorodnichy cooperated and was forthcoming throughout the investigative process, his clear disciplinary record and the delays in the process.

I would like to present to the Employer mitigating factors that it did not consider, and suggest more weight be placed on certain factors. First of all, Mr. Gorodnichy worked for the Government for more than 23 years and, as noted, he had a clear disciplinary record at the time of the incidents. He has always been honest and forthcoming during the investigation despite the precarious situation he was in. After being placed on LWOP, Mr. Gorodnichy's job was in jeopardy, he didn't have any income, no idea of what would happen next. He was under a great deal of stress and was only trying to contribute as best he could to an important discussion.

Mr. Gorodnichy was told by Mr. xxxxxxxxxxxxxx that he was to use internal mechanisms before expressing his view publicly. He did in fact reach out to the office of the auditor general and tried to talk about his concerns with management multiple times.

When asked to remove specific posts, Mr. Gorodnichy always complied, but when given general instructions about the necessity for him not to post anything that may be contrary to or not in line with the Government of Canada's message, he understandably was left a little puzzled. Although Mr. Gorodnichy has every intention of following his manager's instructions, he understandably needs guidance. He welcomed the opportunity to participate in the training *Navigating Social Media as a Public Servant*, but still hasn't been able to do so up to this date, because the training will only be offered in March 2023.

In the disciplinary letter, on October 12, 2022, Mr. Gorodnichy was asked to seek management's and/or the CBSA Office of Values and Ethics guidance prior to posting any information that may be contrary to, or not in line with, either the CBSA's or any of the Government of Canada's policy, procedures or messaging on any social media platform. He reached out to the Office of Values and Ethics to obtain clarification and is still waiting to meet with Ms. Kimberly Lawrence who's a manager in the Office of Values and Ethics. Mr. Gorodnichy is doing his best to act within the boundaries that were set, but perceive these boundaries as vague and needs help figuring this out. As of now, we don't believe it was fair for the employer to take into account his alleged repeated unwillingness to stop posting the information on social media even after being provided with clear expectations as an aggravating factor. Despite multiple clarification requests, the fact is that Mr. Gorodnichy doesn't understand what he can or cannot do to this day and this was not

clearly communicated to him. The goal of a disciplinary measure being to correct the undesirable behavior and not to be punitive, it is our opinion that the employer should give Mr. Gorodnichy the help he needs by clarifying what he isn't allowed to say and pinpointing specific statements that they considered to be out of line.

Even though Mr. Gorodnichy is an employee of the Government of Canada and has a duty of loyalty to his employer, he also has the right to express his opinion. Freedom of expression is a fundamental freedom protected by the *Canadian Charter of Rights and Freedoms* and an important value in a democratic state like Canada. By imposing disciplinary action upon Mr. Gorodnichy for exercising his freedom, the employer's actions have the effect of imposing limits which are fundamentally inconsistent with section 2(b) of the *Charter*.

Mr. Gorodnichy sincerely believes that he didn't post information that was contrary to the message of the Government that vaccines are safe and efficient, but was simply trying to shed light on the data. Even if his posts could be considered as a critic or an opposition, he submits that they would still have been allowed in the circumstances. In *Fraser* v. *PSSRB (Public Service Staff Relations Board)*, [1985] 2. S.C.R. 455, the Supreme Court recognized that the duty of loyalty could, in certain circumstances, place a limit on freedom of expression, but that it could not result in a denial of freedom of speech in all cases. At paragraph 41, we can read:

> "... in some circumstances a public servant may actively and publicly express opposition to the policies of a government. This would be appropriate if, for example, the Government were engaged in illegal acts, or if its policies jeopardized the life, health or safety of the public servant or others, or if the public servant's criticism had no impact on his or her ability to perform effectively the duties of a public servant or on the public perception of that ability."

Mr. Gorodnichy expressed himself regarding a matter of public importance directly related to the health and safety of the population and therefore submits that no disciplinary should have been imposed.

In any event, even if there is some basis for disciplinary action, the employer must prove that the disciplinary response was appropriate in the circumstances and must respects the principle of progressive discipline. This case involves an off duty conduct where there was no malicious intent or bad faith and no evidence to suggest that Mr. Gorodnichy's comments had an impact on the Government's reputation. Mr. Gorodnichy never intended to critic his employer or to go against

his messaging and sincerely regrets if people misinterpreted his posts. His goal always has been to help the public understands the data and he sincerely believes everything he did was to serve the public.

4. Conclusion

We're asking the Employer today to consider all the mitigating factors, and given those factors and the various information presented, to conclude that a 5-day suspension was excessive. The remedies requested in the grievance would be for the 5-day suspension to be rescinded, for the suspension letter and any other related documents to be removed from Mr. Gorodnichy's file and destroyed, for Mr. Gorodnichy to be reimbursed for any and all salary, pension and benefits lost as a result of the suspension and any other measure deemed necessary to remedy the situation and make him whole.

Redacted

Neil Fraser *Appellant*;

and

Public Service Staff Relations Board *Respondent.*

File No.: 17451.

1985: February 14; 1985: December 10.

Present: Dickson C.J. and Beetz, Estey, McIntyre, Chouinard, Lamer, Wilson, Le Dain and La Forest JJ.

ON APPEAL FROM THE FEDERAL COURT OF APPEAL

Labour relations — Public Service — Just cause for disciplinary action — Strong, sustained public criticism of government policies by public servant — Whether or not that criticism impaired effectiveness as public servant.

Judicial review — Labour adjudication — Just cause for disciplinary action — Public servant publicly critical of government policies — Whether or not adjudicator erred in law in confirming suspension and discharge — Federal Court Act, R.S.C. 1970 (2nd Supp.), c. 10, s. 28.

Appellant, a unit supervisor employed by Revenue Canada at Kingston, publicly criticized the federal government's policies concerning metrification and the constitutional entrenchment of a charter of rights. The criticisms were at first innocuous but soon assumed a vitriolic tone, even to the point of being vicious. Appellant, who was earlier asked by his superior to refrain from making his public criticisms, received two suspensions and finally his discharge when the criticism continued. The Public Service Staff Relations Board decided the first suspension was unjustified but held the second suspension and the discharge to be appropriate. The Federal Court of Appeal dismissed an application for judicial review under s. 28 of the *Federal Court Act*. At issue here was whether or not the Adjudicator erred in law, for the purposes of s. 28, when he confirmed the discharge of a federal public servant who publicly expressed views highly critical of the Government. Central to this issue was striking an appropriate balance between the right of the individual to speak freely and the duty of the individual, *qua* public servant, to fulfil his functions properly.

Held: The appeal should be dismissed.

Neil Fraser *Appelant*;

et

Commission des relations de travail dans la Fonction publique *Intimée.*

N° du greffe: 17451.

1985: 14 février; 1985: 10 décembre.

Présents: Le juge en chef Dickson et les juges Beetz, Estey, McIntyre, Chouinard, Lamer, Wilson, Le Dain et La Forest.

EN APPEL DE LA COUR D'APPEL FÉDÉRALE

Relations de travail — Fonction publique — Juste motif de mesures disciplinaires — Critique violente et soutenue de politiques gouvernementales par un fonctionnaire — Cette critique a-t-elle diminué son efficacité en tant que fonctionnaire?

Contrôle judiciaire — Décision en matière de relations de travail — Juste motif de mesures disciplinaires — Critique ouverte d'un fonctionnaire à l'égard de politiques du gouvernement — L'arbitre a-t-il commis une erreur de droit en confirmant la suspension et le congédiement? — Loi sur la Cour fédérale, S.R.C. 1970 (2e Supp.), chap. 10, art. 28.

L'appelant, un chef de groupe au service de Revenu Canada à Kingston, a critiqué ouvertement les politiques du gouvernement fédéral en matière de conversion au système métrique et l'enchâssement d'une charte des droits dans la Constitution. Inoffensives au départ, les critiques ont bientôt pris de l'ampleur et un ton cinglant, au point même d'être violentes. L'appelant, à qui son surveillant avait d'abord demandé de s'abstenir de faire des critiques en public, a reçu deux suspensions et a finalement été congédié quand il a continué ses critiques. La Commission des relations de travail dans la Fonction publique a décidé que la première suspension n'était pas justifiée, mais a maintenu la seconde suspension et le congédiement. La Cour d'appel fédérale a rejeté une demande d'examen judiciaire fondée sur l'art. 28 de la *Loi sur la Cour fédérale*. En l'espèce, il s'agit de savoir si l'arbitre a commis une erreur de droit, aux fins de l'art. 28, lorsqu'il a confirmé le congédiement d'un fonctionnaire fédéral qui a exprimé publiquement des opinions très critiques à l'égard du gouvernement. Le point central de ce litige consiste à établir un équilibre entre le droit de l'individu de s'exprimer librement et son devoir, en tant que fonctionnaire, de remplir ses fonctions adéquatement.

Arrêt: Le pourvoi est rejeté.

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Some speech by public servants on public issues is permitted. An absolute prohibition would not be consistent with the deep-rooted principles of robust public discussion in a democratic society, with the size of the public service, or with plain common sense. Yet, free speech or expression by the public servant is not an absolute, unqualified value and may be modified by a competing interest.

A job in the public service has two dimensions, one relating to the employee's tasks and performance and the other to the perception held by the public. Appellant's criticisms were correctly characterized as job-related given the importance and necessity of maintaining an impartial public service. The public interest in both the actual and apparent impartiality of the public service dictates a general requirement of loyalty on the part of the public servant to the Government of Canada, as opposed to the political party in power. In some circumstances it may be appropriate to express opposition to the government's policies. Appellant's sustained and highly visible attacks on major government policy, however, amounted to a lack of loyalty to the Government inconsistent with his duties as an employee of the Government.

Appellant's effectiveness as a public servant was impaired, with respect to both his specific job and his wider capacity as a public servant, by his public statements, notwithstanding no direct evidence to that effect. The rule that there be direct evidence of impairment to perform a specific job is not absolute. When the nature of the public servant's occupation is both important and sensitive and when the form and context of his criticism is extreme, an inference of impairment can be drawn. Direct evidence of impairment of the wider capacity as public servant, too, was not necessarily required. It is open to an adjudicator to infer impairment on the whole of the evidence if there is evidence of a pattern of behaviour which an adjudicator could reasonably conclude would impair the usefulness of the public servant. The substance, form and context of appellant's criticism made the inference of impairment irresistible.

Appellant's conduct leading to the second suspension and discharge did not flow from the first suspension. Rather, that conduct flowed solely from his behaviour concerning the expression of his views.

Les fonctionnaires jouissent d'une certaine liberté de parole en ce qui a trait aux questions d'intérêt public. Une interdiction absolue ne serait compatible ni avec les principes bien ancrés qui permettent une discussion libre et franche dans une société démocratique, ni avec la taille de la fonction publique, ni avec le simple bon sens. Toutefois, la liberté de parole ou d'expression d'un fonctionnaire n'est pas une valeur absolue et inconditionnelle et peut être limitée par un intérêt concurrent.

Un emploi dans la fonction publique comporte deux dimensions, l'une se rapportant aux tâches de l'employé et à la manière dont il les accomplit, l'autre se rapportant à la manière dont le public les perçoit. On a eu raison de dire que les critiques de l'appelant se rapportaient à son emploi étant donné l'importance et la nécessité de maintenir une fonction publique impartiale. L'intérêt public dans cette impartialité, réelle et apparente, exige la loyauté du fonctionnaire à l'égard du gouvernement du Canada, par opposition au parti politique au pouvoir. Dans certaines circonstances il peut être acceptable d'exprimer son opposition aux politiques du gouvernement. Les attaques soutenues et très visibles de l'appelant contre des politiques importantes du gouvernement sont toutefois la manifestation envers le gouvernement d'un manque de loyauté incompatible avec ses fonctions en tant qu'employé du gouvernement.

Les déclarations publiques de l'appelant, malgré l'absence de preuve directe à cet effet, ont diminué son efficacité en tant que fonctionnaire, tant à l'égard de son travail précis que de sa capacité générale d'agir en tant que fonctionnaire. La règle qu'il doit y avoir une preuve directe de l'empêchement d'accomplir un travail précis n'est pas absolue. Lorsque la nature du poste du fonctionnaire est à la fois importante et délicate et lorsque, par sa forme et son contexte, sa critique est extrême, on peut conclure à une incidence néfaste. N'est pas non plus nécessaire la preuve directe d'une incidence néfaste sur la capacité générale d'agir en tant que fonctionnaire. Un arbitre peut déduire qu'il y a une incidence néfaste d'après l'ensemble de la preuve si des éléments de preuve indiquent un type de comportement qui peut raisonnablement l'amener à conclure qu'elle est de nature à diminuer l'efficacité du fonctionnaire. Le fond, la forme et le contexte des critiques de l'appelant amènent nécessairement la conclusion qu'il y a eu incidence néfaste.

La conduite de l'appelant qui a entraîné la seconde suspension et le congédiement ne découlait pas de la première suspension. Toutefois, cette conduite découlait seulement de son comportement en ce qui a trait à l'expression de ses opinions.

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Cases Cited

Heustis v. New Brunswick Electric Power Commission, [1979] 2 S.C.R. 768; *Service Employees' International Union, Local No. 333 v. Nipawin District Staff Nurses Association*, [1975] 1 S.C.R. 382; *Canadian Union of Public Employees, Local 963 v. New Brunswick Liquor Corporation*, [1979] 2 S.C.R. 227; *Trans Mountain Pipe Line Co. v. National Energy Board*, [1979] 2 F.C. 118; *Canadian Lift Truck Co. v. Deputy Minister of National Revenue for Customs and Excise* (1955), 1 D.L.R. (2d) 497 (S.C.C.); *Dominion Engineering Works Ltd. v. Deputy Minister of National Revenue (Customs and Excise)*, [1958] S.C.R. 652; *Hetex Garn A.G. v. Anti-dumping Tribunal*, [1978] 2 F.C. 507; *Re Ontario Public Service Employees Union and Attorney-General for Ontario* (1980), 31 O.R. (2d) 321, referred to.

Statutes and Regulations Cited

Canadian Bill of Rights.
Canadian Charter of Rights and Freedoms.
Constitution Act, 1867, preamble.
Federal Court Act, R.S.C. 1970 (2nd Supp.), c. 10, s. 28.
Public Service Staff Relations Act, R.S.C. 1970, c. P-35, s. 91(1).

APPEAL from a judgment of the Federal Court of Appeal, [1983] 1 F.C. 372, dismissing an application made under s. 28 of the *Federal Court Act* for the review and setting aside of a decision of the Public Service Staff Relations Board. Appeal dismissed.

Maurice W. Wright, Q.C., and *Andrew J. Raven*, for the appellant.

T. B. Smith, Q.C., and *Graham Garton*, for the respondent.

The judgment of the Court was delivered by

THE CHIEF JUSTICE—Does an adjudicator err in law, for the purpose of s. 28 of the *Federal Court Act*, R.S.C. 1970 (2nd Supp.), c. 10 when he or she confirms the discharge of a federal public servant who has expressed views highly critical of the Government? Central to that issue is the proper legal balance between (i) the right of an individual, as a member of the Canadian democratic community, to speak freely and without

Jurisprudence

Arrêts mentionnés: *Heustis c. Commission d'énergie électrique du Nouveau-Brunswick*, [1979] 2 R.C.S. 768; *Union internationale des employés des services, local no. 333 c. Nipawin District Staff Nurses Association*, [1975] 1 R.C.S. 382; *Syndicat canadien de la Fonction publique, section locale 963 c. Société des alcools du Nouveau-Brunswick*, [1979] 2 R.C.S. 227; *Trans Mountain Pipe Line Co. c. Office national de l'énergie*, [1979] 2 C.F. 118; *Canadian Lift Truck Co. v. Deputy Minister of National Revenue for Customs and Excise* (1955), 1 D.L.R. (2d) 497 (C.S.C.); *Dominion Engineering Works Ltd. v. Deputy Minister of National Revenue (Customs and Excise)*, [1958] R.C.S. 652; *Hetex Garn A.G. c. Tribunal antidumping*, [1978] 2 C.F. 507; *Re Ontario Public Service Employees Union and Attorney-General for Ontario* (1980), 31 O.R. (2d) 321.

Lois et règlements cités

Charte canadienne des droits et libertés.
Déclaration canadienne des droits.
Loi constitutionnelle de 1867, préambule.
Loi sur la Cour fédérale, S.R.C. 1970 (2e Supp.), chap. 10, art. 28.
Loi sur les relations de travail dans la Fonction publique, S.R.C. 1970, chap. P-35, art. 91(1).

POURVOI contre un arrêt de la Cour d'appel fédérale, [1983] 1 C.F. 372, qui a rejeté une demande fondée sur l'art. 28 de la *Loi sur la Cour fédérale* visant à l'examen et à l'annulation d'une décision de la Commission des relations de travail dans la Fonction publique. Pourvoi rejeté.

Maurice W. Wright, c.r., et *Andrew J. Raven*, pour l'appelant.

T. B. Smith, c.r., et *Graham Garton*, pour l'intimée.

Version française du jugement de la Cour rendu par

LE JUGE EN CHEF—Un arbitre commet-il une erreur de droit, aux fins de l'art. 28 de la *Loi sur la Cour fédérale*, S.R.C. 1970 (2e Supp.), chap. 10, lorsqu'il confirme le renvoi d'un fonctionnaire fédéral qui a très sévèrement critiqué le gouvernement? Cette question porte principalement sur le juste équilibre juridique entre (i) le droit d'une personne, à titre de membre de la société démocratique canadienne, de s'exprimer librement et sans

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inhibition on important public issues and (ii) the duty of an individual, *qua* federal public servant, to fulfil properly his or her functions as an employee of the Government of Canada.

I

Facts

On February 23, 1982 the appellant, Mr. Neil Fraser, was discharged from his job with Revenue Canada, Taxation. Prior to his discharge, he had worked for the department for ten years. For the five years immediately preceding the discharge he had been Group head of the Business Audit Division of the Kingston District Office. In this position he supervised four to six auditors and was responsible for selecting large corporations and similar undertakings and auditing their financial statements to determine whether an appropriate amount of taxes had been paid.

On January 18, 1982 the Kingston *Whig-Standard* published a letter to the editor written by Mr. Fraser criticizing the Government's policy on metric conversion, a major topic of national debate at that time. On January 25, 1982 Mr. Fraser attended a meeting of the Kingston City Council at which a motion was presented opposing the federal Government's policy on metric conversion. The next day an article appeared in the Kingston *Whig-Standard* in which Mr. Fraser's views on mandatory metric conversion were briefly quoted. Beside the article was a photograph of Mr. Fraser holding a placard bearing the slogan: "Your freedom to measure is a measure of your freedom."

Mr. Fraser's supervisor, Mr. Bruce Lowe, Director of the Kingston District Office, decided that Mr. Fraser's activities warranted a disciplinary response. On January 29, 1982 Mr. Lowe suspended him for three days without pay for having "exceeded the bounds of acceptable conduct of a public servant". He was directed "to refrain from any further public statements that criticize a Gov-

réserve sur des questions importantes de nature publique et (ii) le devoir d'une personne, en tant que fonctionnaire fédéral, de remplir correctement ses fonctions à titre d'employé du gouvernement du Canada.

I

Faits

Le 23 février 1982, l'appelant, M. Neil Fraser, a été congédié de Revenu Canada, Impôts. Il travaillait pour ce ministère depuis dix ans. Pendant les cinq années qui ont immédiatement précédé son congédiement, il était chef de groupe de la Division de la vérification des dossiers d'entreprises au bureau du district de Kingston. À ce titre, il dirigeait une équipe formée de quatre à six vérificateurs et était chargé de sélectionner des grandes sociétés et des entreprises semblables et de vérifier leurs états financiers pour déterminer si elles avaient payé le bon montant d'impôt.

Le 18 janvier 1982, le *Whig-Standard* de Kingston a publié une lettre adressée au rédacteur par M. Fraser dans laquelle il critiquait la politique du gouvernement en matière de conversion au système métrique, une question importante qui faisait l'objet d'un débat national à ce moment-là. Le 25 janvier 1982, M. Fraser a assisté à une réunion du conseil municipal de Kingston où a été présentée une motion contestant la politique du gouvernement en matière de conversion au système métrique. Le lendemain, le *Whig-Standard* de Kingston a publié un article qui citait brièvement les opinions de M. Fraser sur la conversion obligatoire au système métrique. L'article était accompagné d'une photographie de M. Fraser tenant une pancarte arborant le slogan suivant: [TRADUCTION] «Nous imposer un système de mesure, c'est imposer une mesure à notre liberté.»

Le surveillant de M. Fraser, M. Bruce Lowe, directeur du bureau du district de Kingston, a décidé que les activités de M. Fraser justifiaient une mesure disciplinaire. Le 29 janvier 1982, M. Lowe l'a suspendu pour trois jours sans traitement pour s'être [TRADUCTION] «conduit d'une façon indigne d'un fonctionnaire». Il lui a ordonné de [TRADUCTION] «s'abstenir désormais de critiquer

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ernment department or agency, its officials, or its rules and regulations".

Mr. Fraser was greatly concerned about the implications of this restraint on his freedom of speech. On February 1, 1982 he attended another meeting of the Kingston City Council and expressed these concerns. This time he criticized not only the Government's metric conversion program but also its intention to proceed with a constitutional *Charter of Rights and Freedoms*. Like its metric policy, the Government's policy concerning a *Charter of Rights and Freedoms* was a major, highly visible and divisive issue at that time.

On February 5, 1982 Mr. Fraser agreed to appear on an open line radio talk show for a local Kingston radio station. He stated he would not discuss anything related to Revenue Canada but continued to voice his criticisms of the Government's metric and *Charter* policies. Among other things, he compared Prime Minister Trudeau's manner of governing to that of the dictatorship in Poland.

On February 8, 1982 Mr. Fraser met twice with senior departmental staff who advised him that further disciplinary action would be taken if he did not cease his activities. In between these two meetings he appeared on an open-line television program. At these meetings he was asked to refrain from further criticisms of Government policy until the matter had been dealt with through normal grievance channels. Senior departmental staff promised to try and expedite the grievance process. Mr. Fraser was not receptive to this proposal. He maintained his position that any criticism he made of Government policy, unrelated to the policies of his department, was consistent with his right to engage in free speech.

At the second meeting on February 8, 1982 Mr. Fraser was given a second suspension, this time for ten days. During the course of this suspension, from February 9th to 22nd, he made a number of local and national media appearances. He criti-

publiquement les ministères, les organismes publics, les règlements et les dirigeants de l'État».

M. Fraser s'est beaucoup inquiété des effets de cette restriction sur sa liberté de parole. Le 1er février 1982, il a assisté à une autre réunion du conseil municipal de Kingston et a exprimé ces inquiétudes. Cette fois, il a non seulement critiqué le programme du gouvernement de conversion au système métrique, mais également son intention d'adopter une *Charte des droits et libertés* constitutionnelle. Comme sa politique relative au système métrique, la politique du gouvernement relative à la *Charte des droits et libertés* constituait une question importante, très actuelle et qui suscitait des divisions à ce moment-là.

Le 5 février 1982, M. Fraser a accepté de participer à une tribune téléphonique d'une station radio locale de Kingston. Il a déclaré qu'il ne voulait pas discuter de ce qui touchait à Revenu Canada mais a continué de critiquer les politiques du gouvernement en matière de système métrique et de *Charte*. Notamment, il a comparé la manière de gouverner du Premier ministre Trudeau à celle de la dictature polonaise.

Le 8 février 1982, M. Fraser a rencontré à deux reprises des cadres supérieurs du ministère qui lui ont fait savoir que d'autres mesures disciplinaires allaient être prises s'il ne cessait pas ses activités. Entre ces deux réunions, il a participé à une tribune téléphonique télévisée. Au cours de ces réunions, on lui a demandé de ne plus critiquer les politiques du gouvernement jusqu'à ce que l'affaire ait été traitée de la façon normale au moyen d'un grief. La haute direction du ministère lui a promis d'essayer d'accélérer la procédure de griefs. M. Fraser n'était pas ouvert à cette proposition. Il a maintenu sa position selon laquelle ses critiques de la politique gouvernementale, qui n'étaient pas reliées aux politiques de son ministère, étaient compatibles avec son droit de s'exprimer librement.

À la deuxième réunion, le 8 février 1982, on a imposé une seconde suspension à M. Fraser, cette fois pour une période de dix jours. Au cours de cette suspension, du 9 au 22 février, il a participé à un certain nombre d'émissions locales et nationa-

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cized, more broadly and more fervently than ever, the policies of the Government. He continued his campaign against British approval of the Government's constitutional proposals and against the Government's alleged abuse of the democratic process. He tried to organize a national pamphlet and telegram campaign to protest these matters. He began to make vicious personal attacks against the Prime Minister and compared him and the Canadian Government to the Nazi *regime*. He was working, by his own admission, eighteen hours a day in opposition to the Government and its policies.

By letter dated February 22, 1982 Mr. Fraser was advised that as a consequence of the statements he had made to both local and national media he was being discharged from Revenue Canada, Taxation, effective February 23, 1982.

Mr. Fraser grieved his two suspensions and the discharge. These grievances were referred to adjudication pursuant to s. 91(1) of the *Public Service Staff Relations Act*, R.S.C. 1970, c. P-35. This section provides an employee covered by the Act the right to refer a grievance to arbitration if the employee has grieved to the final level in the process in relation to, *inter alia*, "disciplinary action resulting in discharge" and "his grievance has not been dealt with to his satisfaction".

les. Il a critiqué plus ouvertement et avec plus de ferveur que jamais les politiques du gouvernement. Il a continué sa campagne contre l'approbation par le Parlement britannique des propositions constitutionnelles du gouvernement et contre l'abus qu'aurait fait le gouvernement du processus démocratique. Il a tenté d'organiser une campagne nationale de pamphlets et de télégrammes pour protester contre ces questions. Il a commencé à faire des attaques personnelles violentes contre le Premier ministre et l'a comparé ainsi que le gouvernement canadien au régime nazi. Il travaillait, de son propre aveu, dix-huit heures par jour pour s'opposer au gouvernement et à ses politiques.

M. Fraser a été avisé par une lettre datée du 22 février 1982, que, par suite des déclarations qu'il avait faites aux médias locaux et nationaux, son emploi à Revenu Canada, Impôts prenait fin le 23 février 1982.

M. Fraser a présenté des griefs relativement à ses deux suspensions et à son congédiement. Ces griefs ont été renvoyés à l'arbitrage en vertu du par. 91(1) de la *Loi sur les relations de travail dans la Fonction publique*, S.R.C. 1970, chap. P-35. Ce paragraphe accorde à un employé visé par la Loi le droit de renvoyer un grief à l'arbitrage s'il a présenté un grief jusqu'au dernier palier de la procédure applicable notamment au sujet «d'une mesure disciplinaire entraînant le congédiement» et «que son grief n'a pas été réglé d'une manière satisfaisante pour lui».

II

Judgments

Public Service Staff Relations Board

Mr. Fraser's grievances were heard by an adjudicator, Deputy Chairman Kates of the Public Service Staff Relations Board. The Adjudicator reviewed carefully and in detail the relevant principles and authorities. He recognized that a line had to be drawn, or a balance reached, between Mr. Fraser's freedom of expression and the desire of the Government to maintain a public service characterized by professionalism and impartiality.

II

Jugements

Commission des relations de travail dans la Fonction publique

Les griefs de M. Fraser ont été entendus par un arbitre, le président suppléant Kates de la Commission des relations de travail dans la Fonction publique. L'arbitre a examiné soigneusement et de façon détaillée la jurisprudence et les principes pertinents. Il a reconnu qu'il fallait fixer des limites ou rechercher un équilibre entre la liberté d'expression de M. Fraser et le désir du gouvernement de maintenir une fonction publique caractérisée par le professionnalisme et l'impartialité.

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The Adjudicator decided that the first suspension of Mr. Fraser was not justified. It followed Mr. Fraser's first letter to the editor and his fairly passive attendance at one meeting of Kingston City Council. These activities, the Adjudicator concluded, were not deserving of disciplinary action on the part of the employer.

The Adjudicator then considered the second suspension and the discharge. He found that Mr. Fraser's activities after February 8, 1982—prolonged and highly visible criticism of major governmental policies and personalities—jeopardized his ability to perform his duties at his department. Specifically, he found Mr. Fraser's conduct unlikely to instil confidence in a clientele (persons subject to tax audits) that had a right to expect impartial and judicious treatment. In these circumstances, concluded the Adjudicator, some disciplinary action was appropriate. The specific disciplinary measures taken, first a ten-day suspension and then the discharge, were also appropriate in light of the history of the relations between the parties and Mr. Fraser's express intention to continue his activities critical of the Government.

Federal Court of Appeal

The Federal Court of Appeal dismissed the appeal, taken by Mr. Fraser under s. 28 of the *Federal Court Act*. See [1983] 1 F.C. 372. Pratte J. held that the Adjudicator had made no error of law. He had considered the relevant facts and law. His conclusion that the behaviour of Mr. Fraser constituted misconduct was a question of fact, not reviewable by the Federal Court of Appeal. Furthermore, it was not necessary that there be evidence before the Adjudicator to permit him to make a finding that Mr. Fraser's activities impaired his ability to do his job; this is a finding the Adjudicator is entitled to make, in assessing Mr. Fraser's conduct and its relationship to the requirements of the public service.

Thurlow C.J. and Ryan J. wrote concurring reasons. They do not differ in substance from the

L'arbitre a décidé que la première suspension de M. Fraser n'était pas justifiée. Elle suivait la première lettre de M. Fraser au journal et sa présence plutôt passive à une réunion du conseil municipal de Kingston. L'arbitre a conclu que ces activités ne justifiaient pas une mesure disciplinaire de la part de l'employeur.

L'arbitre a ensuite examiné la seconde suspension et le congédiement. Il a conclu que les activités de M. Fraser postérieures au 8 février 1982, savoir une critique prolongée et très visible de politiques gouvernementales importantes et de personnalités, ont compromis sa capacité de remplir ses fonctions dans son ministère. De façon précise, il a conclu que la conduite de M. Fraser n'était pas susceptible d'inspirer la confiance à une clientèle (les personnes soumises aux vérifications fiscales) qui a le droit de s'attendre à un traitement impartial et judicieux. Dans ces circonstances, l'arbitre a conclu que certaines mesures disciplinaires étaient appropriées. Il a conclu que les mesures disciplinaires précises qui ont été prises, tout d'abord une suspension de dix jours et ensuite le renvoi étaient également appropriées compte tenu de l'historique des relations entre les parties et du fait que M. Fraser a exprimé l'intention de continuer de critiquer le gouvernement.

Cour d'appel fédérale

La Cour d'appel fédérale a rejeté l'appel interjeté par M. Fraser en vertu de l'art. 28 de la *Loi sur la Cour fédérale*. Voir [1983] 1 C.F. 372. Le juge Pratte a statué que l'arbitre n'avait commis aucune erreur de droit. Il a examiné les faits pertinents et le droit applicable. Sa conclusion que le comportement de M. Fraser constituait une inconduite était une question de fait qui ne pouvait faire l'objet d'un examen par la Cour d'appel fédérale. En outre, il n'était pas nécessaire de présenter des preuves à l'arbitre pour lui permettre de conclure que les activités de M. Fraser l'ont empêché d'accomplir son travail; il s'agit d'une conclusion que l'arbitre a le droit de tirer en évaluant la conduite de M. Fraser et le lien de celle-ci avec les exigences de la fonction publique.

Le juge en chef Thurlow et le juge Ryan ont rédigé des motifs concourants qui ne sont pas

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reasons of Pratte J.: essentially they reiterate that the Adjudicator considered the relevant factors and legal principles and applied them in a correct fashion.

III

The Issues

There is really only one issue in this appeal: was the Federal Court of Appeal correct in concluding that the Adjudicator did not err in law in reaching his decision?

Mr. Fraser alleges two errors of law. First, he says the Adjudicator erred in holding that his criticism of government policies, unrelated to the work of his department, could form the basis for disciplinary action. Secondly, he contends the Adjudicator erred in finding, without any evidence to that effect, that his effectiveness as a public servant was impaired by his public statements.

Before dealing with these arguments, it is necessary to discuss some general legal considerations, including the principles relevant in a review application under s. 28 of the *Federal Court Act*.

IV

General Legal Considerations

This appeal is not about certain things. It does not arise under either the *Canadian Charter of Rights and Freedoms* (which had not been proclaimed when the events in this case arose) or the *Canadian Bill of Rights* (because no federal law is being challenged). Accordingly, the "freedom of expression" and "freedom of speech" provisions of these watershed documents are not in issue.

That is not to say, however, that this is not, at least in part, a "freedom of speech" case. It is. As Mr. Fraser correctly points out, "freedom of speech" is a deep-rooted value in our democratic system of government. It is a principle of our common law constitution, inherited from the United Kingdom by virtue of the preamble to the

différents sur le fond des motifs du juge Pratte: essentiellement ils réitèrent que l'arbitre a examiné les facteurs et les principes juridiques pertinents et les a appliqués correctement.

III

Les questions en litige

Le présent pourvoi ne soulève réellement qu'une seule question: la Cour d'appel fédérale a-t-elle eu raison de conclure que l'arbitre n'avait pas commis d'erreur de droit en rendant sa décision?

M. Fraser allègue qu'il y a eu deux erreurs de droit. D'abord, il dit que l'arbitre a commis une erreur lorsqu'il a conclu que ses critiques à l'égard des politiques du gouvernement, qui ne se rapportaient pas au travail de son ministère, pouvaient justifier une mesure disciplinaire. Ensuite, il soutient que l'arbitre a commis une erreur en concluant en l'absence de preuve à cet effet, que ses déclarations publiques avaient diminué son efficacité en tant que fonctionnaire.

Avant de traiter de ces arguments, il est nécessaire d'analyser certaines considérations juridiques d'ordre général, y compris les principes pertinents dans une demande d'examen fondée sur l'art. 28 de la *Loi sur la Cour fédérale*.

IV

Considérations juridiques d'ordre général

Le présent pourvoi ne porte pas sur certaines choses. Il ne résulte pas de la *Charte canadienne des droits et libertés* (qui n'avait pas été proclamée lorsque les événements en l'espèce se sont produits) ni de la *Déclaration canadienne des droits* (parce qu'aucune loi fédérale n'est contestée). Par conséquent, les dispositions de ces documents décisifs portant sur la «liberté d'expression» et la «liberté de parole» ne sont pas en litige.

Toutefois, cela ne veut pas dire qu'il ne s'agit pas, du moins en partie, d'une affaire portant sur la «liberté de parole». Elle s'y rapporte. Comme M. Fraser l'a à juste titre souligné, la «liberté de parole» est une valeur profondément enracinée dans notre système de gouvernement démocratique. Il s'agit d'un principe de notre constitution de *common law*, que nous avons hérité du Royaume-

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Constitution Act, 1867.

But it is not an absolute value. Probably no values are absolute. All important values must be qualified, and balanced against, other important, and often competing, values. This process of definition, qualification and balancing is as much required with respect to the value of "freedom of speech" as it is for other values. In the present case, the Adjudicator determined that the value of freedom of speech must be qualified by the value of an impartial and effective public service.

Before going on to answer whether the Adjudicator erred in law, it is necessary to understand the principles relating to s. 28(1)(*b*) of the *Federal Court Act*. The section provides:

28. (1) Notwithstanding section 18 or the provisions of any other Act, the Court of Appeal has jurisdiction to hear and determine an application to review and set aside a decision or order, other than a decision or order of an administrative nature not required by law to be made on a judicial or quasi-judicial basis, made by or in the course of proceedings before a federal board, commission or other tribunal, upon the ground that the board, commission or tribunal

(*a*) failed to observe a principle of natural justice or otherwise acted beyond or refused to exercise its jurisdiction;

(*b*) erred in law in making its decision or order, whether or not the error appears on the face of the record; or

(*c*) based its decision or order on an erroneous finding of fact that it made in a perverse or capricious manner or without regard for the material before it.

There is no question in this case of failure to observe the principles of natural justice or of any other jurisdictional error. As stated above, Mr. Fraser alleges two errors on the part of the Adjudicator. Both alleged errors raise issues of law and thereby fall within s. 28(1)(*b*).

Uni en vertu du préambule de la *Loi constitutionnelle de 1867*.

Toutefois, il ne s'agit pas d'une valeur absolue. Il n'y a probablement aucune valeur absolue. Toutes les valeurs importantes doivent être restreintes et évaluées en fonction d'autres valeurs importantes et souvent concurrentes. Ce processus de définition, de restriction et d'évaluation est aussi nécessaire pour ce qui est de la «liberté de parole» en tant que valeur qu'elle l'est pour les autres valeurs. En l'espèce, l'arbitre a déterminé que la liberté de parole en tant que valeur doit être restreinte par la valeur que représente une fonction publique impartiale et efficace.

Avant de répondre à la question de savoir si l'arbitre a commis une erreur de droit, il est nécessaire de comprendre les principes relatifs à l'al. 28(1)*b*) de la *Loi sur la Cour fédérale*. L'article prévoit:

28. (1) Nonobstant l'article 18 ou les dispositions de toute autre loi, la Cour d'appel a compétence pour entendre et juger une demande d'examen et d'annulation d'une décision ou ordonnance, autre qu'une décision ou ordonnance de nature administrative qui n'est pas légalement soumise à un processus judiciaire ou quasi judiciaire, rendue par un office, une commission ou un autre tribunal fédéral ou à l'occasion de procédures devant un office, une commission ou un autre tribunal fédéral, au motif que l'office, la commission ou le tribunal

a) n'a pas observé un principe de justice naturelle ou a autrement excédé ou refusé d'exercer sa compétence;

b) a rendu une décision ou une ordonnance entachée d'une erreur de droit, que l'erreur ressorte ou non à la lecture du dossier; ou

c) a fondé sa décision ou son ordonnance sur une conclusion de fait erronée, tirée de façon absurde ou arbitraire ou sans tenir compte des éléments portés à sa connaissance.

En l'espèce, il n'est pas question de défaut d'observer les principes de justice naturelle ni d'aucune autre erreur en matière de compétence. Comme je l'ai déjà dit, M. Fraser allègue que l'arbitre a commis deux erreurs. Ces deux erreurs soulèvent des questions de droit et par conséquent sont visées par l'al. 28(1)*b*).

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It should be noted, at the outset, that the Adjudicator correctly directed himself according to the principles enunciated in *Heustis v. New Brunswick Electric Power Commission*, [1979] 2 S.C.R. 768. In that case the Court said, at p. 772:

> The question for the adjudicator was whether the employer had just and sufficient cause to discharge the appellant. In deciding this question the adjudicator had three tasks before him. First, did the employee engage in the conduct alleged? Second, was the conduct deserving of disciplinary action on the part of the employer? Third, if so, was the offence serious enough to warrant discharge?

The Adjudicator asked, and answered, these three questions. He clearly followed the correct procedure by adopting the methodology expressed in the foregoing passage.

As a general principle, a reviewing court, under s. 28 of the *Federal Court Act* or otherwise, must exercise its powers with caution and sensitivity in the context of grievance adjudication. As this Court stated in *Heustis, supra*, at p. 781:

> There is a very good policy reason for judicial restraint in fettering adjudicators in the exercise of remedial powers. The whole purpose in establishing a system of grievance adjudication under the Act is to secure prompt, final, and binding settlement of disputes arising out of interpretation or application of the collective agreement, or disciplinary action taken by the employer, all to the end that industrial peace may be maintained.

A restrained approach to disturbing the decisions of specialized administrative tribunals, particularly in the context of labour relations, is essential if the courts are to respect the intentions and policies of Parliament and the provincial legislatures in establishing such tribunals: see *Service Employees' International Union, Local No. 333 v. Nipawin District Staff Nurses Association*, [1975] 1 S.C.R. 382, and *Canadian Union of Public Employees, Local 963 v. New Brunswick Liquor Corporation*, [1979] 2 S.C.R. 227.

A reviewing court, whether under s. 28(1)(*b*) of the *Federal Court Act*, or under the common law

Tout d'abord, il convient de souligner que l'arbitre a, à juste titre, suivi les principes énoncés dans *Heustis c. Commission d'énergie électrique du Nouveau-Brunswick*, [1979] 2 R.C.S. 768. Dans cet arrêt la Cour a dit à la p. 772:

> L'arbitre des griefs devait déterminer si l'employeur avait une cause juste et suffisante pour congédier l'appelant. À cette fin, il devait répondre à trois questions. Premièrement, l'employé a-t-il fait l'acte reproché? Deuxièmement, cet acte justifiait-il une mesure disciplinaire de la part de l'employeur? Troisièmement, le cas échéant, l'acte était-il suffisamment grave pour justifier un congédiement?

L'arbitre a posé ces trois questions et y a répondu. Il a, de toute évidence, suivi la bonne procédure en adoptant la méthodologie exprimée dans le passage cité.

À titre de principe général, le tribunal qui procède à un examen, en vertu de l'art. 28 de la *Loi sur la Cour fédérale* ou d'une autre disposition, doit exercer ses pouvoirs avec précaution et doigté dans le contexte de l'arbitrage des griefs. Comme cette Cour l'a dit dans *Heustis*, précité, à la p. 781:

> Une très bonne raison de principe explique l'hésitation judiciaire à contrôler les arbitres dans l'exercice de leurs pouvoirs. Le but de l'arbitrage des griefs en vertu de la Loi est d'assurer un règlement rapide, définitif et exécutoire des différends résultant de l'interprétation et de l'application d'une convention collective ou d'une mesure disciplinaire imposée par l'employeur, le tout dans le but de maintenir la paix.

Il est essentiel que les tribunaux adoptent une attitude modérée à l'égard de la modification des décisions des tribunaux administratifs spécialisés, particulièrement dans le contexte des relations de travail, s'ils doivent respecter les intentions et les politiques du Parlement et des assemblées législatives des provinces qui les ont amenés à créer ces tribunaux: voir *Union internationale des employés des services, local no. 333 c. Nipawin District Staff Nurses Association*, [1975] 1 R.C.S. 382, et *Syndicat canadien de la Fonction publique, section locale 963 c. Société des alcools du Nouveau-Brunswick*, [1979] 2 R.C.S. 227.

Un tribunal chargé de procéder à un examen, que ce soit en vertu de l'al. 28(1)(*b*) de la *Loi sur la*

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principles of judicial review, should not interfere with the decision of a statutory decision maker in a case such as this unless the statutory decision maker makes a mistake of law, such as addressing his or her mind to the wrong question, applying the wrong principle, failing to apply a principle he or she would have applied, or incorrectly applying a legal principle. See: *Trans Mountain Pipe Line Co. v. National Energy Board*, [1979] 2 F.C. 118 (C.A.), at p. 121; *Canadian Lift Truck Co. v. Deputy Minister of National Revenue for Customs and Excise* (1955), 1 D.L.R. (2d) 497 (S.C.C.), at p. 498; *Dominion Engineering Works Ltd. v. Deputy Minister of National Revenue (Customs and Excise)*, [1958] S.C.R. 652, at p. 656; *Hetex Garn A.G. v. Anti-dumping Tribunal*, [1978] 2 F.C. 507 (C.A.)

Against the background of these general considerations I turn now to consider the errors of law alleged to have been made in this appeal.

V

Extent of Permissible Criticism of Government by Public Servants

Mr. Fraser's primary submission is that there is a fundamental distinction between job-related criticism and non-job-related criticism. A public servant must exercise restraint, he concedes, where his or her public statements relate to the duties of the position or the policies and programs of the department in which he or she is employed. A governmental employee is as free as a private citizen, however, to criticize government policies unrelated to his or her job or department. Mr. Fraser contends that his statements, critical of the Government's metric conversion program and its constitutional policies, were so remotely related to his duties as a tax audit manager as not to constitute misconduct.

The respondent does not accept the line Mr. Fraser seeks to draw. The respondent agrees that a public servant cannot publicly criticize policies relating directly to his or her job or department,

Cour fédérale ou en vertu des principes de *common law* en matière de contrôle judiciaire, ne devra pas modifier la décision d'un tribunal habilité par la loi comme en l'espèce, à moins que celui-ci n'ait commis une erreur de droit, par exemple en examinant la mauvaise question, en appliquant un principe erroné, en n'appliquant pas un principe qu'il aurait dû appliquer ou en appliquant incorrectement un principe juridique. Voir: *Trans Mountain Pipe Line Co. c. Office national de l'énergie*, [1979] 2 C.F. 118 (C.A.), à la p. 121; *Canadian Lift Truck Co. v. Deputy Minister of National Revenue for Customs and Excise* (1955), 1 D.L.R. (2d) 497 (C.S.C.), à la p. 498; *Dominion Engineering Works Ltd. v. Deputy Minister of National Revenue (Customs and Excise)*, [1958] R.C.S. 652, à la p. 656; *Hetex Garn A.G. c. Tribunal antidumping*, [1978] 2 C.F. 507 (C.A.)

Compte tenu de ces considérations d'ordre général, j'examine maintenant les erreurs de droit qu'on allègue avoir été commises en l'espèce.

V

Étendue des critiques du gouvernement permises aux fonctionnaires

Le principal argument de M. Fraser porte qu'il existe une distinction fondamentale entre la critique qui se rapporte au travail et celle qui ne s'y rapporte pas. Il admet qu'un fonctionnaire doit faire preuve de modération lorsque ses déclarations publiques se rapportent aux fonctions du poste ou aux politiques et aux programmes du ministère dont il est l'employé. Toutefois, un employé du gouvernement a la même liberté qu'un citoyen ordinaire pour critiquer les politiques du gouvernement qui ne se rapportent pas à son emploi ou à son ministère. M. Fraser soutient que ses déclarations qui critiquaient le programme de conversion au système métrique du gouvernement et ses politiques en matière constitutionnelle étaient tellement éloignées de ses fonctions de gestionnaire en vérification fiscale qu'elles ne constituaient pas une inconduite.

L'intimée n'accepte pas la distinction que M. Fraser tente de tirer. L'intimée convient qu'un fonctionnaire ne peut publiquement critiquer les politiques qui se rapportent directement à son

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but goes further, contending that a public servant must not criticize other government policies. The reason for this limitation, says the respondent, is the need to preserve the neutrality and impartiality, both actual and perceived, of the public service.

The Adjudicator recognized that a balance had to be struck between the employee's freedom of expression and the Government's desire to maintain an impartial and effective public service. He said:

> [It is] incumbent upon the public servant to exercise some restraint in the expression of his views in opposition to Government policy. Underlying this notion is the legitimate concern that the Public Service and its servants should be seen to serve the public in the administration and implementation of Government policies and programs in an impartial and effective manner. Any individual upon assuming employment with the Public Service knows or ought to be deemed to know that in becoming a public servant he or she has undertaken an obligation to exercise restraint in what he or she says or does in opposition to Government policy. Moreover, it is recognized that the exercise of such restraint may very well not be a requirement of employees who work in less visible sectors of Canadian society.

In other words, a public servant is required to exercise a degree of restraint in his or her actions relating to criticism of government policy, in order to ensure that the public service is perceived as impartial and effective in fulfilling its duties. It is implicit throughout the Adjudicator's reasons that the degree of restraint which must be exercised is relative to the position and visibility of the civil servant.

In my opinion, the Adjudicator was correct in identifying the applicable principles and in applying them to the circumstances of the case. The act of balancing must start with the proposition that some speech by public servants concerning public issues is permitted. Public servants cannot be, to use Mr. Fraser's apt phrase, "silent members of society". I say this for three reasons.

travail ou à son ministère, mais va plus loin soutenant qu'un fonctionnaire ne doit pas critiquer d'autres politiques du gouvernement. Selon l'intimée, le motif de cette restriction se fonde sur la nécessité de préserver la neutralité et l'impartialité réelles et perçues de la fonction publique.

L'arbitre a reconnu qu'il faut établir un équilibre entre la liberté d'expression de l'employé et le désir du gouvernement de maintenir une fonction publique impartiale et efficace. Il a dit:

> [C']est qu'il incombe au fonctionnaire de faire preuve de modération dans ses déclarations contre la politique du gouvernement. Sous-jacente à cette idée est une préoccupation légitime, soit que la Fonction publique et ses membres administrent et appliquent les politiques et les programmes du gouvernement d'une manière impartiale et efficace. Toute personne qui entre dans la fonction publique est censée savoir qu'elle s'engage par le fait même à modérer ses paroles et ses actes contre la politique du gouvernement. De plus, il est reconnu qu'une telle modération peut très bien ne pas être exigée de l'employé qui travaille dans un secteur moins en vue de la société canadienne.

En d'autres termes, le fonctionnaire est tenu de faire preuve d'un certain degré de modération dans ses actions relatives aux critiques des politiques du gouvernement, de sorte que la fonction publique soit perçue comme impartiale et efficace dans l'accomplissement de ses fonctions. Il ressort implicitement des motifs de l'arbitre que le degré de modération dont on doit faire preuve dépend du poste et de la visibilité du fonctionnaire.

À mon avis, l'arbitre a correctement identifié les principes applicables et les a bien appliqués aux circonstances de l'espèce. Pour ce qui est de l'équilibre à respecter, il faut tout d'abord tenir compte de la proposition selon laquelle il est permis aux fonctionnaires de s'exprimer dans une certaine limite sur des questions d'intérêt public. Les fonctionnaires ne peuvent être, pour employer l'expression appropriée de M. Fraser [TRADUCTION] «les membres silencieux de la société». Il y a trois raisons à cela.

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First, our democratic system is deeply rooted in, and thrives on, free and robust public discussion of public issues. As a general rule, all members of society should be permitted, indeed encouraged, to participate in that discussion.

Secondly, account must be taken of the growth in recent decades of the public sector—federal, provincial, municipal—as an employer. A blanket prohibition against all public discussion of all public issues by all public servants would, quite simply, deny fundamental democratic rights to far too many people.

Thirdly, common sense comes into play here. An absolute rule prohibiting all public participation and discussion by all public servants would prohibit activities which no sensible person in a democratic society would want to prohibit. Can anyone seriously contend that a municipal bus driver should not be able to attend a town council meeting to protest against a zoning decision having an impact on her residential street? Should not a provincial clerk be able to stand in a crowd on a Sunday afternoon and protest a provincial government decision cutting off funding for a day care centre or a shelter for single mothers? And surely a federal commissionaire could speak out at a Legion meeting to protest against a perceived lack of federal support for war veterans. These examples, and many others could be advanced, demonstrate that an absolute prohibition against public servants criticizing government policies would not be sensible.

On the other side, however, it is equally obvious that free speech or expression is not an absolute, unqualified value. Other values must be weighed with it. Sometimes these other values supplement, and build on, the value of speech. But in other situations there is a collision. When that happens the value of speech may be cut back if the compet-

Premièrement, notre système démocratique est profondément ancré sur une discussion libre et franche des questions d'intérêt public et profite de cette discussion. En règle générale, tous les membres de la société devraient être autorisés à participer à cette discussion et même encouragés à le faire.

Deuxièmement, il faut tenir compte de la croissance qu'a connue le secteur public—fédéral, provincial, municipal—à titre d'employeur au cours des dernières décennies. Une interdiction générale de toute discussion publique sur toute question d'intérêt public par tous les fonctionnaires aurait tout simplement pour effet de priver beaucoup trop de gens de leurs droits démocratiques fondamentaux.

Troisièmement, à ce stade, le bon sens entre en jeu. Une règle absolue interdisant toute participation et discussion publique par tous les fonctionnaires aurait pour effet d'interdire des activités qu'aucune personne sensée dans une société démocratique ne voudrait interdire. Peut-on sérieusement soutenir qu'une conductrice d'autobus municipal ne devrait pas pouvoir assister à une réunion du conseil municipal pour protester contre une décision en matière de zonage qui a un effet sur la rue où elle habite? Un commis provincial ne devrait-il pas pouvoir manifester dans une foule un dimanche après-midi pour protester contre une décision du gouvernement provincial réduisant le financement d'une garderie ou d'un refuge pour les mères célibataires? Et de toute évidence un commissionnaire fédéral pourrait prendre la parole à une réunion de la légion pour protester contre ce qu'il perçoit comme un manque d'appui du fédéral à l'égard des anciens combattants. Ces exemples, et de nombreux autres qu'on pourrait imaginer, démontrent qu'une interdiction absolue des critiques des politiques du gouvernement par les fonctionnaires ne serait pas judicieuse.

Toutefois, il est par ailleurs également évident que la liberté de parole ou d'expression n'est pas une valeur absolue et inconditionnelle. Il faut tenir compte de certaines autres valeurs. Quelquefois ces autres valeurs viennent compléter la liberté de parole et ajouter à celle-ci. Toutefois, dans d'autres situations elles sont en conflit. Lorsque cela se

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ing value is a powerful one. Thus, for example, we have laws dealing with libel and slander, sedition and blasphemy. We also have laws imposing restrictions on the press in the interests of, for example, ensuring a fair trial or protecting the privacy of minors or victims of sexual assaults.

A similar type of balancing is required in the present appeal. Public servants have some freedom to criticize the Government. But it is not an absolute freedom. To take but one example, whereas it is obvious that it would not be "just cause" for a provincial Government to dismiss a provincial clerk who stood in a crowd on a Sunday afternoon to protest provincial day care policies, it is equally obvious that the same Government would have "just cause" to dismiss the Deputy Minister of Social Services who spoke vigorously against the same policies at the same rally.

That brings me to the crucial question: did the Adjudicator err in where he drew the line in this case? Mr. Fraser would have a clear line drawn between job-related and non-job-related criticisms. He then asserts that his criticisms fall on the non-job-related side of the line. The Adjudicator concluded that Mr. Fraser's criticisms were job-related. Accordingly, even if there is, as Mr. Fraser contends, a valid distinction between criticism which is job-related and criticism which is non-job-related, the Adjudicator concluded that Mr. Fraser's criticisms were related to his job and that, therefore, the discharge was justified. Mr. Fraser would not succeed even on the test for which he contends.

It is true that Mr. Fraser's major criticisms were directed against two policies, the metric conversion program and the *Charter*. It is also true that his job and the policies of his department did not bear on these two policies. But it does not follow that the Adjudicator erred in law in finding that Mr. Fraser's criticisms were related to his job. A job in

produit, la liberté de parole peut être réduite si la valeur qui est en conflit avec elle est puissante. Ainsi, par exemple, nous avons des lois qui traitent de la diffamation écrite et verbale, des propos séditieux et du blasphème. Nous avons également des lois qui imposent des restrictions à la presse afin, par exemple, d'assurer un procès équitable ou de protéger la vie privée des mineurs ou des victimes d'agressions sexuelles.

Dans le présent pourvoi, il est nécessaire d'établir un équilibre de ce genre. Les fonctionnaires jouissent d'une certaine liberté pour critiquer le gouvernement. Toutefois il ne s'agit pas d'une liberté absolue. Si l'on prend un exemple, alors qu'il est évident qu'il ne serait pas «raisonnable» qu'un gouvernement provincial congédie un commis provincial qui a manifesté dans une foule un dimanche après-midi pour protester contre les politiques provinciales en matière de garderie, il est également évident que le même gouvernement aurait un «motif raisonnable» de congédier le sous-ministre des Affaires sociales qui aurait pris la parole vigoureusement contre les mêmes politiques au même rassemblement.

Ceci m'amène à poser la question cruciale: l'arbitre a-t-il commis une erreur lorsqu'il a fixé les limites en l'espèce? M. Fraser aurait fixé une limite claire entre les critiques qui se rapportent à son travail et celles qui ne s'y rapportent pas. Il a alors allégué que ses critiques ne se rapportaient pas à son travail. L'arbitre a conclu que les critiques de M. Fraser se rapportaient à son travail. Par conséquent, même s'il existe, comme le soutient M. Fraser, une distinction valide entre la critique qui se rapporte au travail et celle qui ne s'y rapporte pas, l'arbitre a conclu que les critiques de M. Fraser se rapportaient à son travail et que, par conséquent, le congédiement était justifié. M. Fraser ne pourrait avoir gain de cause même en vertu du critère qu'il défend.

Il est vrai que les critiques principales de M. Fraser visaient deux politiques, le programme de conversion au système métrique et la *Charte*. Il est également vrai que son travail et les politiques de son ministère ne portaient pas sur ces deux politiques. Toutefois, il ne s'ensuit pas que l'arbitre a commis une erreur de droit parce qu'il a conclu

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the public service has two dimensions, one relating to the employee's tasks and how he or she performs them, the other relating to the perception of a job held by the public. In my opinion, the Adjudicator appreciated these two dimensions. His discussion on this point is in these terms:

When Mr. Fraser suggested on the Floyd Patterson radio hot-line program on February 5, 1982 that the Prime Minister in the conduct of the nation would prefer to act in a similar manner to the present regime in Poland, he adversely affected his own ability to conduct the affairs of the department in which he worked. For example, a corporate taxpayer who is selected as the subject of an audit by Mr. Fraser who also assigns the auditor to examine his records might well speculate about the reasons for having been selected and be concerned about the professionalism of the exercise. Surely a relatively influential official of Revenue Canada who publicly and vehemently accuses his employer, the Government of Canada, and the Prime Minister of autocratic and cœrcive behaviour is unlikely to instill confidence in a clientele that has a right to expect impartial and judicious treatment. And if a taxpayer's reservations were to be perceived by an auditor as an obstacle to an effective investigation, Revenue Canada officials could then rely on the widest and most far-reaching instruments of search and seizure. In this context Mr. Lowe's concern about the public's perception of Revenue Canada merits some attention. A public servant simply cannot be allowed under the rubric of free speech to cultivate distrust of the employer amongst members of the constituency whom he is obliged to serve. I am satisfied that Mr. Fraser cast doubt on his effectiveness as a Government employee once he escalated his criticism of Government policy to a point and in a form that far exceeded the issues of general public interest that he espoused before February 1, 1982. Or, more succinctly, his incipient and persistent campaign in opposition to the incumbent Government conflicted with the continuation of his employment relationship. Once that situation arose he either had to cease his activities or resign from the position he occupied.

This analysis and conclusion, namely that Mr. Fraser's criticisms were job-related, is, in my view, correct in law. I say this because of the importance and necessity of an impartial and effective public service. There is in Canada a separation of powers among the three branches of government—the legislature, the executive and the judiciary. In

que les critiques de M. Fraser se rapportaient à son travail. Un emploi dans la fonction publique comporte deux dimensions, l'une se rapportant aux tâches de l'employé et à la manière dont il les accomplit, l'autre se rapportant à la manière dont le public perçoit l'emploi. À mon avis, l'arbitre a évalué ces deux dimensions. Son analyse de ce point est la suivante:

En laissant entendre à la tribune téléphonique de Floyd Patterson le 5 février 1982 que le Premier ministre aimerait prendre modèle sur les dirigeants de la Pologne pour gouverner le Canada, M. Fraser s'est lui-même révélé inapte à administrer les affaires du ministère où il travaillait. Par exemple, si M. Fraser choisit une société commerciale et nomme un vérificateur pour en apurer les comptes, celle-ci pourrait se demander pourquoi elle a été désignée et remettre en question le sérieux d'une telle opération. De toute évidence, un fonctionnaire relativement haut placé à Revenu Canada qui accuse publiquement et sévèrement son employeur, le Gouvernement du Canada, et le Premier ministre d'exercer l'autocratie et la coercition ne peut guère inspirer confiance au public qui est en droit de s'attendre à un service impartial et rationnel. Et si un vérificateur jugeait que les doutes d'un contribuable nuisent à l'efficacité de son enquête, Revenu Canada pourrait alors appliquer les méthodes de recherche et de saisie les plus élaborées et les plus minutieuses. À ce sujet, les inquiétudes de M. Lowe concernant l'image de Revenu Canada méritent qu'on s'y arrête. Un fonctionnaire ne peut tout simplement pas se permettre, au nom de la liberté de parole, de discréditer l'employeur auprès de la population qu'il sert. Je suis persuadé que M. Fraser a fait planer le doute sur ses qualités de fonctionnaire dès le moment où ses déclarations contre la politique du gouvernement se sont amplifiées au point de déborder largement le cadre des questions d'intérêt général auxquelles il avait pris sur lui de s'attaquer avant le 1er février 1982. Bref, la croisade qu'il avait amorcée contre le gouvernement était incompatible avec son emploi dans la Fonction publique. Il devait donc renoncer à ses activités ou donner sa démission.

Cette analyse et cette conclusion, savoir que les critiques de M. Fraser se rapportaient à son emploi, sont à mon avis, bien fondées en droit. Je le dis parce qu'il est important et nécessaire d'avoir une fonction publique impartiale et efficace. Il existe au Canada une séparation des pouvoirs entre les trois branches du gouvernement—le

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broad terms, the role of the judiciary is, of course, to interpret and apply the law; the role of the legislature is to decide upon and enunciate policy; the role of the executive is to administer and implement that policy.

The federal public service in Canada is part of the executive branch of Government. As such, its fundamental task is to administer and implement policy. In order to do this well, the public service must employ people with certain important characteristics. Knowledge is one, fairness another, integrity a third.

As the Adjudicator indicated, a further characteristic is loyalty. As a general rule, federal public servants should be loyal to their employer, the Government of Canada. The loyalty owed is to the Government of Canada, not the political party in power at any one time. A public servant need not vote for the governing party. Nor need he or she publicly espouse its policies. And indeed, in some circumstances a public servant may actively and publicly express opposition to the policies of a government. This would be appropriate if, for example, the Government were engaged in illegal acts, or if its policies jeopardized the life, health or safety of the public servant or others, or if the public servant's criticism had no impact on his or her ability to perform effectively the duties of a public servant or on the public perception of that ability. But, having stated these qualifications (and there may be others), it is my view that a public servant must not engage, as the appellant did in the present case, in sustained and highly visible attacks on major Government policies. In conducting himself in this way the appellant, in my view, displayed a lack of loyalty to the Government that was inconsistent with his duties as an employee of the Government.

As the Adjudicator pointed out, there is a powerful reason for this general requirement of loyalty, namely the public interest in both the actual, and apparent, impartiality of the public service. The benefits that flow from this impartiality have

législatif, l'exécutif et le judiciaire. En termes généraux, le rôle du judiciaire est, il va sans dire, d'interpréter et d'appliquer la loi; le rôle du législatif est de prendre des décisions et d'énoncer des politiques; le rôle de l'exécutif est d'administrer et d'appliquer ces politiques.

La fonction publique fédérale au Canada fait partie de l'exécutif du gouvernement. À ce titre, sa tâche fondamentale est d'administrer et d'appliquer les politiques. Pour bien accomplir sa tâche, la fonction publique doit employer des personnes qui présentent certaines caractéristiques importantes parmi lesquelles les connaissances, l'équité et l'intégrité.

Comme l'arbitre l'a indiqué, il existe une autre caractéristique qui est la loyauté. En règle générale, les fonctionnaires fédéraux doivent être loyaux envers leur employeur, le gouvernement du Canada. Ils doivent être loyaux envers le gouvernement du Canada et non envers le parti politique au pouvoir. Un fonctionnaire n'est pas tenu de voter pour le parti au pouvoir. Il n'est pas non plus tenu d'endosser publiquement ses politiques. En fait, dans certaines circonstances, un fonctionnaire peut activement et publiquement exprimer son opposition à l'égard des politiques d'un gouvernement. Ce serait le cas si, par exemple, le gouvernement accomplissait des actes illégaux ou si ses politiques mettaient en danger la vie, la santé ou la sécurité des fonctionnaires ou d'autres personnes, ou si les critiques du fonctionnaire n'avaient aucun effet sur son aptitude à accomplir d'une manière efficace ses fonctions ni sur la façon dont le public perçoit cette aptitude. Toutefois, ayant énoncé ces qualités (et il peut y en avoir d'autres), je suis d'avis qu'un fonctionnaire ne doit pas, comme l'a fait l'appelant en l'espèce, attaquer de manière soutenue et très visible des politiques importantes du gouvernement. Selon moi, en se conduisant de cette manière, l'appelant a manifesté envers le gouvernement un manque de loyauté incompatible avec ses fonctions en tant qu'employé du gouvernement.

Comme l'a souligné l'arbitre, il existe un motif important à l'appui de cette règle générale de loyauté, savoir l'intérêt du public vis-à-vis de l'impartialité réelle et apparente de la fonction publique. Les avantages qui découlent de cette impar-

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been well-described by the MacDonnell Commission. Although the description relates to the political activities of public servants in the United Kingdom, it touches on values shared with the public service in Canada:

Speaking generally, we think that if restrictions on the political activities of public servants were withdrawn two results would probably follow. The public might cease to believe, as we think they do now with reason believe, in the impartiality of the permanent Civil Service; and Ministers might cease to feel the well-merited confidence which they possess at present in the loyal and faithful support of their official subordinates; indeed they might be led to scrutinise the utterances or writings of such subordinates, and to select for positions of confidence only those whose sentiments were known to be in political sympathy with their own.

If this were so, the system of recruitment by open competition would provide but a frail barrier against Ministerial patronage in all but the earlier years of service; the Civil Service would cease to be in fact an impartial, non-political body, capable of loyal service to all Ministers and parties alike; the change would soon affect the public estimation of the Service, and the result would be destructive of what undoubtedly is at present one of the greatest advantages of our administrative system, and one of the most honourable traditions of our public life.

See paragraphs 10-11 of c. 11 of MacDonnell Committee quoted in *Re Ontario Public Service Employees Union and Attorney-General for Ontario* (1980), 31 O.R. (2d) 321 (C.A.), at p. 329.

There is in Canada, in my opinion, a similar tradition surrounding our public service. The tradition emphasizes the characteristics of impartiality, neutrality, fairness and integrity. A person entering the public service or one already employed there must know, or at least be deemed to know, that employment in the public service involves acceptance of certain restraints. One of the most important of those restraints is to exercise caution when it comes to making criticisms of the Government.

tialité ont été bien décrits par la commission MacDonnell. Bien que la description se rapporte aux activités politiques des fonctionnaires au Royaume-Uni, elle touche à des valeurs qui s'appliquent à la fonction publique au Canada:

[TRADUCTION] D'une manière générale, nous croyons que si les restrictions relatives aux activités politiques des fonctionnaires devaient être levées, cela aurait probablement deux conséquences. Le public pourrait cesser de croire, comme nous pensons qu'il le fait maintenant avec raison, en l'impartialité de la fonction publique permanente; et les ministres pourraient cesser de sentir la confiance bien méritée qu'ils possèdent à l'heure actuelle dans l'appui loyal et fidèle de leurs fonctionnaires; en fait, ils pourraient être portés à examiner à fond les paroles et les écrits de leurs subordonnés et à choisir pour occuper des postes de confiance, seulement ceux dont ils savent qu'ils partagent les mêmes sympathies politiques.

Si tel était le cas, le système de recrutement par concours public constituerait seulement une barrière fragile contre le népotisme ministériel au cours de toutes les années de service sauf au début; la fonction publique cesserait en fait d'être un organisme impartial, apolitique, capable de loyaux services envers tous les ministres et les partis; le changement aurait rapidement des effets sur l'opinion que le public se fait de la fonction publique et le résultat serait destructif à l'égard de ce qui est sans aucun doute, à l'heure actuelle, l'un des plus grands avantages de notre système administratif et l'une des traditions les plus honorables de notre vie publique.

Voir les alinéas 10 et 11 du chap. 11 du Comité MacDonnell cité dans *Re Ontario Public Service Employees Union and Attorney-General for Ontario* (1980), 31 O.R. (2d) 321 (C.A.), à la p. 329.

À mon avis, il existe au Canada une tradition semblable en ce qui a trait à notre fonction publique. La tradition met l'accent sur les caractéristiques d'impartialité, de neutralité, d'équité et d'intégrité. Une personne qui entre dans la fonction publique ou une qui y est déjà employée doit savoir, ou du moins est présumée savoir, que l'emploi dans la fonction publique comporte l'acceptation de certaines restrictions. L'une des plus importantes de ces restrictions est de faire preuve de prudence lorsqu'il s'agit de critiquer le gouvernement.

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For the reasons outlined, I conclude that the Adjudicator did not err in law and that the Federal Court of Appeal was right in not reversing his decision on this point.

VI

Evidence of Impairment to Perform Job

Mr. Fraser further contends the Adjudicator erred in law by finding that his effectiveness as a public servant was impaired by his public statements, without any evidence to that effect.

It is true the Adjudicator found Mr. Fraser's effectiveness as a public servant was impaired. It is also true there was no direct evidence to this effect before the Adjudicator. There was not, for example, testimony from so-called "clients" of Revenue Canada (*i.e.*, persons subject to a tax audit) establishing that in their eyes Mr. Fraser's conduct placed his impartiality and judiciousness in doubt. In spite of this, the Adjudicator concluded that Mr. Fraser's activities were job-related in that they led to "impairment" of his ability to do his job properly. Indeed he found impairment in two senses: first, impairment to perform effectively the specific job because of the inferred effect on clients; secondly, and in a wider sense, impairment to be a public servant because of the special and important characteristics of that occupation.

I do not think the Adjudicator erred on either count. As to impairment to perform the specific job, I think the general rule should be that direct evidence of impairment is required. However, this rule is not absolute. When, as here, the nature of the public servant's occupation is both important and sensitive and when, as here, the substance, form and context of the public servant's criticism is extreme, then an inference of impairment can be drawn. In this case the inference drawn by the Adjudicator, namely that Mr. Fraser's conduct could or would give rise to public concern, unease and distrust of his ability to perform his employ-

Pour les motifs exposés, je conclus que l'arbitre n'a pas commis d'erreur de droit et que la Cour d'appel fédérale a eu raison de ne pas renverser sa décision sur ce point.

VI

Preuve de l'empêchement d'accomplir son travail

M. Fraser soutient en outre que l'arbitre a commis une erreur de droit lorsqu'il a conclu, sans aucun élément de preuve à cet effet, que ses déclarations publiques avaient diminué son efficacité en tant que fonctionnaire.

Il est vrai que l'arbitre a conclu qu'il y avait eu diminution de l'efficacité de M. Fraser en tant que fonctionnaire. Il est également vrai qu'aucun élément de preuve précis à cet effet n'a été produit devant l'arbitre. Il n'y avait par exemple pas de témoignages de ce qu'on peut appeler des «clients» de Revenu Canada (c'est-à-dire des personnes soumises à une vérification fiscale) établissant que, à leurs yeux, la conduite de M. Fraser avait soulevé un doute sur son impartialité et sur sa sagesse. Malgré cela, l'arbitre a conclu que les activités de M. Fraser se rapportaient à son travail, car elles avaient une «incidence néfaste» sur son aptitude à accomplir son travail correctement. En fait il a conclu qu'il y avait incidence néfaste de deux manières: d'abord, l'empêchement d'accomplir son travail précis d'une manière efficace à cause de l'effet inféré à l'égard des clients; ensuite, dans un sens plus large, l'empêchement d'être un fonctionnaire à cause des caractéristiques spéciales et importantes de cet emploi.

Je ne crois pas que l'arbitre ait commis d'erreur sur ces deux points. En ce qui a trait à l'empêchement d'accomplir le travail précis, je crois que selon la règle générale la preuve directe de l'incidence néfaste devrait être exigée. Toutefois cette règle n'est pas absolue. On peut déduire qu'il y a eu incidence néfaste lorsque, comme en l'espèce, la nature du poste du fonctionnaire est à la fois importante et délicate et lorsque comme en l'espèce, le fond, la forme et le contexte de la critique du fonctionnaire est extrême. En l'espèce, la déduction de l'arbitre, savoir que la conduite de M. Fraser pouvait ou allait susciter des inquiétudes,

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ment duties, was not an unreasonable one for him to take.

Turning to impairment in the wider sense, I am of opinion that direct evidence is not necessarily required. The traditions and contemporary standards of the public service can be matters of direct evidence. But they can also be matters of study, of written and oral argument, of general knowledge on the part of experienced public sector adjudicators, and ultimately, of reasonable inference by those adjudicators. It is open to an adjudicator to infer impairment on the whole of the evidence if there is evidence of a pattern of behaviour which an adjudicator could reasonably conclude would impair the usefulness of the public servant. Was there such evidence of behaviour in this case? In order to answer that question it becomes relevant to consider the substance, form and context of Mr. Fraser's criticism of government policy.

On this point, the Adjudicator found the evidence overwhelming. The substantive criticism was of two major and, at the time, divisive policies—the metric conversion program and the *Charter*. In form, the criticism was prolonged and, as the national media focussed its attention on Mr. Fraser, increasingly derogatory in tone. As events developed, his criticism went beyond the two policies mentioned above. He began to impugn and attack the character of the Prime Minister and the integrity of the Government. He did this on a local, then a national, and finally an international basis. He said in Kingston:

> We have sold the rights of English-speaking Quebecers down the drain.
>
> The Federal Government never had any mandate from the people.
>
> We are not killing Jews as they did in Nazi Germany, but Canadians are up against that same insidious mentality today from their government.

de la gêne ou de la méfiance de la part du public à l'égard de son aptitude à accomplir ses fonctions, n'était pas déraisonnable.

Si on examine l'incidence néfaste dans un sens plus large, je suis d'avis qu'une preuve directe n'est pas nécessairement exigée. Les traditions et les normes contemporaines de la fonction publique peuvent constituer des éléments de preuve directe. Toutefois elles peuvent également être des éléments d'étude, d'argumentation écrite et orale, de connaissance générale de la part d'arbitres qui ont l'expérience du secteur public et enfin, de déductions raisonnables par ces derniers. Un arbitre peut déduire qu'il y a une incidence néfaste d'après l'ensemble de la preuve si des éléments de preuve indiquent un type de conduite qui peut raisonnablement l'amener à conclure qu'elle est de nature à diminuer l'efficacité du fonctionnaire. Y avait-il en l'espèce de tels éléments de preuve sur la conduite? Pour répondre à cette question il devient pertinent d'examiner le fond, la forme et le contexte des critiques de M. Fraser contre les politiques du gouvernement.

Sur ce point, l'arbitre a conclu que la preuve était écrasante. Les critiques principales portaient sur deux politiques importantes qui, à ce moment-là, suscitaient des divisions—le programme de conversion au système métrique et la *Charte*. En ce qui a trait à la forme, la critique a été prolongée et, comme les médias nationaux accordaient beaucoup d'attention à M. Fraser, elle était d'un ton de plus en plus désobligeant. Avec le temps, sa critique a dépassé les deux politiques mentionnées. Il a commencé à contester et à attaquer la personnalité du Premier ministre et l'intégrité du gouvernement. Il l'a d'abord fait à un niveau local, puis à un niveau national et enfin à un niveau international. Il a dit à Kingston:

> [TRADUCTION] Nous avons trahi les Québécois anglophones.
>
> Le peuple n'a jamais confié de mandat au gouvernement fédéral.
>
> Nous ne massacrons pas les juifs comme ils l'ont fait en Allemagne nazie, mais aujourd'hui des Canadiens se révoltent contre cette même mentalité insidieuse de leur gouvernement.

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He telexed Sir Francis Pym, Leader of the British House of Commons:

> You are dealing with a federal government that has a record of broken promises to the Canadian people.

When one examines the substance of the criticisms (two major government policies and the character and integrity of the Prime Minister and Government), the context of those criticisms (prolonged, virtually full time, in public meetings, on radio, on television, in newspapers, local, national, international), and the form of the criticisms (initially restrained, but increasingly vitriolic and vituperative) the Adjudicator's conclusion that Mr. Fraser's ability to perform his own job and his suitability to remain in the public service were both impaired was a fair conclusion. Though no direct evidence of the fact of impairment of capacity is required, here the evidence clearly established circumstances from which the inference of impairment is clearly irresistible. Put simply, although there is not an absolute prohibition against public servants criticizing government policies, Mr. Fraser in this case went much too far.

There is one final matter which needs to be addressed. Mr. Fraser contends that if his course of conduct after the first suspension was improper, which he denies, it must be assessed in light of the fact that the first suspension itself was not justified. In other words, the initial improper action by the employer fed or provoked his later improper conduct, if any.

I see no merit in this argument. Even if one accepts this cause and effect analysis, the whole *rationale* of most grievance systems, including the federal system applicable in this appeal, is to deal with precisely this type of situation. There was a disagreement there. The employee wanted to speak out. The employer said that he could not. The employee persisted. The employer suspended him. But that is not all the employer did. The employer recognized that the employee was taking a principled stand. Accordingly, the employer offered to expedite the grievance procedure, provided the

Il a expédié un télex à sir Francis Pym, leader de la Chambre des communes britannique:

> [TRADUCTION] Vous traitez avec un gouvernement fédéral qui a derrière lui une histoire de promesses non tenues à l'égard du peuple canadien.

Lorsqu'on examine le fond des critiques (deux politiques gouvernementales importantes et la personnalité et l'intégrité du Premier ministre et du gouvernement), le contexte de ces critiques (prolongées, pratiquement à temps plein, dans des assemblées publiques, à la radio, à la télévision, dans les journaux, aux niveaux local, national et international) et la forme de ces critiques (au départ limitées, mais de plus en plus cinglantes et injurieuses), on peut constater la justesse de la conclusion de l'arbitre selon laquelle tant l'aptitude de M. Fraser à accomplir son travail que sa capacité de demeurer dans la fonction publique étaient diminuées. Bien qu'aucune preuve directe d'incidence néfaste sur la capacité ne soit requise, la preuve en l'espèce établit clairement des circonstances qui nous amènent nécessairement à conclure qu'il y a eu une incidence néfaste. Simplement, bien qu'il n'y ait pas d'interdiction absolue contre les critiques des fonctionnaires à l'endroit des politiques du gouvernement, en l'espèce, M. Fraser est allé beaucoup trop loin.

Il y a une dernière question qui doit être examinée. M. Fraser soutient que si sa conduite après la première suspension était incorrecte, ce qu'il nie, elle doit être évaluée à la lumière du fait que la première suspension en soi n'était pas justifiée. En d'autres termes, il dit que la première mesure inappropriée prise par l'employeur a encouragé ou provoqué sa conduite postérieure incorrecte, si tel est le cas.

Je suis d'avis que cet argument n'est pas fondé. Même si l'on accepte cette analyse de cause à effet, l'entière raison d'être de la plupart des systèmes de règlement des griefs, y compris le système fédéral applicable en l'espèce, est précisément de traiter de ce genre de situation. Il y a eu un désaccord en l'espèce. L'employé voulait exprimer ses opinions. L'employeur a dit qu'il ne pouvait pas le faire. L'employé a persisté. L'employeur l'a suspendu. Toutefois, ce n'est pas tout ce que l'employeur a fait. L'employeur a reconnu qu'un employé adoptait une position de principe. Par

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employee would cease his criticism. The employee refused. He decided to continue, and in fact greatly expanded, his criticism of the Government. In doing this, it seems to me, he voluntarily assumed the risk that his conduct might be adjudged to be sufficient cause for the initial suspension or for subsequent disciplinary action. Indeed, at the outset of his address to the Kingston City Council Mr. Fraser indicated that he appreciated the risks to his job security that he was assuming in appearing before Council but was willing "to pay the price". As it turned out, the Adjudicator held that the first suspension was not waranted but the second suspension and the discharge were warranted. In my opinion, Mr. Fraser's conduct leading to the second suspension and the discharge did not flow from the first suspension. Rather, that conduct flowed solely from his behaviour concerning the expression of his views.

For these reasons, I conclude the Adjudicator did not err by finding that Mr. Fraser's effectiveness as a public servant was impaired by his public statements, without any direct evidence to that effect. And the Federal Court of Appeal was correct in affirming the Adjudicator's decision on this point.

VII

Conclusions

As I have indicated, the Adjudicator considered the relevant factors, applied the governing legal principles, and reached the correct result. He made no error of law. Accordingly, the Federal Court of Appeal, reviewing the Adjudicator's decision under s. 28 of the *Federal Court Act*, made no error.

I would dismiss the appeal. This is not a case for costs.

Appeal dismissed.

Solicitors for the appellant: Soloway, Wright, Houston, Greenberg, O'Grady and Morin, Ottawa.

Solicitor for the respondent: Roger Tassé, Ottawa.

conséquent, l'employeur a offert d'accélérer le processus de griefs à la condition que l'employé cesse ses critiques. L'employé a refusé. Il a décidé de continuer et en fait il a étendu ses critiques à l'égard du gouvernement. Ce faisant, il me semble avoir volontairement pris le risque que sa conduite puisse être jugée comme une cause suffisante pour justifier la première suspension ou une mesure disciplinaire subséquente. En fait, au début de son allocution devant le conseil municipal de Kingston, M. Fraser a dit savoir pertinemment qu'il risquait de perdre son emploi en se présentant devant le conseil, mais qu'il était disposé à [TRADUCTION] «en payer le prix». En l'occurrence, l'arbitre a conclu que la première suspension n'était pas justifiée mais que la seconde suspension et le congédiement étaient justifiés. À mon avis, la conduite de M. Fraser qui a entraîné la seconde suspension et le congédiement ne découlait pas de la première suspension. Cette conduite découlait plutôt seulement de son comportement en ce qui a trait à l'expression de ses opinions.

Pour ces motifs, je conclus que l'arbitre n'a pas commis d'erreur lorsqu'il a conclu que l'efficacité de M. Fraser en tant que fonctionnaire avait été diminuée par ses déclarations publiques, sans aucun élément de preuve directe à cet effet. De même, la Cour d'appel fédérale a eu raison de confirmer la décision de l'arbitre sur ce point.

VII

Conclusions

Comme je l'ai indiqué précédemment, l'arbitre a examiné les facteurs pertinents, a appliqué les principes juridiques en vigueur et est parvenu au résultat approprié. Il n'a commis aucune erreur de droit. Par conséquent, la Cour d'appel fédérale n'a également commis aucune erreur dans son examen de la décision de l'arbitre aux termes de l'art. 28 de la *Loi sur la Cour fédérale*.

Je suis d'avis de rejeter le pourvoi. Il n'y a pas lieu d'adjuger de dépens.

Pourvoi rejeté.

Procureurs de l'appelant: Soloway, Wright, Houston, Greenberg, O'Grady et Morin, Ottawa.

Procureur de l'intimée: Roger Tassé, Ottawa.

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Maisonneuve, Karine (Elle/She/Her)

From: xxxxxxx xxxxxxx
Sent: Thursday, January 26, 2023 9:13 AM
To: Gorodnichy, Dmitry
Cc: xxxxxxx , Katia
Subject: Grievance 2022-3941-137615
Attachments: reply to grievance - 2002-3941-137615.pdf; Gorodnichy-137615.pdf

Hello Mr. Gorodnichy,

You will find attached my reply, at the first level, for your grievance #2022-3941-137615.

…..

Thank you,

xxxxxxx

xxxxxxx xxxxxxx
(He/Him Il/Lui)

A/Director
Data Science Division, Chief Data Office
Strategic Policy Branch
Canada Border Services Agency, Government of Canada
xxxxxxx . xxxxxxx @cbsa-asfc.gc.ca

Directeur intérimaire
Division des sciences des données, Bureau de la dirigeante principale des données
Direction générale de la politique stratégique
Agence des services frontalieres du Canada, Gouvernement du Canada
xxxxxxx . xxxxxxx @cbsa-asfc.gc.ca

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PROTÉGÉ UNE FOIS REMPLI

DEPARTMENT USE ONLY À L'USAGE DU MINISTÈRE
Reference No. N° de référence
2022-3941-137615

INDIVIDUAL GRIEVANCE PRESENTATION (*PSLRA* s. 208)
PRÉSENTATION D'UN GRIEF INDIVIDUEL (*LRTFP* a. 208)

Please note:
In accordance with *PSLRA* s. 207, all departments and agencies within the core public administration have an informal conflict management system (ICMS) in place. Its existence does not affect an employee's right to file a grievance. However, managers, employees and bargaining agent representatives are encouraged to use the ICMS when appropriate, at any stage of the grievance process, in an attempt to informally address workplace differences.

Veuillez noter :
Conformément à l'article 207 de la *LRTFP*, les ministères et organismes de l'administration publique centrale ont établi un système de gestion informelle des conflits (SGIC). L'existence d'un tel système n'affecte pas le droit d'un employé à soumettre un grief. Toutefois, les gestionnaires, les employés et les représentants des agents négociateurs sont encouragés à se servir du SGIC, à n'importe quelle étape du processus de grief, afin de tenter de régler de façon informelle les problèmes en milieu de travail.

SECTION 1
TO BE COMPLETED BY EMPLOYEE À REMPLIR PAR L'EMPLOYÉ

A

Surname Nom de famille	Given names Prénoms	Home and work telephone No. N° de téléphone maison et travail
Gorodnichy	Dmitry	613-355-9975

Home address Adresse du domicile	Job classification Classification du poste
618 Glenhurst Crescent, Ottawa (ON), K1J 7B7	SE-RES-03

Department or agency Ministère ou organisme	Branch/division/section Direction/division/section
Canada Border Services Agency (CBSA)	Chief Data Office

Position title (and number) Titre du poste (et numéro)	Work location Lieu de travail	Shift Quart de travail	E-mail address Adresse électronique
Research Scientist	NCR		dmitry.gorodnichy@gmai

Collective agreement (if applicable) Convention collective (s'il y a lieu)	Expiry date Date d'expiration
RE (Research) Collective agreement	September 30, 2022

B

Grievance details: statement of the nature of each act or omission or other matter giving rise to the grievance that establishes the alleged violation or misinterpretation, including a reference to, as the case may be, (i) any provision of a statute or a regulation, or of a direction or other instrument made or issued by the employer, that deals with the terms and conditions of employment and that is relevant, or (ii) any provision of a collective agreement or an arbitral award that is relevant.

Énoncé du grief : exposé de la nature de chaque action, omission ou situation ayant donné lieu au grief qui permettra d'établir la prétendue violation ou fausse interprétation, y compris, le cas échéant, le renvoi à : (i) toute disposition pertinente d'une loi ou d'un règlement, ou toute directive ou tout autre document pertinents de l'employeur concernant les conditions d'emploi, (ii) toute disposition pertinente d'une convention collective ou d'une décision arbitrale.

I grieve my employer's decision to suspend me without pay for 5 days per the letter dated October 12, 2022, as well as the contents of the letter.

The suspension is unreasonable, punitive and disproportionate in the circumstances.

It is a violation of the general principles of progressive discipline, the Guidelines on Discipline and any other applicable policies and/or legislation.

C

Date on which each act, omission or other matter giving rise to the grievance occurred Date de chaque action, omission ou situation ayant donné lieu au grief

October 12, 2022

Canada

D

Corrective action requested Mesures correctives demandées

- That my employer rescind the 5-day suspension without pay;

- That the suspension letter dated October 12, 2022, and any other related documents be removed from my file and destroyed;

- That I be reimbursed for any and all salary, pension and benefits lost as a result of the suspension;

- Any other measure deemed necessary to remedy the situation; and

- To be made whole.

Signature of employee Signature de l'employé

10.XI.2022
Date

SECTION 2
TO BE COMPLETED BY BARGAINING AGENT REPRESENTATIVE WHERE APPLICABLE
À REMPLIR PAR LE REPRÉSENTANT DE L'AGENT NÉGOCIATEUR S'IL Y A LIEU

Approval for presentation of grievance relating to a collective agreement or an arbitral award, and agreement to represent employee are hereby given
Par la présente, j'autorise la présentation du grief relatif à une convention collective ou à une décision arbitrale, et j'accepte de représenter l'employé

Lisa Dubé
Signature of Bargaining Agent Representative
Signature du représentant de l'agent négociateur

November 10, 2022
Date

Bargaining agent Agent négociateur	Bargaining unit/component Unité de négociation/élément	
PIPSC		
Name of local bargaining agent representative Nom du représentant local de l'agent négociateur	Telephone No. N° de téléphone	Facsimile No. N°de télécopieur
Lisa Dubé	613-228-6310, ext. 4934	613-228-9048
Address for contact Adresse pour fins de communication		E-mail address Adresse électronique
250 Tremblay Road, Ottawa (ON) K1G 3J8		ldube@pipsc.ca

SECTION 3
TO BE COMPLETED BY EMPLOYEE WHERE REPRESENTATIVE IS NOT A REPRESENTATIVE OF A BARGAINING AGENT
À REMPLIR PAR L'EMPLOYÉ, SI LE REPRÉSENTANT N'EST PAS CELUI DE L'AGENT NÉGOCIATEUR

I agree to act on behalf of the employee J'accepte d'agir au nom de l'employé

Signature of representative
Signature du représentant

Date

Name of representative Nom du représentant	Telephone No. N° de téléphone	Facsimile No. N° de télécopieur
Address for contact Adresse pour fins de communication		E-mail address Adresse électronique

SECTION 4
TO BE COMPLETED BY IMMEDIATE SUPERVISOR OR LOCAL OFFICER IN CHARGE
À REMPLIR PAR LE SUPÉRIEUR IMMÉDIAT OU LE CHEF DE SERVICE LOCAL

Name and title of management representative Nom et titre du représentant de la direction	Date received Date de réception
Signature	

Agence des services frontaliers du Canada | Canada Border Services Agency

PROTÉGÉ B une fois rempli	PROTECTED B when completed

RÉPONSE AU GRIEF **REPLY TO GRIEVANCE**

Palier / Level
First

Nom du plaignant /Name of Grievor	No du grief / Grievance No
Dmitry Gorodnichy	2022-3941-137615

Décision du représentant de la gestion / Decision of management représentative

The following is in response to your grievance of November 10, 2022 *"I grieve my employer's decision to suspend me without pay for 5 days per the letter dated October 12, 2022, as well as the contents of the letter. The suspension is unreasonable, punitive and disproportionate in the circumstances. It is a violation of the general principles of progressive discipline, the Guidelines on Discipline and any other applicable policies and/or legislation. "*

As corrective action, you request that *"That my employer rescind the 5-day suspension without pay; That the suspension letter dated October 12, 2022, and any other related documents be removed from my file and destroyed; That I be reimbursed for any and all salary, pension, benefits list as a result of the suspension; Any other measure deemed necessary to remedy the situation; and To be made whole. "*

I have reviewed the circumstances giving rise to your grievance and have taken into consideration the points you and your union representative have raised on January 12, 2023 during the grievance consultation as well as the grievance presentation documents that was sent afterwards (which summarized what was presented in the grievance consultation).

I have noted and reviewed the mitigating factors you raised and wish that management take into consideration that you believe were not considered and for some you wish to put more weight on. All those factors brought forward in the grievance presentation were already considered prior to the discipline measure being rendered and were weighed into the final disciplinary decision by management. I have carefully reviewed and considered all information and factors when determining an appropriate quantum of discipline and the information brought forward in this grievance presentation has not demonstrated that the five (5) day suspension discipline has improperly been imposed nor that it was excessive. I strongly believe it was not unreasonable, punitive and disproportionate. I maintain my initial decision on the discipline rendered.

In view of the foregoing, the correction action you requested will not be forthcoming and the grievance is denied.

Date	Signature	Nom et titre / Name and Title
		xxxxxxx xxxxxxx A/Director Data Science, Chief Data Office Strategic Policy Branch

Décision reçue par l'employé / Decision received by employee

_____ _____

Date Signature

Canada

Maisonneuve, Karine (Elle/She/Her)

From: xxxxxxx , Katia
Sent: Wednesday, February 8, 2023 9:47 AM
To: xxxxxxx; xxxxxxx
Subject: RE: Grievance transmittal
Attachments: grievance transmital-1-signed.pdf

Bonjour xxxxxxx ,

Tu peux signer le formulaire (section 4), me le renvoyé signé et envoyé une copie signé à l'employé aussi. J'ai inséré le numéro de grief en référence dans le document ci-joint.

Tel que demandé par Dmitry au sein du formulaire, nous allons donc transférer son grief au prochain pallier de grief (pallier 2). Pour ton information, le deuxième pallier de grief est le DG (CDO selon votre direction) donc Jeff Carr. Je vais donc le contacter prochainement afin d'entamer les prochaines étapes nécessaire pour le 2ème pallier de grief.

Je reste disponible si tu as des questions,

Katia xxxxxxx
Conseillère, Relations de travail opérationnel - Administration centrale
Agence des services frontaliers du Canada/Gouvernement du Canada
Katia. xxxxxxx @cbsa-asfc.gc.ca / Portable : (343)-543-1380

Advisor, Labour Relations Operations – National Headquarters
Canada Border Serivces Agency/Government of Canada
Katia. xxxxxxx @cbsa-asfc.gc.ca / Mobile : (343)-543-1380

De : xxxxxxx , xxxxxxx < xxxxxxx . xxxxxxx @cbsa-asfc.gc.ca>
Envoyé : 8 février 2023 08:45
À : xxxxxxx , Katia <Katia. xxxxxxx @cbsa-asfc.gc.ca>
Objet : FW: Grievance transmittal

Salut Katia,

Qu'est-ce que je dois faire avec ce document ?

xxxxxxx

From: Gorodnichy, Dmitry <Dmitry.Gorodnichy@cbsa-asfc.gc.ca>
Sent: February 8, 2023 7:06 AM
To: xxxxxxx , xxxxxxx < xxxxxxx . xxxxxxx @cbsa-asfc.gc.ca>
Subject: FW: Grievance transmittal

Good morning, Nic
Please see attached and let me know if all is in good order.
Thank you
Dmitry

Treasury Board of Canada Secretariat | Secrétariat du Conseil du Trésor du Canada

PROTECTED WHEN COMPLETED
PROTÉGÉ UNE FOIS REMPLI

DEPARTMENT USE ONLY À L'USAGE DU MINISTÈRE
Reference No. N° de réfrence
2022-3941-137615

GRIEVANCE TRANSMITTAL FORM
FORMULE DE TRANSMISSION DES GRIEFS

Please note:
In accordance with *PSLRA* s. 207, all departments and agencies within the core public administration have an informal conflict management system (ICMS) in place. Its existence does not affect an employee's right to file a grievance. However, managers, employees and bargaining agent representatives are encouraged to use the ICMS when appropriate, at any stage of the grievance process, in an attempt to informally address workplace differences.

Veuillez noter :
Conformément à l'article 207 de la *LRTFP*, les ministères et organismes de l'administration publique centrale ont établi un système de gestion informelle des conflits (SGIC). L'existence d'un tel système n'affecte pas le droit d'un employé à soumettre un grief. Toutefois, les gestionnaires, les employés et les représentants des agents négociateurs sont encouragés à se servir du SGIC, à n'importe quelle étape du processus de grief, afin de tenter de régler de façon informelle les problèmes en milieu de travail.

SECTION 1

Level 2 Palier 2	Level 3 Palier 3	Level 4 Palier 4	NJC level 2 Palier CNM 2	NJC final level Dernier palier CNM
X				

SECTION 2
TO BE COMPLETED BY EMPLOYEE (NOT APPLICABLE FOR GROUP GRIEVANCES)
À REMPLIR PAR L'EMPLOYÉ (NE S'APPLIQUE PAS AUX GRIEFS COLLECTIFS)

Surname Nom de famille	Given names Prénoms	Telephone No. N° de téléphone
Gorodnichy	Dmitry	613-355-9975
Department or agency Ministère ou organisme	**Branch/division/section Direction/divison/section**	**Work location Lieu de travail**
CBSA	Chief Data Office	NCR

Dmitry O. Gorodnichy
Employee signature Signature de l'employé

Digitally signed by Dmitry Gorodnichy
Date: 2023-02-07 20:05:26
Date

SECTION 3
TO BE COMPLETED BY BARGAINING AGENT REPRESENTATIVE WHERE APPLICABLE
À REMPLIR PAR LE REPRÉSENTANT DE L'AGENT NÉGOCIATEUR S'IL Y A LIEU

Approval for presentation of grievance relating to a collective agreement or an arbitral award, and agreement to represent employee are hereby given
Par la présente, j'autorise la présentation du grief relatif à une convention collective ou à une décision arbitrale, et j'accepte de représenter l'employé

Lisa Dubé
Digitally signed by Lisa Dubé
Date: 2023-01-27 14:14:24
Signature of bargaining agent representative
Signature du représentant de l'agent négociateur

January 27, 2023
Date

Bargaining agent Agent négociateur	Bargaining unit/component Unité de négociation/élément	
PIPSC		
Name of local bargaining agent representative Nom du représentant local de l'agent négociateur	**Telephone No. N° de téléphone**	**Facsimile No. N° de télécopieur**
Lisa Dubé	613-228-6310, ext. 4934	613-228-9048
Address for contact Adresse pour fins de communication		**E-mail address Adresse électronique**
250 Tremblay Road, Ottawa (ON) K1G 3J8		ldube@pipsc.ca

SECTION 4
TO BE COMPLETED BY IMMEDIATE SUPERVISOR OR LOCAL OFFICER IN CHARGE
À REMPLIR PAR LE SUPERVISEUR IMMÉDIAT OU LE CHEF DE SERVICE LOCAL

Name and title of management representative Nom et titre du représentant de la direction	Date transmittal received Date de réception de la transmission
Signature	

Maisonneuve, Karine (Elle/She/Her)

From: xxxxxxx , Katia
Sent: Monday, February 20, 2023 8:52 AM
To: Carr, Jeff
Subject: Next step - Grievance 2022-3941-137615
Attachments: Gorodnichy-137615.pdf

Good morning Jeff,

I am writing to you in order to initiate the next steps regarding employee Dmitry Gorodnichy's grievance #2022-3941-137615 (grievance attached). His grievance was heard and replied to at the 1st level of the grievance process by A/Director xxxxxxx xxxxxxx (grievance denied at 1st level). The employee has requested to transmit his grievance to the second level of the grievance process. You would then be the next level (2nd level) in the process to hear and reply to the employee's grievance.

Further information on the process : Before replying to the grievance, a grievance hearing is scheduled between the delegated manager in the process, LR (me in this case), the employee and his union representative (if applicable). The hearing is an opportunity for the employee to present his arguments. Your role will mainly be to listen to the employee's arguments or information he wishes to share during the hearing. LR will take notes of the employee's and union's statements in order to include them in our precis. After the hearing, LR will prepare a precis (summary of background information, the union/employee's position, employer's position, our analysis and recommendations to deny/accept the grievance), share it with you and provide you with a recommended response to the grievance as well.

As such, I am reaching out to you in order to obtain your availabilities to schedule the next step in the process, the grievance hearing. Could you please provide me with your availabilities in regards to the hearing for next week and the upcoming weeks? Please note that an hour is usually what is scheduled for a hearing to ensure we have sufficient time. I will then look at my availabilities in order to ensure we have common availabilities and will provide you with a proposed correspondence for you to send to the employee to schedule the hearing and provide him with our availabilities. We can also schedule a time to discuss together to go over the hearing and grievance process before the hearing.

If you have any questions or concerns, please do not hesitate to let me know.

Katia xxxxxxx
Conseillère, Relations de travail opérationnel - Administration centrale
Agence des services frontaliers du Canada/Gouvernement du Canada
Katia. xxxxxxx @cbsa-asfc.gc.ca / Portable : (343)-543-1380

Advisor, Labour Relations Operations – National Headquarters
Canada Border Serivces Agency/Government of Canada
Katia. xxxxxxx @cbsa-asfc.gc.ca / Mobile : (343)-543-1380

Treasury Board of Canada Secretariat | Secrétariat du Conseil du Trésor du Canada

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DEPARTMENT USE ONLY À L'USAGE DU MINISTÈRE
Reference No. N° de référence
2022-3941-137615

INDIVIDUAL GRIEVANCE PRESENTATION (*PSLRA* s. 208)
PRÉSENTATION D'UN GRIEF INDIVIDUEL (*LRTFP* a. 208)

Please note:
In accordance with *PSLRA* s. 207, all departments and agencies within the core public administration have an informal conflict management system (ICMS) in place. Its existence does not affect an employee's right to file a grievance. However, managers, employees and bargaining agent representatives are encouraged to use the ICMS when appropriate, at any stage of the grievance process, in an attempt to informally address workplace differences.

Veuillez noter :
Conformément à l'article 207 de la *LRTFP*, les ministères et organismes de l'administration publique centrale ont établi un système de gestion informelle des conflits (SGIC). L'existence d'un tel système n'affecte pas le droit d'un employé à soumettre un grief. Toutefois, les gestionnaires, les employés et les représentants des agents négociateurs sont encouragés à se servir du SGIC, à n'importe quelle étape du processus de grief, afin de tenter de régler de façon informelle les problèmes en milieu de travail.

SECTION 1
TO BE COMPLETED BY EMPLOYEE À REMPLIR PAR L'EMPLOYÉ

A

Surname Nom de famille	Given names Prénoms	Home and work telephone No. N° de téléphone maison et travail
Gorodnichy	Dmitry	613-355-9975

Home address Adresse du domicile	Job classification Classification du poste
618 Glenhurst Crescent, Ottawa (ON), K1J 7B7	SE-RES-03

Department or agency Ministère ou organisme	Branch/division/section Direction/division/section
Canada Border Services Agency (CBSA)	Chief Data Office

Position title (and number) Titre du poste (et numéro)	Work location Lieu de travail	Shift Quart de travail	E-mail address Adresse électronique
Research Scientist	NCR		dmitry.gorodnichy@gmai

Collective agreement (if applicable) Convention collective (s'il y a lieu)	Expiry date Date d'expiration
RE (Research) Collective agreement	September 30, 2022

B

Grievance details: statement of the nature of each act or omission or other matter giving rise to the grievance that establishes the alleged violation or misinterpretation, including a reference to, as the case may be, (i) any provision of a statute or a regulation, or of a direction or other instrument made or issued by the employer, that deals with the terms and conditions of employment and that is relevant, or (ii) any provision of a collective agreement or an arbitral award that is relevant.

Énoncé du grief : exposé de la nature de chaque action, omission ou situation ayant donné lieu au grief qui permettra d'établir la prétendue violation ou fausse interprétation, y compris, le cas échéant, le renvoi à : (i) toute disposition pertinente d'une loi ou d'un règlement, ou toute directive ou tout autre document pertinents de l'employeur concernant les conditions d'emploi, (ii) toute disposition pertinente d'une convention collective ou d'une décision arbitrale.

I grieve my employer's decision to suspend me without pay for 5 days per the letter dated October 12, 2022, as well as the contents of the letter.

The suspension is unreasonable, punitive and disproportionate in the circumstances.

It is a violation of the general principles of progressive discipline, the Guidelines on Discipline and any other applicable policies and/or legislation.

C

Date on which each act, omission or other matter giving rise to the grievance occurred Date de chaque action, omission ou situation ayant donné lieu au grief

October 12, 2022

Canada

D

Corrective action requested Mesures correctives demandées

- That my employer rescind the 5-day suspension without pay;

- That the suspension letter dated October 12, 2022, and any other related documents be removed from my file and destroyed;

- That I be reimbursed for any and all salary, pension and benefits lost as a result of the suspension;

- Any other measure deemed necessary to remedy the situation; and

- To be made whole.

Signature of employee Signature de l'employé

10.XI.2022
Date

SECTION 2
TO BE COMPLETED BY BARGAINING AGENT REPRESENTATIVE WHERE APPLICABLE
À REMPLIR PAR LE REPRÉSENTANT DE L'AGENT NÉGOCIATEUR S'IL Y A LIEU

Approval for presentation of grievance relating to a collective agreement or an arbitral award, and agreement to represent employee are hereby given
Par la présente, j'autorise la présentation du grief relatif à une convention collective ou à une décision arbitrale, et j'accepte de représenter l'employé

Lisa Dubé
Signature of Bargaining Agent Representative
Signature du représentant de l'agent négociateur

November 10, 2022
Date

Bargaining agent Agent négociateur	Bargaining unit/component Unité de négociation/élément	
PIPSC		
Name of local bargaining agent representative Nom du représentant local de l'agent négociateur	Telephone No. N° de téléphone	Facsimile No. N°de télécopieur
Lisa Dubé	613-228-6310, ext. 4934	613-228-9048
Address for contact Adresse pour fins de communication		E-mail address Adresse électronique
250 Tremblay Road, Ottawa (ON) K1G 3J8		ldube@pipsc.ca

SECTION 3
TO BE COMPLETED BY EMPLOYEE WHERE REPRESENTATIVE IS NOT A REPRESENTATIVE OF A BARGAINING AGENT
À REMPLIR PAR L'EMPLOYÉ, SI LE REPRÉSENTANT N'EST PAS CELUI DE L'AGENT NÉGOCIATEUR

I agree to act on behalf of the employee J'accepte d'agir au nom de l'employé

Signature of representative
Signature du représentant

Date

Name of representative Nom du représentant	Telephone No. N° de téléphone	Facsimile No. N° de télécopieur
Address for contact Adresse pour fins de communication		E-mail address Adresse électronique

SECTION 4
TO BE COMPLETED BY IMMEDIATE SUPERVISOR OR LOCAL OFFICER IN CHARGE
À REMPLIR PAR LE SUPÉRIEUR IMMÉDIAT OU LE CHEF DE SERVICE LOCAL

Name and title of management representative Nom et titre du représentant de la direction	Date received Date de réception
Signature	

Maisonneuve, Karine (Elle/She/Her)

From: Lisa Dubé <ldube@pipsc.ca>
Sent: Wednesday, March 1, 2023 10:24 AM
To: Carr, Jeff; xxxxxxx , Katia
Cc: Gorodnichy, Dmitry
Subject: Grievance Presentation
Attachments: Grievance Presentation_Dmitry Gorodnichy_2nd level.pdf; Fraser v. P.S.S.R.B., [1985] 2 SCR 455.pdf

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Pour en savoir plus sur les courriels suspects et comment les signaler: Comment traiter les courriels indésirables.

Good morning,

As promised, please find attached a copy of the grievance presentation as well as a copy of the Fraser decision.

Dmitry and I remain available should you have any questions and look forward to your response.

Best regards,

Lisa Dubé (she/her/elle)
Labour Relations Officer, PIPSC, National Capital Region
Agente syndicale, IPFPC, Région de la capitale nationale
250 Tremblay Road, Ottawa, ON K1G 3J8
ldube@pipsc.ca

IN THE GRIEVANCE MATTER

B E T W E E N

DMITRY GORODNICHY

Grievor

-and-

CANADA BORDER SERVICES AGENCY

Employer

Second Level Grievance Presentation – March 1st, 2023

Lisa Dubé
Labour Relations Officer
The Professional Institute of the Public Service of Canada
250 Tremblay Road
Ottawa (ON) K1G 3J8

Tel: 613-228-6310, ext. 4934
Fax: 613-228-9048
Email: ldube@pipsc.ca

1. Grievance

The present grievance was filed on November 10, 2022, in response to the Discipline Letter sent to Mr. Gorodnichy on October 12 of the same year in which he received 5-day suspension without pay. Simply put, the grievance was filed because the grievor believes the 5-day suspension was unwarranted, given the circumstances of his case.

2. Key Events Leading Up to the Grievance

On February 9, 2022, Mr. Gorodnichy was placed on LWOP for non-compliance to the Policy on COVID-19 Vaccination. At the beginning of April, he was invited to participate to an investigation and the fact-finding interview was held on April 27, 2022, followed by a second meeting on May 31, 2022. It was alleged that Mr. Gorodnichy disregarded and willingly neglected to follow his management's expectations when posting information on various social media platforms. Specifically, it was alleged that Mr. Gorodnichy posted information on COVID-19 vaccination' safety and efficiency contrary to the message that the Government of Canada was promoting, which was that the vaccines are safe and efficient. During the two meetings, Mr. Gorodnichy explained that his intention was to help everyone understand the Government's data and make informed decisions on whether or not to get vaccinated and which vaccine to take. An investigation report was produced on June 27, 2022, in which the acting executive director data and strategy, Mr. xxxxx xxxxxxxxxxxxx , concluded that the allegation was founded. A pre-disciplinary meeting was held on August 3rd, 2022, and the disciplinary decision was communicated to Mr. Gorodnichy on October 12, 2022. Considering all mitigating and aggravating factors applicable, for willingly neglecting to follow management expectations and willingly posting information that is contrary to the message that the Government was promoting on social media platforms on COVID-19 vaccination' safety and efficiency, Mr. Gorodnichy was issued a 5-day suspension without pay.

3. Grievance Process

This grievance was presented at the first level on January 12, 2023. The delegated authority, Mr. xxxxxxx xxxxxxx , indicated that all the factors brought forward in the grievance presentation were already considered prior to the disciplinary measure being rendered. He chose to maintain his initial decision and deny the grievance. We ask you to reconsider this decision.

4. Analysis

The Treasury Board Guidelines for Discipline and case law support the importance of considering all the mitigating factors applicable. According to the Guidelines, the Employer has an obligation to consider all relevant mitigating factors before coming to a decision on the appropriate discipline.

The mitigating factors addressed in the disciplinary decision letter include the fact that Mr. Gorodnichy cooperated and was forthcoming throughout the investigative process, his clear disciplinary record and the delays in the process.

I would like to present to the Employer mitigating factors and information that it did not consider in rendering its decision. First of all, Mr. Gorodnichy worked for the Government for more than 23 years and, as noted, he had a clear disciplinary record at the time of the incidents. He has always been honest and forthcoming during the investigation and that despite the precarious situation he was in. After being placed on LWOP, Mr. Gorodnichy's job was in jeopardy, he didn't have any income, no idea of what would happen next. He was under a great deal of stress, away from his workplace, but still participated in all meetings and cooperated to the best of his ability throughout the 6 months it took to the employer to render its decision.

Mr. Gorodnichy was told by Mr. xxxxxxxxxxxxxx that he was to use internal mechanisms before expressing his view publicly. In that regard, we submit that Mr. Gorodnichy did in fact reach out to the office of the auditor general and tried to talk about his concerns with management multiple times.

When asked to remove specific posts, Mr. Gorodnichy always complied, but when given general instructions about the necessity for him not to post anything that may be contrary to or not in line with the Government of Canada's message, he understandably was left a little puzzled. Although Mr. Gorodnichy has every intention of following his manager's instructions, he understandably needs guidance. He welcomed the opportunity to participate in the training *Navigating Social Media as a Public Servant*, but still hasn't been able to do so up to this date, because the training will only be offered later in March 2023.

In the disciplinary letter, on October 12, Mr. Gorodnichy was asked to seek management's and/or the CBSA Office of Values and Ethics guidance prior to posting any information that may be contrary to, or not in line with, either the CBSA's or any of the Government of Canada's policy, procedures or messaging on any social media platform. He reached out to the Office of Values

and Ethics to obtain clarification and has been in contact with Ms. Kimberly Lawrence. At the time of the 1st level grievance presentation, he was still waiting to meet with her and he is still awaiting her guidance as of today. Mr. Gorodnichy is doing his best to act within the boundaries that were set, but perceive these boundaries as vague and needs help figuring this out. As of now, we don't believe it was fair for the employer to take into account his alleged repeated unwillingness to stop posting the information on social media even after being provided with clear expectations as an aggravating factor. Despite multiple clarification requests, the fact is that Mr. Gorodnichy doesn't understand what he can or cannot do to this day and this was not clearly communicated to him. The goal of a disciplinary measure being to correct the undesirable behavior and not to be punitive, it is our opinion that the employer should give Mr. Gorodnichy the help he needs by clarifying what he isn't allowed to say and pinpointing specific statements that they considered to be out of line.

Even though Mr. Gorodnichy is an employee of the Government of Canada and has a duty of loyalty to his employer, he has the right to express his opinion. Freedom of expression is a fundamental freedom protected by the *Canadian Charter of Rights and Freedoms* and an important value in a democratic state like Canada. By imposing disciplinary action upon Mr. Gorodnichy for exercising his freedom, the employer's actions have the effect of imposing limits which are fundamentally inconsistent with section 2(b) of the *Charter*.

Mr. Gorodnichy sincerely believes that he didn't post information that was contrary to the message of the Government that vaccines are safe and efficient, but was simply trying to shed light on the data. Even if his posts could be considered as a critic or an opposition, he submits that they would still have been allowed in the circumstances. In *Fraser* v. *PSSRB (Public Service Staff Relations Board)*, [1985] 2. S.C.R. 455, the Supreme Court recognized that the duty of loyalty could, in certain circumstances, place a limit on freedom of expression, but that it could not result in a denial of freedom of speech in all cases. At paragraph 41, we can read:

> "... in some circumstances a public servant may actively and publicly express opposition to the policies of a government. This would be appropriate if, for example, the Government were engaged in illegal acts, or if its policies jeopardized the life, health or safety of the public servant or others, or if the public servant's criticism had no impact on his or her ability to perform effectively the duties of a public servant or on the public perception of that ability."

Mr. Gorodnichy expressed himself regarding a matter of public importance directly related to the health and safety of the population and therefore submits that no discipline should have been imposed.

In any event, even if there is some basis for disciplinary action, the employer must prove that the disciplinary response was appropriate in the circumstances and must respect the principle of progressive discipline. This case involves an off duty conduct where there was no malicious intent or bad faith and no evidence to suggest that Mr. Gorodnichy's comments had an impact on the Government's reputation. Mr. Gorodnichy never intended to critic his employer or to go against his messaging and sincerely regrets if people misinterpreted his posts. His goal always has been to help the public understands the data and he sincerely believes everything he did was to serve the public.

5. Conclusion

We're asking the Employer today to consider all the mitigating factors, and given those factors and the various information presented, to conclude that a 5-day suspension was excessive. The remedies requested in the grievance would be for the 5-day suspension to be rescinded, for the suspension letter and any other related documents to be removed from Mr. Gorodnichy's file and destroyed, for Mr. Gorodnichy to be reimbursed for any and all salary, pension and benefits lost as a result of the suspension and any other measure deemed necessary to remedy the situation and make him whole.

Maisonneuve, Karine (Elle/She/Her)

From: Carr, Jeff
Sent: Wednesday, March 15, 2023 3:03 PM
To: Gorodnichy, Dmitry
Cc: xxxxxxx , Katia; LDube@pipsc.ca
Subject: RE: 2022-3941-137615.
Attachments: C:\Users\mmp794\AppData\Local\Temp\ee6951\Dmitry Gorodnichy - Grievance Reply - Second Level - 137615.pdf

Resending as initial did not go to union rep.

A/ Chief Data Officer
Strategic Policy Branch
Canada Border Services Agency, Government of Canada
Cell: 613-290-5069
jeff.carr@cbsa-asfc.gc.ca

Dirigeant principal des données par intérim
Direction générale de la politique stratégique
Agence des services frontaliers du Canada, Gouvernement du Canada
Portable : 613-290-5069
jeff.carr@cbsa-asfc.gc.ca

From: Carr, Jeff
Sent: March 15, 2023 3:01 PM
To: Gorodnichy, Dmitry <Dmitry.Gorodnichy@cbsa-asfc.gc.ca>
Cc: xxxxxxx , Katia <Katia. xxxxxxx @cbsa-asfc.gc.ca>
Subject: 2022-3941-137615.

Mr. Gorodnichy,

You will find attached my reply, at the second level, for your grievance #2022-3941-137615.

Jeff

A/ Chief Data Officer
Strategic Policy Branch
Canada Border Services Agency, Government of Canada
Cell: 613-290-5069
jeff.carr@cbsa-asfc.gc.ca

Dirigeant principal des données par intérim
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Portable : 613-290-5069
jeff.carr@cbsa-asfc.gc.ca

Agence des services frontaliers du Canada | Canada Border Services Agency

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RÉPONSE AU GRIEF **REPLY TO GRIEVANCE**

Palier / Level
Second

Nom du plaignant /Name of Grievor	No du grief / Grievance No
Dmitry Gorodnichy	2022-3941-137615

Décision du représentant de la gestion / Decision of management représentative

The following is in response to your grievance of November 10, 2022, that you have transmitted to the second level of the grievance process on February 8, 2023 : *"I grieve my employer's decision to suspend me without pay for 5 days per the letter dated October 12, 2022, as well as the contents of the letter. The suspension is unreasonable, punitive and disproportionate in the circumstances. It is a violation of the general principles of progressive discipline, the Guidelines on Discipline and any other applicable policies and/or legislation. "*

As corrective action, you request that *"That my employer rescind the 5-day suspension without pay; That the suspension letter dated October 12, 2022, and any other related documents be removed from my file and destroyed; That I be reimbursed for any and all salary, pension, benefits list as a result of the suspension; Any other measure deemed necessary to remedy the situation; and To be made whole. "*

I have reviewed the circumstances giving rise to your grievance and have taken into consideration the points you and your union representative have raised on March 1st, 2023 during the grievance consultation as well as the grievance presentation document that was sent afterwards (which summarized what was presented by your union representative in the grievance consultation). It is to be noted that you have submitted almost the same information you did at the 1st level of the grievance process, and as such, management has not received any new information in order to reply to your grievance at the 2nd level.

I have still noted and reviewed the mitigating factors that were presented and that you wished management to take into consideration. I have also noted that you put more emphasis on the fact that at the time of the incidents, it was a stressful time for you due to the War in Ukraine (where you have family) and the LWOP situation you were in (due to non compliance with the COVID-19 vaccination policy).

As indicated in your first level grievance reply, all the information and mitigating factors you presented were considered when making a decision on an appropriate quantum of discipline. There is no new information that you have presented in this grievance presentation that has demonstrated that the five (5) day suspension discipline you received has been improperly imposed nor that it was excessive. I believe it was not unreasonable, punitive or disproportionate. Furthermore, in regards to the stressful components mentioned above that you have put more weight on during this grievance presentation, you did not demonstrate how it affected your conduct (which lead to discipline) and why this should make management reconsider their initial decision. I maintain the initial decision on discipline which was rendered by Director xxxxxxx xxxxxxx.

In view of the foregoing, the corrective action you requested will not be forthcoming and the grievance is denied.

Date	Signature	Nom et titre / Name and Title Jeff Carr A/Chief Data Officer, Chief Data Office Strategic Policy Branch
Décision reçue par l'employé / Decision received by employee		

Canada

Date

Signature

Maisonneuve, Karine (Elle/She/Her)

From: Carr, Jeff
Sent: Thursday, March 23, 2023 5:40 PM
To: Gorodnichy, Dmitry
Cc: LDube@pipsc.ca; xxxxxxx , Katia
Subject: RE: 2022-3941-137615.
Attachments: 2023-03-22_signed-level3-form.pdf

Hi Dmitry,

I signed the form and will advance your grievance to the next level.

Jeff

A/ Chief Data Officer
Strategic Policy Branch
Canada Border Services Agency, Government of Canada
Cell: 613-290-5069
jeff.carr@cbsa-asfc.gc.ca

Dirigeant principal des données par intérim
Direction générale de la politique stratégique
Agence des services frontaliers du Canada, Gouvernement du Canada
Portable : 613-290-5069
jeff.carr@cbsa-asfc.gc.ca

From: Gorodnichy, Dmitry <Dmitry.Gorodnichy@cbsa-asfc.gc.ca>
Sent: March 23, 2023 7:06 AM
To: Carr, Jeff <Jeff.Carr@cbsa-asfc.gc.ca>
Cc: LDube@pipsc.ca
Subject: RE: 2022-3941-137615.

Good morning Jeff

Please see attached The Transmittal form to move my grievance to next level.

Thank you

Dmitry

From: Carr, Jeff
Sent: March 15, 2023 3:01 PM
To: Gorodnichy, Dmitry <Dmitry.Gorodnichy@cbsa-asfc.gc.ca>
Cc: xxxxxxx , Katia <Katia.xxxxxxx @cbsa-asfc.gc.ca>
Subject: 2022-3941-137615.

Mr. Gorodnichy,

You will find attached my reply, at the second level, for your grievance #2022-3941-137615.

Jeff

A/ Chief Data Officer

Strategic Policy Branch

Canada Border Services Agency, Government of Canada

Cell: 613-290-5069

jeff.carr@cbsa-asfc.gc.ca

Dirigeant principal des données par intérim

Direction générale de la politique stratégique

Agence des services frontaliers du Canada, Gouvernement du Canada

Portable : 613-290-5069

jeff.carr@cbsa-asfc.gc.ca

Redacted

Treasury Board of Canada Secretariat | Secrétariat du Conseil du Trésor du Canada

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DEPARTMENT USE ONLY À L'USAGE DU MINISTÈRE
Reference No. N° de réfrence
2023-3941-137615

GRIEVANCE TRANSMITTAL FORM
FORMULE DE TRANSMISSION DES GRIEFS

Please note:
In accordance with *PSLRA* s. 207, all departments and agencies within the core public administration have an informal conflict management system (ICMS) in place. Its existence does not affect an employee's right to file a grievance. However, managers, employees and bargaining agent representatives are encouraged to use the ICMS when appropriate, at any stage of the grievance process, in an attempt to informally address workplace differences.

Veuillez noter :
Conformément à l'article 207 de la *LRTFP*, les ministères et organismes de l'administration publique centrale ont établi un système de gestion informelle des conflits (SGIC). L'existence d'un tel système n'affecte pas le droit d'un employé à soumettre un grief. Toutefois, les gestionnaires, les employés et les représentants des agents négociateurs sont encouragés à se servir du SGIC, à n'importe quelle étape du processus de grief, afin de tenter de régler de façon informelle les problèmes en milieu de travail.

SECTION 1

Level 2 Palier 2	Level 3 Palier 3	Level 4 Palier 4	NJC level 2 Palier CNM 2	NJC final level Dernier palier CNM
	X			

SECTION 2
TO BE COMPLETED BY EMPLOYEE (NOT APPLICABLE FOR GROUP GRIEVANCES)
À REMPLIR PAR L'EMPLOYÉ (NE S'APPLIQUE PAS AUX GRIEFS COLLECTIFS)

Surname Nom de famille	Given names Prénoms	Telephone No. N° de téléphone
Gorodnichy	Dmitry	613-355-9975
Department or agency Ministère ou organisme	**Branch/division/section Direction/divison/section**	**Work location Lieu de travail**
CBSA	Strategic Policy Branch	NCR

Employee signature Signature de l'employé — Date: 22. III. 2023

SECTION 3
TO BE COMPLETED BY BARGAINING AGENT REPRESENTATIVE WHERE APPLICABLE
À REMPLIR PAR LE REPRÉSENTANT DE L'AGENT NÉGOCIATEUR S'IL Y A LIEU

Approval for presentation of grievance relating to a collective agreement or an arbitral award, and agreement to represent employee are hereby given
Par la présente, j'autorise la présentation du grief relatif à une convention collective ou à une décision arbitrale, et j'accepte de représenter l'employé

Lisa Dubé — Digitally signed by Lisa Dubé Date: 2023-03-15 15:27:33

Signature of bargaining agent representative
Signature du représentant de l'agent négociateur

March 15, 2023
Date

Bargaining agent Agent négociateur	Bargaining unit/component Unité de négociation/élément	
PIPSC		
Name of local bargaining agent representative Nom du représentant local de l'agent négociateur	Telephone No. N° de téléphone	Facsimile No. N° de télécopieur
Lisa Dubé	613-228-6310, ext. 4934	613-228-9048
Address for contact Adresse pour fins de communication		E-mail address Adresse électronique
250 Tremblay Road, Ottawa (ON) K1G 3J8		ldube@pipsc.ca

SECTION 4
TO BE COMPLETED BY IMMEDIATE SUPERVISOR OR LOCAL OFFICER IN CHARGE
À REMPLIR PAR LE SUPERVISEUR IMMÉDIAT OU LE CHEF DE SERVICE LOCAL

Name and title of management representative Nom et titre du représentant de la direction	Date transmittal received Date de réception de la transmission
Signature	

Canada

Canada Border Services Agency / Agence des services frontaliers du Canada

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REPLY TO GRIEVANCE / RÉPONSE AU GRIEF

Level / Palier
FINAL

Name of Grievor / Nom du (de la) fonctionnaire s'estimant lésé(e)	Grievance No. / No du grief
Dmitry Gorodnichy	2022-3941-137615

Decision of management representative / Décision du représentant de la gestion

The following is in response to the above mentioned grievance in which you grieved "*my employer's decision to suspend me without pay for 5 days per the letter dated October 12, 2022, as well as the contents of the letter. It is a violation of the general principles of progressive discipline, the Guidelines on Discipline and any other applicable policies and/or legislation".*

As corrective measures, you are requesting "*That my employer rescind the 5-day suspension without pay; that the suspension letter dated October 12, 2022, and any other related documents be removed from my file and destroyed; that I be reimbursed for any and all salary, pension and benefits lost as a result of the suspension; any other measure deemed necessary to remedy the situation; and to be made whole".*

I have reviewed the circumstances giving rise to your grievance and have carefully considered the arguments presented by you and your bargaining agent representative during the final level consultation.

Your actions were found to have contravened *the Values and Ethics Code for the Public Sector* and the Canada Border Services Agency *Code of Conduct.* Specifically, you willingly neglected to follow management expectations and willingly posted information regarding COVID-19 vaccination that is contrary to the Government of Canada messaging, on social media platforms including Government of Canada platforms.

I agree that your actions constituted misconduct and I find that management properly considered the mitigating and aggravating factors before rendering their decision. Given your continued unwillingness to cease the posting of inappropriate content despite several requests from management, your failure to recognize that your actions were inappropriate, and your lack of remorse, the quantum of discipline imposed was not only reasonable but also lenient. No new information has been presented to me that would demonstrate that the discipline imposed was unwarranted or excessive.

Your grievance is therefore denied and the requested corrective measures will not be forthcoming.

Date	Signature	Name and Title / Nom et titre
	FLOWERSCODE HOLLY Digitally signed by FLOWERSCODE HOLLY DN: C=ca, O=gc, OU=cra-adrc, OU=PERSONNEL, SERIALNUMBER=20223401252476O6 + CN=FLOWERSCODE HOLLY Reason: I am approving this document Location: your signing location here Date: 2023-08-30 08:44:37 Foxit PhantomPDF Version: 10.0.1	Holly Flowers Code Vice-President Human Resources Branch

Decision received by Grievor / Décision reçue par le (la) fonctionnaire s'estimant lésé(e)

_____ Date

_____ Signature

Canada

Lachance-Burns, Hailey

From: Dmitry O. Gorodnichy <dmitry.gorodnichy@gmail.com>
Sent: Tuesday, October 3, 2023 10:59 AM
To: FPSLREB-CRTESPF Director Directeur
Subject: FPSLRA Form 21 submission
Attachments: form21-gorodnichy-2023-09-29-signed.pdf; Grievance_Dmitry Gorodnichy-2022-11-10-signed.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear FPSLRA Director,

Please find attached Form 21 for the Grievance that I request to be resolved at the FPSLREB level

Form 21 - Notice or Reference to Adjudication of an Individual Grievance - Termination, Demotion, Suspension, Financial Penalty or Deployment (Subparagraph 89(1)(a)(ii))

The grievaance form is also attached.

Look forward to hearing from you on further steps related to this request

Thank you

Sincerely
Dmitry Gorodnichy

Federal Public Sector Labour Relations and Employment Board

Commission des relations de travail et de l'emploi dans le secteur public fédéral

F.P.S.L.R.E.B. File Number (FOR OFFICE USE ONLY)

Form 21

Subparagraph 89(1)(a)(ii)
of the Federal Public Sector Labour Relations Regulations

NOTICE OF REFERENCE TO ADJUDICATION OF AN INDIVIDUAL GRIEVANCE
Termination, demotion, suspension, financial penalty or deployment
Federal Public Sector Labour Relations Act

NOTICE: (1) One copy of the original individual grievance must be attached.

(2) It is your responsibility to inform the Board of any changes to your mailing and electronic addresses or telephone numbers.

(3) The party to an individual grievance who raises an issue involving the interpretation or application of the *Canadian Human Rights Act* within the context of a request for arbitration of the individual grievance must give notice of the issue with the Canadian Human Rights Commission by using Form 24.

(4) Information relating to the proceedings is subject to the Board's *Policy on Openness and Privacy*. In accordance with that policy, the Board conducts its hearings in public, except in exceptional circumstances. It also provides public access to case files and posts its decisions electronically on its website. The Board's *Policy on Openness and Privacy* is posted on the Board's website.

1. Grievor information:

Last name *(print in block letters)*: Gorodnichy

First name *(print in block letters)*: Dmitry

Mailing address:

Apartment *(if applicable)*:

Number and street: 618 Glenhurst

City: Ottawa

Province or Territory: ON

Postal code: k1j 7b7

Telephone numbers *(where we can reach you)*:

Home: 613 355 99 75

Office: 613 276 1676

Where information on more than one person is required in a section or the space provided is not sufficient, please attach additional pages of same-sized paper.

Fax numbers *(where we can reach you)*:

Home:

Office:

Email address: dmitry.gorodnichy@gmail.com

Name of authorized representative *(if applicable)***:**

Mailing address *(if different from above)*:

Apartment *(if applicable)*:

Number and street:

City:

Province or Territory:

Postal code:

Telephone number:

Fax number:

Email address:

2. Name of the deputy head:

Erin O'Gorman

3. The grievor's place of work *(for example, city or municipality)***:**

Ottawa

4. Department and division:

CBSA

5. Section or unit:

CDO

6. Position title:

Research Scientist

7. Classification:

SE RES-03

8. Name of the bargaining agent *(if applicable)***:**

PIPSC

Where information on more than one person is required in a section or the space provided is not sufficient, please attach additional pages of same-sized paper.

9. Date on which the individual grievance was presented at the first level of the individual grievance process (dd/mm/yyyy)**:**

January 12, 2023

10. Date on which the individual grievance was presented at the final level of the individual grievance process (dd/mm/yyyy)**:**

July 6, 2023

11. Date on which the employer provided its decision at the final level of the individual grievance process *(if applicable)* (dd/mm/yyyy)**:**

September 15, 2023

12. Term of the collective agreement or arbitral award that is the subject of the individual grievance, or both, as the case may be:

collective agreement:

from (dd/mm/yyyy):

to (dd/mm/yyyy):

arbitral award:

from (dd/mm/yyyy):

to (dd/mm/yyyy):

13. Provision of the *Federal Public Sector Labour Relations Act* under which the individual grievance is referred to adjudication:

- (●) 209(1)(*b*) Disciplinary action resulting in termination, demotion, suspension or financial penalty.
- ( ) 209(1)(*c*)(i) Demotion or termination of an employee in the core public administration under paragraph 12(1)(d) of the *Financial Administration Act* for unsatisfactory performance or under paragraph 12(1)(e) of that Act for any other reason that does not relate to a breach of discipline or misconduct.
- ( ) 209(1)(*c*)(ii) Deployment of an employee in the core public administration under the *Public Service Employment Act* without the employee's consent where consent is required.
- ( ) 209(1)(*d*) Demotion or termination of an employee of a separate agency designated under subsection 209(3) of the *Federal Public Sector Labour Relations Act* for any reason that does not relate to a breach of discipline or misconduct.

Complete section 14 only if an adjudicator is named in the collective agreement.

Where information on more than one person is required in a section or the space provided is not sufficient, please attach additional pages of same-sized paper.

14. Adjudicator information:

Name:

Mailing address:

Apartment *(if applicable)*:

Number and street:

City:

Province or Territory:

Postal code:

Telephone number:

Fax number:

Email address:

Complete section 15 only if the parties have selected an adjudicator.

15. Adjudicator information:

Name:

Mailing address:

Apartment *(if applicable)*:

Number and street:

City:

Province or Territory:

Postal code:

Telephone number:

Fax number:

Email address:

Complete section 16 only if you request that a board of adjudication be established.

16. Information with respect to the person nominated as a member of the board of adjudication:

Name:

Mailing address:

Apartment *(if applicable)*:

Number and street:

City:

Province or Territory:

Postal code:

Telephone number:

Fax number:

Email address:

17. Do you agree to participate in mediation?

Mediation is a voluntary, confidential process in which an impartial third party, the mediator, facilitates communication between the parties with a view to assisting them to reach a mutually acceptable outcome to the dispute.

☑ yes

☐ no

I, the undersigned, (duly authorized representative of the grievor), file this *Notice of Reference to Adjudication of an Individual Grievance*.

Date (dd/mm/yyyy):

(signature of grievor or authorized representative):

Treasury Board of Canada Secretariat | Secrétariat du Conseil du Trésor du Canada

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DEPARTMENT USE ONLY À L'USAGE DU MINISTÈRE
Reference No. N° de référence
2022-3941-137615

INDIVIDUAL GRIEVANCE PRESENTATION (*PSLRA* s. 208)
PRÉSENTATION D'UN GRIEF INDIVIDUEL (*LRTFP* a. 208)

Please note:
In accordance with *PSLRA* s. 207, all departments and agencies within the core public administration have an informal conflict management system (ICMS) in place. Its existence does not affect an employee's right to file a grievance. However, managers, employees and bargaining agent representatives are encouraged to use the ICMS when appropriate, at any stage of the grievance process, in an attempt to informally address workplace differences.

Veuillez noter :
Conformément à l'article 207 de la *LRTFP*, les ministères et organismes de l'administration publique centrale ont établi un système de gestion informelle des conflits (SGIC). L'existence d'un tel système n'affecte pas le droit d'un employé à soumettre un grief. Toutefois, les gestionnaires, les employés et les représentants des agents négociateurs sont encouragés à se servir du SGIC, à n'importe quelle étape du processus de grief, afin de tenter de régler de façon informelle les problèmes en milieu de travail.

SECTION 1
TO BE COMPLETED BY EMPLOYEE À REMPLIR PAR L'EMPLOYÉ

A

Surname Nom de famille	Given names Prénoms	Home and work telephone No. N° de téléphone maison et travail
Gorodnichy	Dmitry	613-355-9975

Home address Adresse du domicile	Job classification Classification du poste
618 Glenhurst Crescent, Ottawa (ON), K1J 7B7	SE-RES-03

Department or agency Ministère ou organisme	Branch/division/section Direction/division/section
Canada Border Services Agency (CBSA)	Chief Data Office

Position title (and number) Titre du poste (et numéro)	Work location Lieu de travail	Shift Quart de travail	E-mail address Adresse électronique
Research Scientist	NCR		dmitry.gorodnichy@gmai

Collective agreement (if applicable) Convention collective (s'il y a lieu)	Expiry date Date d'expiration
RE (Research) Collective agreement	September 30, 2022

B

Grievance details: statement of the nature of each act or omission or other matter giving rise to the grievance that establishes the alleged violation or misinterpretation, including a reference to, as the case may be, (i) any provision of a statute or a regulation, or of a direction or other instrument made or issued by the employer, that deals with the terms and conditions of employment and that is relevant, or (ii) any provision of a collective agreement or an arbitral award that is relevant.

Énoncé du grief : exposé de la nature de chaque action, omission ou situation ayant donné lieu au grief qui permettra d'établir la prétendue violation ou fausse interprétation, y compris, le cas échéant, le renvoi à : (i) toute disposition pertinente d'une loi ou d'un règlement, ou toute directive ou tout autre document pertinents de l'employeur concernant les conditions d'emploi, (ii) toute disposition pertinente d'une convention collective ou d'une décision arbitrale.

I grieve my employer's decision to suspend me without pay for 5 days per the letter dated October 12, 2022, as well as the contents of the letter.

The suspension is unreasonable, punitive and disproportionate in the circumstances.

It is a violation of the general principles of progressive discipline, the Guidelines on Discipline and any other applicable policies and/or legislation.

C

Date on which each act, omission or other matter giving rise to the grievance occurred Date de chaque action, omission ou situation ayant donné lieu au grief

October 12, 2022

Canada

D

Corrective action requested Mesures correctives demandées

- That my employer rescind the 5-day suspension without pay;

- That the suspension letter dated October 12, 2022, and any other related documents be removed from my file and destroyed;

- That I be reimbursed for any and all salary, pension and benefits lost as a result of the suspension;

- Any other measure deemed necessary to remedy the situation; and

- To be made whole.

Signature of employee Signature de l'employé

10.XI.2022
Date

SECTION 2
TO BE COMPLETED BY BARGAINING AGENT REPRESENTATIVE WHERE APPLICABLE
À REMPLIR PAR LE REPRÉSENTANT DE L'AGENT NÉGOCIATEUR S'IL Y A LIEU

Approval for presentation of grievance relating to a collective agreement or an arbitral award, and agreement to represent employee are hereby given
Par la présente, j'autorise la présentation du grief relatif à une convention collective ou à une décision arbitrale, et j'accepte de représenter l'employé

Lisa Dubé
Signature of Bargaining Agent Representative
Signature du représentant de l'agent négociateur

November 10, 2022
Date

Bargaining agent Agent négociateur	Bargaining unit/component Unité de négociation/élément	
PIPSC		
Name of local bargaining agent representative Nom du représentant local de l'agent négociateur	Telephone No. N° de téléphone	Facsimile No. N°de télécopieur
Lisa Dubé	613-228-6310, ext. 4934	613-228-9048
Address for contact Adresse pour fins de communication		E-mail address Adresse électronique
250 Tremblay Road, Ottawa (ON) K1G 3J8		ldube@pipsc.ca

SECTION 3
TO BE COMPLETED BY EMPLOYEE WHERE REPRESENTATIVE IS NOT A REPRESENTATIVE OF A BARGAINING AGENT
À REMPLIR PAR L'EMPLOYÉ, SI LE REPRÉSENTANT N'EST PAS CELUI DE L'AGENT NÉGOCIATEUR

I agree to act on behalf of the employee J'accepte d'agir au nom de l'employé

Signature of representative
Signature du représentant

Date

Name of representative Nom du représentant	Telephone No. N° de téléphone	Facsimile No. N° de télécopieur
Address for contact Adresse pour fins de communication		E-mail address Adresse électronique

SECTION 4
TO BE COMPLETED BY IMMEDIATE SUPERVISOR OR LOCAL OFFICER IN CHARGE
À REMPLIR PAR LE SUPÉRIEUR IMMÉDIAT OU LE CHEF DE SERVICE LOCAL

Name and title of management representative Nom et titre du représentant de la direction	Date received Date de réception
Signature	

Canada Border Services Agency | Agence des services frontaliers du Canada

CBSA Scientific Integrity Policy

Science and Engineering

Information, Science and Technology Branch

PROTECTION • SERVICE • INTEGRITY

Canada

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1. Effective Date

1.1. This Canada Border Services Agency (CBSA) policy takes effect on November 1st, 2019.

2. Context

2.1. Memorandum of Agreements

This Policy is issued pursuant to the May 15, 2017 Applied Science and Patent Examination (SP) [Appendix D] and the June 1, 2017 Research (RE) [Appendix E] Memorandum of Agreements (MOAs) between the Treasury Board and the Professional Institute of the Public Service of Canada (PIPSC) in Respect of Scientific Integrity.

2.2. Criteria and Guiding Principles

This Policy outlines the criteria and guiding principles for conducting and using science at, or on behalf of, the CBSA.

The CBSA is responsible for border enforcement, immigration enforcement, and customs services, which heavily rely on scientific expertise and findings to make informed decisions.

All CBSA employees, including science workers, recognize that their actions can have serious impacts on public safety and security; human, animal, and plant health; on the Canadian economy and trade; and on the environment.

The CBSA has high standards for science that apply to all employees who perform science as well as to external stakeholders who perform science on its behalf. Inappropriate use of CBSA science and scientific outputs by CBSA employees, or those working on CBSA's behalf, is not tolerated by CBSA.

The CBSA scientific activities must therefore adhere to high standards so that the reputation of the Agency and the Government of Canada (GoC) is not damaged. Failure to meet acceptable standards adversely harms the reputations of employees, as well as their respective colleagues, and negatively impacts the public being served by the CBSA. The Agency does not permit the integrity of its scientific programs to be placed in doubt or be hindered, for any reason.

2.3. Scientific Integrity

The CBSA is committed to ensuring that CBSA's research, science, and related activities conforms to the highest standards of responsible research conduct and shall strive to follow the relevant and applicable research practices honestly, accountably, openly, and fairly in the development and dissemination of research and scientific knowledge.

Scientific integrity involves the application of concepts of transparency, openness, high quality work, avoidance of conflict of interest, and ensuring high standards of impartiality and scientific ethics.

Employees specifically involved in the use of science shall at all times conform to the expectations of scientific integrity including, but not limited to:

(i) Ensuring that the significant and meaningful contribution of science workers to government programs, policies, regulations, and decision-making is acknowledged in official publications or communications, including the names and roles of those who made significant contributions to these products and respective activities;

(ii) Not misrepresenting the science, and related activities, findings of a CBSA science worker; and

(iii) Appropriately acknowledging scientific work primarily produced by a CBSA science worker.

Employees specifically involved in science related endeavours shall at all times conform to the standards of responsible science. Such standards include, but are not limited to ensuring that:

(i) All scientific activities (including study design and implementation; recording, analyzing, and interpreting data; and in reporting and publishing data and findings) are conducted with the highest scientific rigour;

(ii) Complete and accurate records of data, methodologies and findings, including graphs and images, are maintained in a manner consistent with best practices. This curation is essential to the verification and/or replication of the work by others;

(iii) Referencing and, where applicable, obtaining permission for use of published and unpublished work, including data, source material, methodologies, findings, and images as appropriate;

(iv) Authorship consent is obtained, from all those and only those who have made a substantial (conceptual and/or material) contribution to, and who accept responsibility for, the contents of the publication or document;

(v) The contribution of those and only those who have contributed to science, including funders and sponsors, is appropriately described and acknowledged;

(vi) Any real, perceived or potential conflict of interest is reported and appropriately managed;

(vii) Information included in applications for funding of science activities is accurate and complete, including information on partners, collaborators and co-applicants from whom permission to be listed has been obtained; and

(viii) Research involving humans or animals conforms to the Tri-Council principles and procedures as specified in the Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans and the Canadian Council on Animal Care Guide to the Care and Use of Experimental Animals respectively.

3. Authorities

3.1. This Policy should be read in consultation with the CBSA Code of Conduct, and the CBSA Conflict of Interest Guidelines as well as the Treasury Board Secretariat's (TBS) Values and Ethics Code for the Public Sector (as adopted April 2, 2012), the TBS Policy on Conflict of Interest and Post-Employment, and the TBS Directive on the Management of Communications.

3.2. Where there is conflict or incompatibility between this Policy and legislation and/or a provision of any relevant collective agreement, the provisions of the legislation or relevant collective agreement take precedence.

3.3. Where there is conflict or incompatibility between this Policy and another mandatory Policy instrument of the TBS (i.e. policy, directive or standard), the provisions of the TBS mandatory Policy instrument take precedence.

3.4. Where there is conflict or incompatibility between this Policy and another voluntary Policy instrument of the TBS (i.e. guidelines or tools), the provisions of this Policy take precedence.

3.5. The CBSA will maintain a record of all instances of conflict or incompatibility between this Policy and legislation, collective agreements, or TBS policy instruments and/or CBSA policy instruments, and submit this record as part of the performance evaluation in accordance with section 7.8 of this Policy.

4. Objectives and Expected Results

The objective of this Policy is for the CBSA to:

4.1. Foster a culture that supports and promotes scientific integrity in the design, conduct, management, review, and communication of science, and related activities.

4.2. Increase public, employee, and stakeholder trust in the credibility and reliability of CBSA science, and related activities.

4.3. Set out expectations regarding the design, conduct, management, review, and communication of science, and related activities.

4.4. Enhance all employees' understanding of the contributions of science to evidence-informed decision-making, enhance their understanding of the inappropriate use of science, as well as enhance their understanding of the role of managers, communication specialists, and science workers in the development of government policy and advice.

The expected results of this Policy are that:

4.5. All employees involved in the design, conduct, management, review, use or communication of science, or related activities, understand and conduct themselves in manner consistent with the principles of scientific integrity.

4.6. The CBSA be recognized by employees, stakeholders, and the public as a reliable and credible source of scientific information.

4.7. As appropriate and to the extent possible, allegations of breach of the principles of scientific integrity as defined in section 6 of this Policy are addressed through a fair, impartial, efficient, confidential, and respectful process.

4.8. All employees understand and seek to enhance the contributions of science to science advice, government policy, and evidence-informed decision-making.

5. Application

5.1. This Policy applies to CBSA employees who design, conduct, communicate, manage, review or make use of CBSA science, or related activities.

6. Scientific Integrity Principles

The CBSA recognizes that gaining and upholding stakeholder trust with respect to scientific information as well as in the decision-making process that makes use of such information is critical. The Agency is therefore committed to producing, managing, and communicating scientific information with the highest integrity.

6.1. Scientific integrity imposes responsibilities and obligations that respect the CBSA Code of Conduct as well as the TBS Values and Ethics Code for the Public Sector.

The CBSA science, and related activities, must also respect the scientific method and conform to the highest standards of the scientific community in order to ensure the integrity of CBSA's contribution to the broader evidence base and knowledge on which science is collectively built.

Accordingly, in designing, conducting, managing, using or communicating science and related activities, science workers shall:

(i) Achieve and maintain the highest standards of intellectual honesty in the conduct of their scientific activities;
(ii) Respect the scientific method;
(iii) Subject their science, and related activities, to objective peer review as well as uphold and support the rigorous peer review system on which science is founded; and
(iv) Uphold and conform to the best practices, science ethics, and standards of excellence accepted by the wider scientific community.

6.2. All employees shall ensure that any scientific products, as well as any associated communications, are impartial and free from political, commercial, client, and stakeholder interference.

Science workers shall also ensure that the conduct of CBSA science, and related activities, and any scientific products, as well as any associated communications, are impartial and free from political, commercial, client, and stakeholder interference.

6.3. All employees involved in the design, conduct, management, review, use or communication of science, or related activities, shall avoid conflicts of interest, and ensure that any real, potential or apparent conflict of interest is explicitly recognized, reported, and appropriately managed.

6.3.1. The CBSA Code of Conduct, the TBS Policy on Conflict of Interest and Post-Employment, and the CBSA Conflict of Interest Guidelines reinforce applicable public service values and ethical direction to be incorporated in CBSA science, and related activities, and substantiates the integrity of the public service by prohibiting public servants from improperly taking advantage of their current or previously held position for either the benefit of themselves or others.

6.3.2. All employees involved in the design, conduct, management, review, use or communication of science, or related activities, must make appropriate disclosure to the delegated manager, director, or director general, of affiliation with, or financial involvement in, any organization or entity with a direct interest in the subject matter or materials of the science.

Such disclosures cover the full range of potential interests, including the:

- Direct benefits (e.g. sponsorship of the investigation);
- Indirect benefits (e.g. the provision of materials or facilities); and
- The support of individuals (e.g. provisions related to travel or accommodation expenses in order to attend conferences).

Disclosure should cover any situation in which the conflict of interest may affect, or may be perceived to affect, any decision regarding other people.

6.3.3. Appropriate disclosure must be made to editors of journals, to the readers of published work, and to external bodies from which funds are sought.

6.3.4. Employees have an obligation to disclose at the time of reporting or proposing scientific activities (for example, in an application for funding of research activities), any conflict of interest that has the potential to influence scientific investigations, publications, or funding applications.

6.4. All employees involved in the design, conduct, management, review, use or communication of science, or related activities, shall encourage differing views, interpretations, and opinions on scientific matters as a legitimate and necessary part of the scientific process and, where appropriate, ensure that these differences are made explicit and accurately represented.

6.5. All employees accept the affirmative responsibility to report any breach of these principles as specified in section 7.2.2. of this Policy.

7. Requirements

7.1. Implementation

7.1.1. This Policy will be communicated to all employees by the Deputy Head, and will be applied Agency-wide as indicated in section 5 of this Policy.

7.1.2. The CBSA will continue to develop and implement the additional policies, guidelines, best practices, tools, training, and professional development opportunities necessary to support this Policy.

7.1.3. The CBSA will ensure that contractors and/or collaborators involved in, or providing services in support of, science or related activities are informed of this Policy and are encouraged to comply with its provisions and intent.

7.2 Fostering a Culture of Science Integrity

The CBSA recognizes that in order to foster a culture of scientific integrity, the Agency is required to:

(i) Instill the virtues that underlie responsible conduct in science, and related activities (section 7.2.1.); and

(ii) Focus on the procedure for bringing allegations of breaches forward which includes the investigation of these allegations, and the consequences of a finding that a breach has occurred (section 7.2.2.).

7.2.1. Science Virtues

Science workers are expected to participate only in work sanctioned by the CBSA through the appropriate Agency approval processes, which conforms to accepted ethical and safety standards, and which the employees are competent to perform.

Aligned with relevant collective agreement provisions as well as the TBS Policy on Learning, Training, and Development science workers and management have a responsibility to perform science related activities for which they are actually assigned, trained, and otherwise qualified.

7.2.1.1. The CBSA recognizes the importance of scientific networking with national and international peers, and active participation in the business and organization of relevant scientific and professional societies, which form an important part of ensuring science workers understand and are held to the standards of their communities.

7.2.1.2. The CBSA recognizes peer review as being vital to the scientific process, and to the vetting of scientific data, results, and advice.

With the aim of ensuring CBSA science disclosed to the public is of the highest quality, wherever possible, CBSA science workers shall expose their work to an appropriate level of scrutiny and peer review.

This includes following international standards for conducting science as well as applicable forensic standards as established by international scientific communities.

7.2.1.3. The CBSA recognizes the importance of the virtues underlying scientific excellence, including intellectual curiosity and honesty, constructive skepticism, meticulousness, avoidance of bias, humility in the discovery and use of science evidence, and the limitations of scientific inquiry.

7.2.1.4 The CBSA is responsible for ensuring its learning policies support training, education, and professional development opportunities that allow employees to further their understanding of, and appreciation for, these virtues, the responsible conduct of science, science ethics, and the annotation, management, and archiving of scientific data.

7.2.1.5. The CBSA will encourage the development and implementation of a science integrity mentorship program for science workers, whereby mentors exhibiting exemplary science virtues in their conduct and work are paired with more junior employees. Documented training programs in support of accredited science are reinforced practices encouraged by the Agency.

7.2.2. Breaches of Scientific Integrity

All employees and management at all levels are expected to appropriately treat science related integrity issues in a fair, respectful, and timely manner.

Any person who may have questions regarding the conduct of a particular piece of science should directly consult with their delegated manager or director for relevant clarification.

The Science and Engineering Directorate within the Agency's Information, Science and Technology Branch (ISTB) is committed to supporting employees and management in this endeavour.

7.2.2.1. When issues of scientific integrity arise, all employees, as well as other pertinent stakeholders, directly or indirectly linked to CBSA related scientific activities have an ethical obligation to report any allegation, suspicion or information related to scientific wrongdoing to CBSA management or directly to the CBSA's scientific integrity designated official within the Science and Engineering Directorate responsible for ensuring alleged scientific integrity related issues are appropriately addressed.

Informal dialogue and/or mediation related options can be exercised for scientific resolution purposes. The CBSA's Informal Conflict Management System (ICMS) provides employees and managers within the scientific community with resourceful support for tackling and resolving contentious matters.

As deemed necessary, employees are also encouraged to seek appropriate support for dealing with scientific integrity related situations from other available CBSA sources, such as from the Office of Values and Ethics, and the Senior Officer for Internal Disclosure (SOID).

7.2.2.2. Alleged CBSA scientific integrity breaches to the CBSA Code of Conduct and/or to this Policy as a result of scientific activities shall be appropriately reviewed, addressed, and resolved.

Employees associated with alleged breaches may be subject to the CBSA Policy on Internal Investigations into Alleged or Suspected Employee Misconduct. As required, the scientific integrity allegations will be investigated accordingly.

Circumstances whereby scientific misconduct is established, the CBSA will endeavour to ensure applicable scientific integrity breaches are appropriately managed and restored.

This may include reporting findings to organization(s) that funded work related to the scientific endeavours in which such misconduct occurred or which is currently supporting the person(s) found to have engaged in the wrongdoing, and to journals and other applicable media channels through which the science in question was improperly reported.

7.2.2.3. The CBSA will endeavor to protect personal information, and otherwise, provide safeguards to ensure that persons may bring forward, in good faith, allegations of breaches of scientific integrity or participate in an investigative process concerning scientific activities without prejudice or fear of reprisal.

As stipulated in the Public Servants Disclosure Protection Act (PSDPA) when CBSA employees or respective stakeholders associated with CBSA's scientific activities have information that could indicate a serious breach of the CBSA Code of Conduct as well as the TBS Values and Ethics Code for the Public Sector they can avail themselves of the respective procedures laid out in the PSDPA by providing a confidential disclosure to:

- Appropriate CBSA management (such as an immediate manager or director);
- The CBSA Office of the SOID; or
- The Public Sector Integrity Commissioner.

7.2.2.4. Employees involved in science, in scientific related activities, or in the use or communication of science shall avoid breaches of responsible scientific conduct.

Such breaches include, but are not limited to:

(i) Fabrication;
(ii) Falsification;
(iii) Destruction of Scientific Records;
(iv) Plagiarism;
(v) Redundant Publication or Self-Plagiarism;
(vi) Invalid Authorship or Contributions;
(vii) Mismanagement of Conflict of Interest;
(viii) Inaccurate applications for funding including grants and awards;

(ix) Inaccurate statement of collaborations as well as the identification of co-applicants, collaborators or partners without appropriate knowledge and consent;
(x) Using information in breach of any duty of confidentiality to industry partners or associated with the review of manuscript or grant related applications;
(xi) Intentionally omitting reference to the relevant published work of others for the purpose of inferring personal discovery of new information;
(xii) The lack of appropriate acknowledgment of work primarily produced by another employee;
(xiii) Interference with any scientific related property of another person, including without limitation the apparatus, reagents, biological materials, writings, data, hardware, software or any other substance including devices used or produced in the conduct of science;
(xiv) Misrepresentation of science and related activities;
(xv) Generation of scientific results that are not free from political, commercial or client interference; and
(xvi) Deliberate inclusion of inaccurate or misleading information relating to scientific activity in curriculum vitae, grant applications, job applications or public statements or the failure to provide relevant information.

7.3. Openness, Transparency and Timeliness

The CBSA recognizes and understands the importance of openness and transparency about all elements of science and the scientific process as well as the timely release of scientific information.

It nonetheless also recognizes that there may be legitimate and compelling reasons that may limit the disclosure or availability of scientific information to employees, stakeholders or the public.

7.3.1. All employees shall ensure that scientific information produced by CBSA complies with the TBS Directive on Open Government.

In the absence of clear and compelling reasons:

(i) No employees shall suppress, alter or otherwise impede the timely release of scientific information; and

(ii) All employees involved in the design, conduct, management, review, use or communication of science, or related activities shall ensure that scientific information (including that produced by contractors, grantees, or other partners who participate in, or assist with, the design, conduct, use or management of science or related activities) is produced and disseminated in a timely and transparent manner.

7.4. Public Communication of Scientific Information

The CBSA recognizes that science workers have the right to express themselves on their validated science and their validated research, while respecting the CBSA Code of Conduct as well as the TBS Values and Ethics Code for the Public Sector.

The CBSA also recognizes the important role of science workers in communicating scientific information to the public. This includes the right to speak publicly as identified in respective collective agreements without being designated as an official media spokesperson.

Employees have many resources available to communicate science, to facilitate their communication of science to the public, to ensure that they fully understand risks, implications, and possible liabilities, and to assist them in determining the types of public communications for which managerial notification is desirable or required, as well as the appropriate timing and form of any such notifications.

It further acknowledges the need for caution and prudence in the public communication of sensitive scientific or technical information as outlined in the TBS Directive on the Management of Communications as well as in existing legal and operational constraints on information disclosure.

The CBSA also recognizes that effective public communication requires certain skills, and that science workers may have different degrees of comfort with public fora.

7.4.1. Science workers shall have the right, and are encouraged, to speak about or otherwise express themselves on their validated science, while respecting the Access to Information Act and the CBSA Code of Conduct as well as the TBS Values and Ethics Code for the Public Sector, with or without approval or pre-approval and without being designated as an official spokesperson.

7.4.2. In any such public communications, science workers must be familiar with, and respect, any legal restrictions on information disclosure such as privacy rights, matters before the courts, Crown copyright and intellectual property, and cabinet confidences.

They must also respect the CBSA Code of Conduct and the TBS Values and Ethics Code for the Public Sector, and the Access to Information Act.

Unless explicit approval to do so has been given by management, classified, protected or sensitive information shall not be discussed in any public communication.

7.4.3. In the case of planned formal public communication events with sufficient lead times (e.g. public talks or lectures), science workers should notify management of the upcoming event and provide a copy of their communication material for information purposes only and without prejudice.

Management is encouraged to consult with the Communications Directorate for appropriate assistance regarding best practices.

In absence of managerial approval of communication content, science workers assume full responsibility and accountability.

The CBSA is under no obligation to support such public communications of the research, science or science related activity as representing the views of the Agency.

7.4.4. In the case of formal public communication events with short lead times that effectively preclude prior notification (e.g. media interviews), science workers should notify their reporting manager as soon as possible after the event for information purposes only and without prejudice.

Management is encouraged to consult with the Communications Directorate for appropriate assistance regarding best practices.

In absence of managerial approval of communication content, science workers assume full responsibility and accountability.

The CBSA is under no obligation to support such public communications of the research, science or science related activity as representing the views of the Agency.

7.4.5. Science workers are under no obligation to act as public CBSA subject matter experts or appear in public fora, and may decline any such invitation or request without prejudice, unless explicitly given this task by management.

7.4.6. All employees shall accurately represent and appropriately acknowledge the contributions of both themselves and others to their scientific work.

Any public communication which describes work conducted by science workers should be reviewed and approved by them before dissemination.

In the event that the science workers are not in agreement with the suggested changes, the work will not be attributed to the employee if the employee so requests.

7.4.7. All employees shall ensure that the significant and meaningful contribution of science workers to government programs, policies, regulations, and decision-making is acknowledged in official publications or communications, including the names and roles of those who made significant contributions to these products and respective activities.

7.4.8. Science workers are encouraged to participate in media training provided by the CBSA, but this is not a requirement for them to express themselves about their science.

7.4.9. Where a science worker is speaking in the role of an official spokesperson, they must identify themselves by name and position and speak on the record for public attribution purposes.

7.5. Dissemination of Scientific Findings (publication and authorship practices)

The CBSA recognizes that communication among science workers is critical to the on-going development of scientific and scholarly knowledge.

Moreover, the Agency recognizes that its science workers are part of a global community of scientific and scholarly expertise, their contribution to which is critical to maintaining and enhancing the credibility and reputation of CBSA experts, the reputation and credibility of CBSA, and the contribution of CBSA to the knowledge economy.

As with public communications, science workers disseminating or communicating information through scientific media are subject to, and bound by, the Access to Information Act, the CBSA Code of Conduct, the TBS Values and Ethics Code for the Public Sector, and must abide by the TBS Directive on the Management of Communications where it does not conflict with the relevant collective agreements.

Approval to publish will not be unreasonably withheld.

7.5.1. Drafts of scientific communications authored by CBSA science workers should be forwarded to their manager and discussed in a timely fashion.

An electronic copy of the final version should be provided to management after acceptance and prior to publication by a publisher or other third party acceptance of the product.

In absence of managerial approval of communication content, science workers assume full responsibility and accountability.

The CBSA is therefore under no obligation to support such public communications of the research, science or science related activity as representing the views of the Agency.

7.5.2. Notwithstanding section 7.5.1., CBSA scientific communications that do not contain explicit comments or recommendations on, or explicit discussions about, CBSA operations and capabilities, federal statutory, regulatory or policy matters do not require managerial approval or other relevant personnel approval before being submitted for publication or otherwise communicated or disseminated to relevant audiences.

In absence of managerial approval of communication content, science workers assume full responsibility, and accountability.

The CBSA is therefore under no obligation to support such public communications of the research, science or science related activity as representing the views of the Agency.

7.5.3. Communication that includes explicit comments or recommendations on, or explicit discussions about, CBSA operations and capabilities or about federal statutory, regulatory or policy matters does require the approval of managers, supervisors or other relevant personnel before submission for publication or being otherwise communicated or disseminated.

In accordance with section 7.3.1. of this Policy, no CBSA employee shall suppress, alter or otherwise impede the timely release of scientific information in the absence of clear and compelling reasons.

7.5.4. Communications that require applicable approval (such as from managers, supervisors or other relevant personnel) may result in respective revisions or editorial changes.

In the event that communication related approvals are contingent upon the incorporation of applicable revisions or changes, and the author(s) are not in agreement with the suggested changes, the work will not be attributed to the science workers if the science workers so requests.

In the event that the communication related approval is withheld by the respective delegated authority, the author(s) shall be informed accordingly in writing, and provided with applicable denial reasons.

The Science and Engineering Directorate can provide assistance in addressing any scientific integrity related matters concerning communications. The Communications Directorate can similarly be consulted regarding communications related best practices.

As required, parties can obtain support from the CBSA's ICMS to appropriately resolve communications related conflicts.

7.5.5. In support of sections 7.5.2. and 7.5.3. of this Policy, the Agency adheres to develop guidelines for the purpose of assisting CBSA science workers and management in identifying and distinguishing communications that do and/or do not require applicable delegated approval.

7.5.6. The responsible author(s) of any research or scientific communication must ensure the publication guidelines outlined in Annex A are adhered to, as required.

7.5.7. In cases where CBSA science workers have provided data or information to be used in a government document (e.g. a report, briefing note, etc.), management and those responsible for preparing the documents are required to consult with the particular science worker concerned in order to ensure the respective data and information is appropriately interpreted and exercised.

7.6. Contributions to the Scientific Community

The Agency recognizes that the participation and contribution of CBSA science workers in the global scholarly community depends upon domestic and international collaboration and partnerships.

Such collaborations and partnerships provide important opportunities for CBSA science workers to leverage their expertise, knowledge, and infrastructure in developing scientific knowledge to the benefit of Canadians.

To this end, the CBSA will:

7.6.1. Encourage and facilitate domestic and international research and science collaborations and partnerships between CBSA science workers and the external research, science and development communities in universities and colleges; provincial, territorial or indigenous governments; industry and business; and civil society.

7.6.2. Make a reasonable effort to resource participation in relevant scientific and professional societies, working committees, conferences, workshops, and symposia identified by both CBSA science workers and management.

7.6.3. Make a reasonable effort to ensure appropriate engagement or participation of CBSA science workers in international science and research-based fora of which Canada is a formal member.

7.6.4. Encourage activities related to collaboration with the extramural research and scientific communities, including the appointment of CBSA science workers to adjunct professorships.

7.7. Role of Employees in Science Advice and Evidence-Informed Decision-Making

With respect to the role of employees in science advice and evidence-informed decision-making, the CBSA recognizes that science workers have important and influential roles to play in providing scientific advice:

(i) That informs federal programs, policy, regulations, and legislation;
(ii) On the research required to resolve current issues; and
(iii) To identify emerging scientific and technical issues, research directions and opportunities.

Research and scientific findings are an important source of evidence that must be appropriately considered in evidence-informed decision-making.

The CBSA is committed to developing and deploying transparent mechanisms and procedures for:

7.7.1. Gathering, evaluating, and incorporating scientific advice into the CBSA policy and regulatory decision-making process.

7.7.2. Engaging employees in the design, development, and evaluation of robust and resilient scientific programs that will be able to meet the future science and technology needs of the Agency.

7.7.3. Identifying and prioritizing areas of federal authority for which the current federal science capacity is inadequate in terms of the Agency's particular science requirements or where federal investments in CBSA science undertakings is likely to provide substantial benefits to Canadians.

7.7.4. Supporting evidence-informed decision-making training and developmental opportunities for employees who engage in, supervise, manage, support, use or report on scientific activities; analyze, curate or communicate data or information generated by these activities; and/or seek to use information derived from these activities in decision-making.

7.8. Monitoring and Performance Evaluation

7.8.1. In consultation with stakeholders, the CBSA will design, develop, and implement a monitoring plan for this Policy that will provide information and data on:

(i) The extent to which the Policy has achieved its objectives (e.g. policy performance); and
(ii) Future Policy requirements and associated supporting instruments (e.g. guidelines, directives, etc.) adjustments, modifications or changes likely to improve Policy performance.

Any such plan must have regard for other government initiatives or circumstances that may affect estimated performance independent of, or in concert with, the Policy.

7.8.2. Any plan developed under section 7.8.1. of this Policy must explicitly identify:

(i) The performance indicators that will be monitored;
(ii) How the data on these indicators will be collected, annotated, and curated;
(iii) How performance baselines will be characterized; and

(iv) How changes from baseline will be estimated and evaluated.

7.8.3. A copy of all data and information collected as part of the monitoring plan will be forwarded annually to the Office of the Chief Science Advisor (OCSA), the CBSA National Labour-Management Consultation Committee (NLMCC), and the Governance Committee for Implementation of Government-Wide Scientific Integrity Policy comprised of the Secretary of the Treasury Board, the Chief Science Advisor, and the President of the PIPSC.

8. Responsibilities

8.1. Deputy Head

The CBSA President and its delegates are responsible for:

(i) Fostering an environment that encourages excellence and integrity in science and related activities, and for promoting a culture of open communication where employees may disclose, in good faith, information concerning breaches of scientific integrity;
(ii) Ensuring that this Policy is communicated to employees;
(iii) Monitoring compliance with this Policy within the Agency and taking corrective action as needed;
(iv) Ensuring appropriate performance evaluation of this Policy; and
(v) Providing an annual confirmation of the compliance and reporting with this Policy as requested by the Governance Committee (Secretary of the Treasury Board, Chief Science Advisor and the President of PIPSC).

8.2. Lead Authority

The Director General of the Science and Engineering Directorate within ISTB has functional authorities as defined in this Policy and is responsible for monitoring the overall compliance with this Policy and its implementation within the CBSA.

8.3. Directors, Managers and Supervisors

Management is responsible for implementation of this Policy. Such responsibilities include:

(i) Informing employees about this Policy and ensuring that they are aware of their rights and responsibilities and obligations under the Policy;

(ii) Ensuring compliance with this Policy, providing to employees information about the processes available to them if they wish to make an allegation under this Policy, and addressing allegations of breach of scientific integrity that are brought to their attention or which they are aware of; and
(iii) Ensuring that employees are aware of applicable professional development and training opportunities that may be available in support of this Policy.

8.4. Employees and Stakeholders

Employees and all persons conducting science or scientific related activities under the auspices of CBSA, involved in the design, conduct, management, review, use or communication of science or scientific related activities, will have primary responsibility for:
(i) Ensuring their behaviour and conduct conforms to the principles of scientific integrity;
(ii) Respecting the terms of this Policy;
(iii) Reporting a suspected breach of scientific integrity as soon as possible; and
(iv) Participating in good faith in any inquiry or investigation conducted pursuant to this Policy.

9. Definitions

Alteration (of a scientific work): Any change in the form or content of a scientific work that may affect the interpretation of the work and/or its implications.

Breach (of scientific integrity): Failure to abide by any of the provisions described in section 2.3, section 6 or section 7 of this Policy.

Classified or Sensitive Information: (a) Information which would be normally considered to be exempt from disclosure under the Access to Information Act; and (b) In the context of this policy sensitive information means privileged or proprietary information, the unauthorized disclosure of which causes unacceptable risk to the health, security, or privacy of Canadians.

Clear and Compelling Reasons (for withholding publication of scientific or research information): Legitimate reasons include, but are not limited to:
(a) Disclosure of such information is exempt under the Access to Information Act or the Security of Information Act; and
(b) Technical or technological constraints limit or prevent making the information available.

Client: Any person, institution or organization, whether internal or external to government, who is the recipient and/or user of scientific data, products, services or information, and who is involved with establishing the question or topic of the scientific work in question.

Collaborator: Any person, organization or institution with whom/which a CBSA employee undertakes the design, conduct, management, review or communication of science, or related activities and who/which does not receive direct or indirect remuneration.

Communication (of science): Science communication involves any exchange of scientific information (including scientific results and interpretations thereof, methods, protocols, data, and products) in any form, between or among science workers and the consumers or users of this information, including the public, other scientists or researchers, other government employees, and clients.

Compelling Evidence: Evidence of sufficient strength to convince the decision-maker that it is likely that the claim for which the evidence is adduced is true.

Deputy Head: As defined in section 11(1) of the Financial Administration Act.

Employee: In most cases to be interpreted broadly to cover all employees within a department or agency, all of whom have a greater or lesser role to play in the scientific integrity procedures described in this Policy.

Interference: Any action that alters the impartiality of a science worker, as understood within the CBSA Code of Conduct and the TBS Values and Ethics Code for the Public Sector.

Interference includes not providing decision makers with all the information, analysis and advice that is available and needed, while striving to be open, candid and impartial. Interference also includes alteration or inappropriate suppression of scientific methodology and results or dissuasion of reporting of results by any party, including clients.

Misrepresentation: (a) As in stating or presenting a material or significant falsehood; and (b) As in omitting a fact so that what is stated or presented as a whole states or presents a material or significant falsehood.

Related Activity: Any activity that:
(a) supports science or research (e.g. laboratory operations and management or infrastructure (including information and communication infrastructure));

(b) uses research or scientific information as an input (e.g. solicitation or preparation of science advice; evaluation of research or scientific evidence); and/or
(c) involves the curation, communication or archiving of scientific or research data or information.

Science: The pursuit and application of knowledge and understanding of the natural and social world following a systematic methodology based on evidence through application of elements of the scientific method.

Scientific methodology includes the following:

- Objective observation: Measurement and data (possibly although not necessarily using mathematics as a tool);
- Evidence;
- Experiment and/or observation as benchmarks for testing hypotheses;
- Induction: reasoning to establish general rules or conclusions drawn from facts or examples;
- Repetition; and
- Critical analysis; and Verification and testing: critical exposure to scrutiny, peer review and assessment.

Adopted from the Science Council:

- https://sciencecouncil.org/about-science/our-definition-of-science/

Scientific Integrity: Is the condition resulting from adherence to concepts of transparency, openness, high quality work, avoidance of conflict of interest, and ensuring high standards of impartiality and scientific ethics.

Scientific Misconduct: Comprises:
(a) Any science or scientific related activities pertaining to actions or inactions by an employee that is contrary to established policy, standards, procedures or practices of the CBSA;
(b) It is constituted by a failure to comply with the provisions of this Policy, and without limiting the generalities outlined in section 7.2.2.4. of this Policy (such as fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the scientific community for proposing, conducting or reporting science).
(c) It does not include honest errors or honest differences in interpretation of data;
(d) Scientific related violations of legislation for which criminal sanctions are applicable;
(e) Scientific violations of other legislative, rules and regulations administered by the CBSA; and
(f) Any other science or scientific act which would bring the CBSA into disrepute or effect the Agency's working relationship with other law enforcement partners.

Science Worker: Employees in the SP and the RE occupational groups as specified in their respective collective agreements who are primarily involved in the application of comprehensive scientific and professional knowledge to the planning, conduct, evaluation and management of fundamental research, enhancement of knowledge and understanding, technology development and innovation relevant to defence science, social science, historical research and archival science, mathematics and the natural sciences.

Stakeholder: Either an individual, group or organization who is directly or indirectly impacted by this Policy or otherwise has an interest in the compliance and success of CBSA's scientific integrity requirements and best practices. Examples include science workers, the PIPSC, the CBSA NLMCC, and the OCSA.

Suppression (of a scientific work): The deliberate withholding of a scientific work, or any portion thereof, from publication or dissemination, in the absence of clear and compelling reasons for doing so.

Timely Manner: Within a time frame that is consistent with usual review and approval processes, and consistent with logistical and resource constraints. The CBSA or external collaborators may impose reasonable embargo periods to respect the right of a principal investigator to first publication or protection of intellectual property.

Validated Science: Scientific results that are demonstrated to be reproducible, have been exposed to an appropriate level of peer review, and respect scientific community best practice criteria and expectations for dissemination of scientific results.

10. References

This Policy should be read in consultation with the following identified legislation, direction and instruments.

10.1 Legislation

- Access to Information Act
- Canadian Charter of Rights and Freedoms
- Canadian Human Rights Act
- Copyright Act
- Federal Public Sector Labour Relations Act
- Financial Administration Act
- Government Contracts Regulations
- Legal Deposit of Publications Regulations
- Official Languages Act

- Official Languages (Communications with and Services to the Public) Regulations
- Personal Information Protection and Electronic Documents Act
- Privacy Act
- Public Servant Invention Act
- Public Servants Disclosure Protection Act
- Public Service Employment Act
- Security of Information Act
- Surplus Crown Assets Act
- Trade-Marks Act

10.2 Related TBS Instruments

- Collective Agreements
- Guideline for Employees of the Government of Canada: Information Management (IM) Basics
- Contracting Policy
- Directive on the Management of Communications
- Directive on Information Management Roles and Responsibilities
- Directive on Open Government
- Implementation Guide—Policy on Title to Intellectual Property Arising Under Crown Procurement Contracts
- Policy on Official Languages
- Policy on Communications and Federal Identity
- Policy on Conflict of Interest and Post-Employment
- Policy on Information Management
- Policy on Learning, Training, and Development
- Policy on Title to Intellectual Property Arising Under Crown Procurement Contracts
- Procedures for Publishing
- Values and Ethics Code for the Public Sector (as adopted April 2, 2012)

10.3 Related CBSA Instruments

- Code of Conduct
- Conflict of Interest Guidelines
- Corporate Identity Standards
- Policy on Internal Investigations into Alleged or Suspected Employee Misconduct

10.4 Other

- Canadian Council on Animal Care Guide to the Care and Use of Experimental Animals, Vol. 1 (2nd edition)

- Science Council Definition of Science
- Tri-Council Definition of Research
- Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans

11. Enquiries

For further information on this Policy, contact the Science and Engineering Directorate within the Information, Science and Technology Branch (ISTB).

Annex A: Publication Guidelines

1. Scientific Communication

The responsible author(s) of any research or scientific communication must ensure that:

a. Approval of all listed authors and contributors is obtained and other contributions are acknowledged, unless science workers wish otherwise;

b. The work in question is not a republication of original work except when the republication involves translation or dissemination to diverse audiences and is consistent with existing standards on republication;

c. All contributions to the work are appropriately acknowledged in a manner conforming to accepted standards of the relevant discipline(s) and publication(s);

d. CBSA authors' federal affiliations are listed, to ensure that publications are retrievable in online searches and discoverable for bibliometric analysis;

e. The communication is subjected to appropriate independent peer review, and that technical and/or editorial changes that may result from this review are addressed;

f. The communication is subjected to appropriate security and sensitivity review, and that suggested or required changes that may result from this review are addressed;

g. Matters related to acknowledgements and official languages is appropriately managed and administered in accordance with the TBS Policy on Official Languages;

h. The possibility of publishing in *Open Access* journals for scientific and technical papers is explored;

i. Due diligence is exercised in ensuring all issues related to intellectual property and related matters are resolved;

j. Understand relevant terms and conditions for publication, including copyright and level of authority required for approvals as outlined in the TBS Directive on the Management of Communications and the TBS Policy on Communications and Federal Identity; and

k. Science workers should seek credible and reputable outlets for academic publication that conform to established practices and standards of academic publishing, including particularly rigorous peer review practices.

2. Publication and Authorship

The responsible author(s) of any publication and authorship must ensure that:

a. The copyright of all scientific findings under the direction of CBSA are compliant with the Copyright Act, and it is understood that it belongs to the Crown, and shall not be reported to the public media without appropriate approvals and acknowledgements;

b. Publications respect accepted best practices for authorship and contain appropriate reference to the contributions made by all participants in the relevant science. Participation solely in the acquisition of funding or the collection of data does not justify authorship. General supervision of the group of science workers is not sufficient for authorship;

c. While one co-author (by agreement amongst the authors) can be nominated as the responsible or principle author for the whole scientific output, all authors are responsible for record keeping regarding the scientific output;

d. Contributions to science made by any persons, which are insufficient for them to be included as authors, should nevertheless be recognized in any publication derived from that science. Convention demands that individuals and/or organizations providing facilities should similarly be acknowledged. Publications must include information on the sources of financial support for the scientific work. Financial sponsorship that carries an embargo on such naming of a sponsor should be avoided;

e. Publications that are substantially similar to another publication derived from the same scientific work must contain appropriate reference to the other publication. CBSA employees who submit substantially similar work to more than one publisher are to disclose that fact to the publishers at the time of submission;

f. Confidentiality provisions related to publications are applied accordingly in circumstances whereby the CBSA has made or given confidentiality undertakings to respective third parties or confidentiality is required for the purpose of protecting intellectual property rights. This would be in accordance with the TBS Procedures for Publishing.

   It is the obligation of CBSA employees to enquire at an early stage as to whether confidentiality provisions apply and it is the responsibility of the delegated manager and director to inform employees of their obligations with respect to these specific provisions;

g. Publications prepared by CBSA employees, within the scope of their employment with the Agency are to be maintained and retained by the department in accordance with the timelines outlined in the TBS Policy on Information Management, the TBS Directive on Information Management Roles and Responsibilities, and the TBS Guideline for Employees of the Government of Canada: Information Management (IM) Basics; and

h. At the CBSA's discretion, recognition of authorship will be given where practicable in departmental publications. When an employee acts as a sole or joint author or editor of a publication, the authorship or editorship shall normally be acknowledged on such publication. Where the CBSA wishes to make changes in a

publication with which the author does not agree, the employee shall not be credited publicly if the employee so requests.

Code of Conduct

Office of Values and Ethics

Version: December 2020

Code of Conduct

This revised CBSA *Code of Conduct* came into force on September 5th 2012.

Message from the President and the Executive Vice-President

As employees of the CBSA, we are guided in our day-to-day work by our shared values of Integrity, Respect, and Professionalism as described in this *Code of Conduct*. The Code gives us the guidance we need to incorporate values and ethics in all that we do. It clarifies our responsibilities and describes the standards of conduct expected from CBSA employees.

The Code fulfills the requirement of section 6 of the *Public Servants Disclosure Protection Act* and accompanies the *Values and Ethics Code for the Public Sector* and the *Policy on Conflict of Interest and Post-Employment*. These directives are binding on all CBSA employees and new recruits.

The CBSA is a large and diverse organization and the Code applies across the full extent of our activities inside, and at times, outside the workplace. However, it cannot address all ethical issues that may arise in the course of our work. Every effort is made to keep the Code current and to maintain its relevance in our workplace. The guide that accompanies the Code is regularly updated, and a record of changes is published on Atlas.

In your professional life, there may be instances when you are faced with ethical uncertainty. In addition to consulting this Code, you are encouraged to seek guidance regarding the situation from your supervisor and management.

Canadians expect that the people charged with securing the national border perform their duties with integrity. The CBSA *Code of Conduct* helps us realize that goal by guiding our actions and decisions in the course of our day-to-day work.

John Ossowski
President

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Executive Vice-President

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Chapter 1: Values and Expected Standards of Conduct

The Role of Federal Public Servants

Federal public servants have a fundamental role to play in serving Canadians, their communities and the public interest under the direction of the elected government and in accordance with the law. As dedicated professionals whose work is essential to Canada's well-being and the enduring strength of the Canadian democracy, public servants uphold the public trust.

The Constitution of Canada and the principles of responsible government provide the foundation for the role, responsibilities and values of the federal public sector. Constitutional conventions of ministerial responsibility prescribe the appropriate relationships among ministers, parliamentarians, public servants and the public. A professional and non-partisan federal public sector is integral to our democracy.

The Role of Ministers

Ministers are also responsible for preserving public trust and confidence in the integrity of management and operations within public sector organizations, and for respecting the tradition of a professional non-partisan federal public sector. Furthermore, Ministers play a critical role in the ability of public servants to provide professional and frank advice.

Our Mandate

The Agency is responsible for providing integrated border services that support national security and public safety priorities and facilitate the free flow of persons and goods, including animals and plants that meet all requirements under the program legislation.

Our Charter

Protection • Service • Integrity

Mission

The Canada Border Services Agency works to ensure Canada's security and prosperity by managing the access of people and goods to and from Canada.

Vision

An integrated border agency that is recognized for service excellence in ensuring Canada's security and prosperity.

Our Workforce

We work with vigilance at the border, within Canada and abroad, providing the services necessary to help keep our nation safe and prosperous. Born of the rich history that is our legacy, we are proud to protect and serve Canadians and are confident in our ability to meet new challenges.

We are united in our resolve to carry out our diverse mandate and enforce the laws of Canada with impartiality and fairness.

As leaders and innovators in border management, we value our strong domestic and international partnerships and are dedicated to working together on critical safety, security and trade issues.

We rise to the challenges we face each day, and take pride in knowing that the work we do makes a difference in the lives of Canadians while contributing to global security and commerce.

Our Commitment to Service Excellence

- Respect and courtesy
- Bilingual service
- Fair application of the law
- Accurate information
- Privacy and confidentiality
- Review of our actions and decisions

A. Our Values

Values are a compass that guides us in everything we do; they represent what we believe and care about. Values cannot be considered in isolation from each other as they often overlap. We are expected to integrate public sector and CBSA values into our decisions, actions, policies, processes, systems, and how we deal with others. Similarly, we can expect to be treated in accordance with these values by our colleagues and management.

Consult: Values Alive: A Discussion Guide to the "Values and Ethics Code for the Public Sector".

Respect

Our Public Sector Values

Respect for Democracy

The system of Canadian parliamentary democracy and its institutions are fundamental to serving the public interest. Public servants recognize that elected officials are accountable to Parliament, and ultimately to the Canadian people, and that a non-partisan public sector is essential to our democratic system.

Respect for People

Treating all people with respect, dignity and fairness is fundamental to our relationship with the Canadian public and contributes to a safe and healthy work environment that promotes engagement, openness and transparency. The diversity of our people and the ideas they generate are the source of our innovation.

Our CBSA Values

Respect

We serve the public interest through non-partisan support of our Minister.

We show the utmost appreciation for the dignity, diversity and worth of all people and uphold the *Canadian Charter of Rights and Freedoms*.

We develop and sustain mutual trust with our colleagues.

Our Values in Action

We uphold the Canadian parliamentary democracy and its institutions by:

- aligning our efforts, energy and expertise with the Government of Canada and CBSA's priorities;
- enacting the lawful decisions of leaders and carrying out duties in accordance with the Agency's policies and directives; and

- providing impartial, objective and factual information, advice and support in a timely manner to further Agency objectives.

We respect human dignity and the value of every person by:

- providing conscientious and equitable service to all colleagues, clients, partners and stakeholders regardless of race, national or ethnic origin, colour, political belief, religion, family status, physical or mental ability, sex, gender identity or expression, sexual orientation, genetic characteristics, age or economic and social status;
- recognizing the talents and contributions of members of our diverse workforce;
- delivering on our commitments;
- listening to others, seeking to understand their position and behaving in a just, courteous and reasonable manner; and
- maintaining collaborative working relationships through honest and positive communications free from harassment and discrimination.

Integrity

Our Public Sector Values

Integrity

Integrity is the cornerstone of good governance and democracy. By upholding the highest ethical standards, public servants conserve and enhance public confidence in the honesty, fairness and impartiality of the federal public sector.

Our CBSA Values

Integrity

We exercise our authority in an honest, open and fair manner.

We accept responsibility for our actions in order to build and maintain a reputation of trustworthiness and accountability.

Our Values in Action

We serve the public interest by:

- making decisions and behaving in ways that maintain public confidence and preserve CBSA's reputation in light of its high visibility;
- refraining from using our official roles, the Agency's property or assets, and non-publicly accessible information to gain personal advantage or to advantage or disadvantage others;
- ensuring that our off-duty and private activities and our private financial affairs do not conflict with our official duties; and

- refraining from making derogatory comments regarding the Agency, its employees (including its managers) or the Government of Canada, especially in public spaces.

Professionalism

Our Public Sector Values

Stewardship

Federal public servants are entrusted to use and care for public resources responsibly, for both the short term and long term.

For more information on environmental stewardship, consult Achieving a Sustainable Future: a Federal Sustainability Development Strategy for Canada.

Excellence

Excellence in the design and delivery of public sector policy, programs and services is beneficial to every aspect of Canadian public life. Engagement, collaboration, effective teamwork and professional development are all essential to a high-performing organization.

Our CBSA Values

Professionalism

We employ public resources wisely and properly.

We provide efficient, competent and excellent service.

We set high standards of achievement and accountability both individually and collectively.

Our Values in Action

We use resources responsibly by:

- ensuring the use of CBSA's resources is efficient, effective, approved and accounted for;
- avoiding waste and misuse of the Agency's money, property and resources; and
- safeguarding confidential information, sharing knowledge only as appropriate, and making every effort to prevent security risks.

We demonstrate professional excellence by:

- providing quality service that respects Canada's official languages in accordance with Our Service Commitment;
- adapting to changing needs and being innovative to improve our programs and services;
- being reliable and committed to working collaboratively with our colleagues; and
- addressing inappropriate behaviour with our colleagues where possible, and reporting serious misconduct to management, in order to build and maintain trust and accountability.

B. Accountability and Professional Conduct

Whether uniformed, non-uniformed, armed or unarmed, as CBSA employees (including managers and employees who are indeterminate, part-time, term, casual, on leave without pay, students, working for our Agency by means of a secondment/assignment or through an Interchange Canada agreement, and new recruits) we are responsible for acting at all times in such a way as to uphold the public interest and for exhibiting conduct in keeping with the *Values and Ethics Code for the Public Sector* and the CBSA *Code of Conduct*. These two Codes, along with the *Policy on Conflict of Interest and Post-Employment* (Policy), collectively form a part of our terms and conditions of employment.

Clarification: Recruits are bound by this Code and the *Values and Ethics Code for the Public Sector*.

We ask contractors and service providers to respect the spirit and intent of the CBSA *Code of Conduct*, the *Values and Ethics Code for the Public Sector*, and the *Policy on Conflict of Interest and Post-Employment*.

We recognize that CBSA's policies, standards, procedures and practices provide the boundaries within which we demonstrate professional conduct with respect and integrity. Additionally, we ensure that our conduct does not violate the *Criminal Code,* the *CBSA Act* or any of the laws, rules and regulations administered by the Agency. As professionals, we protect the Agency's reputation and its internal and external stakeholder and law enforcement partner relationships in our decisions and actions. **We understand that an action or inaction on our part that is not in keeping with these laws, rules and regulations, Codes, and the Policy is considered misconduct and will entail CBSA disciplinary measures up to and including termination of employment**.

Clarification: Inappropriate behaviour includes, but is not limited to:

- chronic lateness;
- general rudeness;
- insubordination;
- failure to abide by appearance standards and/or policies;
- general poor work attitude;
- malicious gossip; and
- inattentiveness or sleeping on-the-job.

For more guidance, consult Chapter 4: Disciplinary Measures and Resolutions of Issues Pertaining to the *Code of Conduct.*

Clarification: Serious misconduct includes, but is not limited to:

- theft;
- assault;
- criminal activities or associations;
- fraud;
- excessive use of force or aggression;
- improper storage or handling of defensive equipment;
- founded client complaints that could attract negative media attention; and
- misuse of information technology.

As employees we are expected to take reasonable steps, where possible and where there is no personal risk, to address behaviour that is not in keeping with the spirit or intent of either Code and/or the Policy. Examples of such steps include:

- reminding colleagues of their obligations under the two Codes and the Policy;
- exploring options with the CBSA's Office of Values and Ethics and the Resources posted on Atlas; and
- reporting the situation to our manager.

As **managers** we ensure that all employees under our responsibility are familiar with the contents of the *Values and Ethics Code for the Public Sector*, the *Policy on Conflict of Interest and Post-Employment* and the CBSA *Code of Conduct*, and that they are informed that the Codes and Policy are a part of each employee's terms and conditions of employment. We are also accountable for consistently addressing inappropriate behaviour and/or performance issues in a timely manner and applying reasonable measures to address breaches of either Code and/or the Policy.

CAUTION

If we witness serious misconduct we will promptly report this to our manager. Managers will promptly refer cases of serious misconduct to Security and Professional Standards so that they can be addressed, and senior management is made aware and can appropriately respond to emerging trends.
For more information on serious misconduct, consult the *Policy on Internal Investigations into Alleged or Suspected Employee Misconduct* (PDF, 334) or contact Security and Professional Standards for clarification.

When we have reasonable grounds to believe that a public servant has committed or is about to commit a wrongdoing in the workplace, under the *Public Servants Disclosure Protection Act* (PSDPA), we have three options to disclose this information. Our identity will be protected, and we will be afforded protection against reprisal, when we report wrongdoing using any of these three options:

1. We can talk to our manager.
2. We can disclose this information to the CBSA Senior Officer for Internal Disclosure (E-mail).
3. We can disclose this information to the Public Sector Integrity Commissioner.

For more guidance, consult Chapter 3: Disclosure of Information Concerning Wrongdoing in the Workplace.

Clarification: Employees who are EAP Peer Support Agents must not report information that has been shared related to a potential misconduct and are also exempt from reporting serious misconduct (actual or potential) unless:

- there is a significant and imminent risk of harm to self or other individuals, such as suicide or homicide;
- suspected cases of child abuse or neglect; and
- when disclosure of the information is required by law.

However, EAP Peer Support Agents must remind the employee who mentions being involved in a serious misconduct (actual or potential) that employees are required, as per the CBSA Code of Conduct, to report serious misconduct and shall strongly recommend that the employee does so either by reporting it to a supervisor or by making a protected disclosure to the Senior Officer for Internal Disclosure. The fact that the information was shared with a Peer Support Agent does not constitute a report.
All CBSA employees regardless of group or level must respect the limits of confidentiality related to the role of the EAP Peer Support Agent as well as the obligations of Peer Support Agents related to the exceptions listed above. Employees shall not seek to obtain information shared by a third party with a Peer Support Agent or request disclosure of this information verbally or in writing.

C. Leadership Conduct

We are all ethical leaders whether we are uniformed, non-uniformed or armed employees; we act as models for others. Ethical leadership entails exploring, seeking to understand, and making ethical judgments in all situations before acting by:

For more information on specific leadership competencies, consult the CBSA's Leaders' Profile.

- taking into consideration our own health, safety and security and that of our colleagues;
- recognizing that the Agency in its accountability to the Government of Canada ensures the security and prosperity of Canadians through our collective decisions and actions.

Therefore, more experienced employees and managers, at all levels, have a special role in consistently modeling the expected standards of behaviour outlined in the *Code of Conduct* for new employees, recruits and other CBSA employees. They:

- maintain open, positive communications and working relationships;
- recognize the contributions of, and support, newer employees and recruits; and
- foster learning by being approachable and offering advice and guidance, when appropriate.

D. Expected Standards of Conduct

The following section outlines in general terms the **minimum** expected standards of conduct to be followed by all CBSA employees and all recruits whether uniformed, non-uniformed or armed. Every employee and recruit is required to become familiar with the expected standards of conduct, understand their meaning, seek guidance when required, and make judgments on the possible present and long-term consequences of their actions before deciding how to act. Guidance can be sought from experienced colleagues, our managers or Resources posted on Atlas.

The expected standards of conduct will naturally evolve over time in keeping with new developments and changes to the services that CBSA provides.

Clarification: All standards require you to interpret their meaning within a context. They preserve a value or a series of values. For example, the speed limit standard preserves the value of safety. So, in the context of bad weather conditions, you tend to slow down to keep you and others safe.

1. Terms and Conditions of Employment

Our CBSA value of **Professionalism** reminds us of our obligation to observe the terms and conditions of employment contained in our letter of offer, our collective agreement, as well as those set out in CBSA and Treasury Board policies.

1.1. Hours of Work

As professionals, we demonstrate reliability by complying with the work hours and rest periods prescribed in the collective agreement. This includes being **ready and able to work at the start of our work period**, remaining on duty or at work until we are relieved or when we reach the end of our scheduled hours, and being accountable to our colleagues, clients and stakeholders.

We follow established procedures when requesting a change in our regular work schedule (e.g. leave request, early departure, or change in our break or meal periods). We use sick leave only for its intended purpose. **In the case of absences from work because of illness or an emergency**, we provide explanations to our manager and inform him or her in advance when we expect to return to work.

2. Appearance and Hygiene

Our CBSA value of **Professionalism** includes how we present ourselves to clients, stakeholders, the public, and our colleagues inside and outside the CBSA, including law enforcement partners. Our appearance and dress reflect the professional image of the CBSA and the public service.

The *CBSA Uniform Policy and Standards of Appearance* outlines a very high standard of dress and appearance for our **uniformed staff**. It describes appearance standards consistent with the operational needs of the Agency and the expectations of the Canadian public.
For **non-uniformed staff**, our professional dress and appearance depend upon the duties we perform and are especially important when we are serving the public. We rely upon our common sense and good judgment and recognize that, at minimum, we always present ourselves in a neat, clean, and well-groomed manner that does not interfere with the work performance of others.

Tip: At CBSA "business casual" may be defined as:

A collared shirt (e.g. dress shirt or golf shirt) or top/blouse that should be conservative.

Skirts and dresses must be no shorter than 3" above the knee.

Pants/slacks should be of a dress pant material, typically not solely Lycra or Spandex (i.e. not athletic wear).

Generally: Shirts with logos or a design must be conservative so as to not negatively affect the professional image of the CBSA.

For **all employees**, we use fragrances sparingly bearing in mind the environmental sensitivities of many individuals and we ensure that our hygiene minimizes unpleasant body odours.

In terms of decisions that consider environmental stewardship, consult Sustainable Development.

Managers are responsible for communicating the importance of appearance as a component of professionalism in the workplace. From time to time, managers may need to clarify and provide guidance on what is considered appropriate (or not appropriate) dress in the workplace given employees' responsibilities (e.g. specific job duties, level of interaction with the public, etc.).

3. Social Media

Our CBSA value of **Professionalism** involves our continued efforts to improve our programs and services and to consider the present and long-term effects our actions have on people and the environment. This consideration extends to using social media for enforcement, investigation, recruitment, services to the public, stakeholder education, raising the Agency's profile, outreach, and as a collaborative and consultative tool.

Clarification: Social media include, but are not limited to: Facebook, Twitter, YouTube, LinkedIn, Flickr, blogs, Wikipedia, Google docs or any other tool or device that allows for participatory multi-way information sharing, dialogue, and user generated content.

While there are many benefits to using social media, there are also potential risks and challenges. **As professionals, we must bear in mind that social networks are public fora, and that comments and behaviour on these fora become a part of the public record**.

Our CBSA value of **Respect** encompasses our duty of loyalty to the Agency.

Consult the short, online video: Social Media at Work available on GCPedia. Developed by the Treasury Board Secretariat and Transport Canada.

Therefore, we use sound judgment to ensure that our personal and professional use of social media does not compromise the Agency's reputation, its protected information, or our working relationships with our colleagues, stakeholders and clients.

When commenting in social media fora:

- we are mindful of our duty of loyalty and remain non-partisan;
- we refrain from disparaging the Agency, its employees (including managers) and the Government of Canada;
- we refrain from discussing work-related issues, problems or matters; and
- we recognize that only authorized spokespersons can issue statements or make comments about CBSA's position on a given subject.

Consult the CBSA's Directive on Engaging the Public Through Social Media, the Directive on the Appropriate Use of Electronic Mail (E-mail) (PDF, 395 KB), the Guidelines for the Directive on the Use of Wireless Technology and the Directive on the Use of Web 2.0 Tools and Services.

Also consult the Treasury Board Secretariat's Guideline on Acceptable Network and Device Use and the CBSA's guidelines on the use of LinkedIn.

We must exercise caution when posting pictures, videos and information in social media fora. For example, we take into consideration the Agency's reputation, including its internal and external working relationships; the absolute confidentiality of customs, *Immigration and Refugee Protection Act* (IRPA), corporate or trade information and information on individuals collected in the course of our duties; and the possible risks to the safety of individuals and colleagues identified in social media fora.

For more guidance, consult the following specific sections:

4. Private, Off-Duty Conduct and Outside Activities
5. Public Comments and Criticisms
6. Electronic Network Access and Uses
7. Care and Use of Government Property and Assets
8. Confidentiality and Disclosure of Information
9. Harassment and Discrimination
10. Contact with the Public
11. Contact with the People We Work With
14. Use of Personal Electronic Devices at Work
16. Financial Matters

Our CBSA value of **Integrity** includes maintaining the public's confidence in our Agency. Therefore, when using social media for personal and professional use, we use the same criteria and good judgment as would be applied to any other conflict of interest area.

For more guidance, consult Chapter 2: Conflict of Interest and Post-Employment.

Examples of Misconduct:

- External posting of online photos of a uniformed employee; travellers; seizures; CBSA logos, equipment, and facilities.
- Making comments on Facebook indicating that you are an armed officer.
- Texting friends messages that criticize managers.
- Expressing personal views on an Agency policy on personal or public blogs.
- Using official identity to get a discount for a personal item on an online store.
- Tweeting answers to official exam questions.
- Uploading videos on YouTube depicting travellers, co-workers and/or any of the Agency's operations.

4. Private, Off-Duty Conduct and Outside Activities

Our CBSA values of **Respect**, **Integrity** and **Professionalism** guide us throughout our work day. They can also extend to our private time. This is especially true in terms of engaging in outside activities on social media fora, outside employment, and political activities. We understand that our outside activities and off-duty conduct are usually private matters. They could become work-related matters, however, if they have negative consequences on the Agency. **We avoid such activities, which may include those that:** reflect negatively on the Agency, its employees (including its managers) or its programs;

- render us unable to perform a requirement of our duties;
- lead other employees to refuse, be reluctant or be unable to work with us;
- render us guilty of a breach of the *Criminal Code*; and
- make it difficult for the Agency to manage its operations efficiently and/or to direct its workforce.

Clarification: Off-duty can be defined as any time when we are not under the employer's responsibility.

Clarification: If we are on our way to work or on a lunch break, and can be visibly identified as a CBSA employee, e.g. in uniform or displaying an I.D., the public does not know that we are off-duty. Their confidence in the Agency depends upon our professionalism on and off-duty.

We also avoid activities that place us or the Agency at risk by knowingly associating, outside of our official duties, with individuals or groups who are believed or suspected to be connected with criminal activities.

CAUTION

We are not permitted to do anything illegal or contrary to the *Criminal Code*, the *CBSA Act*, or any legislation or regulation enforced by the Agency. **In the unlikely event of being arrested, detained or charged**—in Canada or outside Canada—with a violation of laws or regulations, **we will immediately report this incident to our manager.** This includes minor incidents, such as a traffic violation or Highway Code violation ticket received while using a government-owned or leased vehicle. We must also **report to our manager, any contact or associations we have with known or suspected criminals outside our official duties**, so that we can protect ourselves and the Agency.

For specific guidance on **outside employment** and other activities, consult Chapter 2, section 2. Outside Employment or Activities.

Examples of off-duty misconduct:

- Criticizing our colleagues and/or managers in public spaces such as on social media fora
- Associations with known criminal elements.
- Drinking alcohol before reporting to work.
- Use or possession of illegal drugs.
- Unauthorized use of government property or assets when not on-duty.
- Breaching the Code of Conduct while on leave without pay (LWOP).

For specific guidance on **political activities**, consult Chapter 2, section 3. Political Activities.

For more guidance, consult the following specific sections:

- 3. Social Media
- 5. Public Comments and Criticisms
- 6. Electronic Network Access and Uses
- 8. Confidentiality and Disclosure of Information
- 9. Harassment and Discrimination
- 10. Contact with the Public
- 11. Contact with the People We Work With
- 14. Use of Personal Electronic Devices at Work
- 16. Financial Matters

Additional information can also be found in: Chapter 2: Conflict of Interest and Post-Employment and Chapter 4: Disciplinary Measures and Resolutions of Issues Pertaining to the *Code of Conduct*.

Examples of criminal associations: To protect ourselves, our colleagues, and the Agency against significant risks, situations that should be reported to our manager include, but are not limited to:

- A friend, personal acquaintance or a family member who has a criminal record or is involved in criminal activities.
- Being offered a benefit (e.g. reward or money) from an individual to assist in moving people or goods across the border or to disclose protected information.
- Being approached by a known or suspected criminal in a social setting (e.g. party, event, bar, etc.).

5. Public Comments and Criticisms

Our CBSA value of **Respect** encompasses our duty of loyalty to our Agency and the Government of Canada. We act respectfully by discussing issues, problems or matters internally and not in public fora. Once a decision has been taken, we support it and follow through.

Tip: When balancing our right to freedom of expression with the importance of duty of loyalty to our employer and impartiality of the public service, we should consider the following:

1. the nature of our official duties;
2. the visibility of our position within the Agency and the public service;
3. the object of the criticism or public statements i.e. is it critical of a policy, direction or program of CBSA? Of another department?; and
4. the impact of our action and/or criticism i.e. could put into question our impartiality or objectivity as a CBSA employee? As a public servant?

5.1. Publicly Commenting for the CBSA

We acknowledge that only authorized spokespersons can issue statements or make comments about the CBSA's position on any given subject. We take caution when making comments in public spaces (including on social media fora) when referencing the CBSA, so as not to be misconstrued as representing an Agency position. If we are asked for the CBSA's position on an issue, we refer all inquiries, through our manager, to the CBSA national or regional spokespersons.

5.2. Public Criticism of the CBSA and/or the Government of Canada

We refrain from making public criticisms of the CBSA and/or the Government of Canada including posting critical comments on social media fora.

Furthermore, we know that the duty of loyalty is not absolute and public criticism may be justified in certain limited circumstances.

CAUTION

CBSA employees must exercise caution to ensure that their public statements:

- do not undermine or compromise the integrity or security of CBSA operations, its employees or national security;
- do not impair or conflict with their ability to carry out their duties;
- do not call into question their impartiality in carrying out their duties; and
- do not impair the ability of the CBSA to carry out its mandate.

If in doubt, you are strongly encouraged to discuss the matter with your manager. **You should use internal means to bring any criticisms you may have to the attention of CBSA management.**

6. Electronic Network Access and Uses

Our CBSA value of **Professionalism** includes the manner in which we use the tools of our trade including computerized systems, equipment and software. As professionals we make every effort to protect the CBSA from any possible threats to security by, in particular:

- guarding against accidental or deliberate destruction of data and equipment; disclosure of sensitive information, access identification and system passwords; theft and corruption; and exposure to viruses;
- following the CBSA's policies and procedures regarding the access restrictions to data banks including computer-based detection systems and the posting of information;
- following the CBSA's policies and procedures regarding the purchase and use of software and other systems, including complying with security restrictions; and
- reporting any breach of computer security, policies and standards to your manager.

As professionals, we recognize that CBSA's computer systems and those of external agencies accessed via the CBSA's network, software, equipment, networks, Internet, intranet, E-mail, smart phones, tablets and any other electronic devices are used only for authorized business purposes.

We limit personal use of the Internet, intranet and E-mail and comply with all related legislation, policies and guidelines. We ensure that our personal use does not affect our productivity or that of our colleagues, and imposes no storage burden on the CBSA computer systems. Examples of acceptable limited personal use include professional activities, career development, or reading or writing brief E-mails after hours or during break periods.

For more information, consult the Treasury Board Secretariat's *Policy on Acceptable Network and Device Use,* the CBSA's *Policy on the Use of Electronic Resources*, the Guidelines for the Policy on the Use of Electronic Resources (PDF, 440 KB), and the Directive on the Appropriate Use of Electronic Mail (Email) (PDF, 396 KB).

Examples of misconduct:

- Using CBSA systems, including computer-based detection systems, to obtain sensitive information for personal uses (e.g. using a license plate number to obtain information about someone we know).
- Using a CBSA E-mail account to conduct outside business and/or employment activities.
- Querying a CBSA database to gather information related to a private business competitor.

CAUTION

Examples of professional misconduct related to the use of electronic networks that are offences under the *Criminal Code* include, but are not restricted to:

- knowingly viewing, downloading, possessing or distributing child pornographic images or material;
- communicating images, material or e-mails containing offensive language or inappropriate comments that are likely to injure the reputation of any person by exposing that person to hatred, contempt or ridicule, or that are designed to insult the person;
- infringing copyright; and
- hacking and trying to defeat the security features of electronic networks.

In compliance with the *Criminal Code*, authorized officers may access restricted sites when conducting authorized investigations or intelligence probes or when researching and developing CBSA-sanctioned training material.

For more guidance, consult the following specific sections:

3. Social Media
5. Public Comments and Criticisms
7. Care and Use of Government Property and Assets
8. Confidentiality and Disclosure of Information
9. Harassment and Discrimination
10. Contact with the Public
11. Contact with the People We Work With

7. Care and Use of Government Property and Assets

Our CBSA value of **Professionalism** encompasses our effective and efficient use of the Agency's property and assets when conducting official duties. As professionals we demonstrate our CBSA value of **Integrity** by using government property and assets only in our official duties and never for personal gain or use.

We seek authorization from management before we use property, equipment, materials, vehicles or facilities purchased, used or leased by the Agency for reasons other than official purposes. This includes, but is not restricted to: vehicles, buildings, space, premises, facilities, uniforms, files and documents, office equipment and supplies, computers, software, video equipment, telecommunications devices such as smart phones, government credit cards, telephone calling cards and defensive equipment like pepper spray, handcuffs, batons and duty firearms.

Clarification: When on travel status and you are pre-approved to use an Agency-owned or leased vehicle, the vehicle may be used for other work-related activities such as stopping for meals, grocery shopping, banking, etc. Note that you cannot use the vehicle to transport non-business related travellers as there are insurance implications. For more information, please visit the CBSA's Travel Directive, Section 1, Administration, 3.6 - Vehicle Insurance (PDF, 916 KB) of the Comptrollership Manual – the Finance Volume and familiarize yourself with Part II – Insurance of the National Joint Council

We account for and protect any and all government property and assets that we possess or control. If any item is lost, stolen or damaged, we immediately report the incident to our manager.
For more guidance, consult section 8. Confidentiality and Disclosure of Information.

7.1. Badges, Official Identification and Officer or Office Stamps

As professionals, we understand that badges, official identification, officer or office stamps or other security documentation have been issued to assist and identify CBSA employees in the performance of their duties. Therefore, we use them only for the purposes for which they were intended. We display a government identification card when we are on government premises and when we are asked to identify ourselves as a government representative.

We do not use our job title, official identification, badge or any other official document (whether on or off-duty, personally or professionally, or when engaging in social media activities) for a purpose that is illegal, improper or against the best interests of the CBSA.

We never use a colleague's official identification, badge, stamp, user identification number or password. We do not use any of our Agency identification to obtain or appear to obtain any privilege or favour for ourselves or others. Exceptions include Agency approved commercial organization discounts, e.g. fitness memberships, or other discounts that are authorized by our manager.

For more guidance, consult section 3. Social Media and Chapter 2: Conflict of Interest and Post-Employment.

In the event that a badge, stamp or official identification is lost, stolen or damaged, we immediately report the occurrence to our manager and file a security incident report. Also, if we are temporarily or permanently reassigned and our new functions do not require the use of a badge, stamp or official identification, we return them to our manager.

For more information, consult Standard for Controlled Assets (PDF, 494 KB).

For more information, consult the Standard for Access Control (PDF, 459 KB) and the Guidelines for Identification (ID) Cards (PDF, 858 KB).

For uniformed employees, consult *CBSA Uniform Policy and Standards of Appearance*.

Examples of misconduct:

- Flashing an official badge at the border to gain a personal advantage.
- Using our official title to obtain a personal discount in an online store.
- Using a government vehicle to move privately-owned furniture.
- Using a Government of Canada credit card to buy personal items.

7.2. Intellectual Property

Anything we create, design, develop or produce as part of our job, even if we or any other person have improved or modified it outside working hours, becomes the property of CBSA and the Government of Canada. We therefore cannot market or sell any of this property. We recognize that the *Copyright Act* protects the CBSA identifiers (such as badges, logos, branding images etc.) from illegitimate use, trade and sale.

Consult Section 3 of the *Public Servants Inventions Act*.

Consult the Directive on the Use of the CBSA Brand: Corporate Identity.

7.3. Returning Property and Assets When Reassigned or Leaving the Job

We will return all government property and assets received as part of our duties when we leave our position or if we are temporarily reassigned, or when requested by a proper authority.

8. Confidentiality and Disclosure of Information

Our CBSA value of **Professionalism** includes our role as custodians of government resources. As professionals, we acquire information, preserve it and share it only when authorized to do so.

For more information, consult CBSA's Privacy Code of Principles and the Information Sharing Toolkit.

We are legally obliged to protect the privacy of individuals and our commercial clients' business information. In doing so, we comply with section 107 of the *Customs Act* and section 8 of the *Privacy Act* in the collection, use, sharing, storage, disclosure, distribution and disposal of any personal information pertaining to individuals or commercial information pertaining to businesses.

We keep in strict confidence all information that we obtain about CBSA's clients and all other official information including policies, programs, practices and procedures to which the public does not have official access. We disclose this type of information to clients or designated representatives only if specifically authorized by legislative or Agency guidelines. We are especially vigilant when engaging in social media activities. For more guidance, consult section 3. Social Media.

For more information, consult the Access to Information and Privacy (ATIP) Reference Manual (PDF, 648 KB), specifically Chapter 3, section 3.5.

We do not destroy, alter, falsify or conceal a record, or direct anyone to do so, with the intent of obstructing the right of access set out in section 67.1 of the *Access to Information Act*.

Our CBSA value of **Integrity** encompasses the obligation to avoid inappropriate use of official information for personal purposes, for gain or financial benefit for ourselves or others, or to put others at a disadvantage. We access official information only if it is required to perform our duties and we are authorized to do so. We safeguard official information and use, process, store and handle designated or classified information only for purposes specified by the CBSA. We do not remove, hide, change, mutilate, copy or destroy any official information.

For more information, consult the CBSA's Security Handbook (PDF, 712 KB).

For more guidance, consult section 6. Electronic Network Access and Uses and Chapter 2: Conflict of Interest and Post-Employment.

When we are in doubt about how to treat specific information, we seek guidance from management.

CAUTION

When leaving employment, we cannot take with us or retain any CBSA records or documents, including paper documents, CDs and diskettes with electronic information, videos, etc. These include, but are not limited to, training materials and any third-party information obtained during the performance of your duties.

8.1. Providing Information or Testimony

We cooperate in governmental investigations including those conducted by Personnel Security and Professional Standards, a Health and Safety Officer, or a Senior Officer for Internal Disclosure Investigator who is carrying out his or her duties under the *Public Servants Disclosure Protection Act*.

We speak with candour if we are called upon to provide information and we provide complete access to the CBSA information systems, documents and records to the extent that such access is legally permitted.

We recognize that we are required to give testimony as requested by the Crown in cases enforcing program legislation and where our managers have authorized our participation. In doing so, we are honest and truthful. Should we be asked to assist in provincial or foreign authority investigations, we consult with our manager.

9. Harassment and Violence & Discrimination

Our CBSA value of **Respect** encompasses all that we do to value the inherent dignity of all people. We show respect by never engaging in discriminatory or harassing and violent behaviour.

The Canada Labour Code defines harassment and violence under subsection 122(1) as "any action, conduct or comment, including of a sexual nature that can reasonably be expected to cause offence, humiliation or other physical or psychological injury or illness to an employee, including any prescribed action, conduct or comment."

For more information, consult the Appendix A of the Canada Border Services Agency Workplace Harassment and Violence Prevention Policy

Discrimination involves treating someone differently or unfairly because of a personal characteristic or distinction which, whether intentional or not, has an effect which imposes disadvantages not imposed upon others, or which withholds or limits access to other members of society. There are thirteen prohibited grounds for discrimination under the *Canadian Human Rights Act*: race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability and pardoned conviction or record suspension.

Everyone is entitled to work in an environment free from harassment and violence & discrimination. These factors affect workplace and individual well-being and we acknowledge that they will not be tolerated. We accept our responsibility to treat fellow employees with fairness, respect and dignity, and we work with management to help foster a workplace that is safe and healthy.

We do not engage in any harassing and violent or discriminatory behaviour, action or inaction that could harm an employee's working relationships, job security or general well-being at work. This includes harassment and violence or discrimination of CBSA employees that may happen outside the workplace or outside working hours including activities on social media fora.

Harassment and violence and discrimination are serious matters. The filing of frivolous or unsubstantiated claims can damage an employee's reputation and cause them emotional harm. We recognize that this is unacceptable and therefore we make every effort to resolve the situation or conflict as soon as possible, in a fair and respectful manner, before resorting to the complaint process.

Employees subjected to harassment or violence or who witness someone being subjected to harassment or violence must notify their manager or the National Integrity Centre of Expertise. The employee may notify their manager or the National Integrity Centre of Expertise of a harassment or violence occurrence verbally or in writing or by completing the Workplace Harassment and Violence Notification of Occurrence form.

CAUTION

Disciplinary or corrective measures will also be taken against the following:

- any manager who is aware of a harassment or violence situation and who fails to take corrective action;
- anyone who interferes with the resolution of a complaint by threats, intimidation or retaliation; or
- anyone who files a complaint that is frivolous or in bad faith.

For more guidance consult the following specific sections:

3. Social Media
4. Private, Off-Duty Conduct and Outside Activities
10. Contact with the Public
11. Contact with the People We Work With

10. Contact with the Public

Our CBSA values of **Respect**, **Integrity** and **Professionalism** guide our interactions with members of the public. As CBSA employees we demonstrate these values in a number of ways, including:

For more information, consult Our Service Commitment.

- by providing quality service that is fair, accurate, accessible, efficient, timely and respectful of Canada's official languages;
- by continually striving to achieve service excellence;
- by communicating with the public, at all times, in a respectful manner including on social media fora and when using electronic communication devices;
- by never engaging in discriminatory or harassing behaviour; and
- by never making abusive, derisive, threatening, insulting, offensive or provocative statements or gestures to or about another person. Consult section 2 of the *Canadian Human Rights Act*.

For more information, consult the *Policy on Violence Prevention in the Workplace* (PDF, 282 KB) and the *Policy on Abuse, Threats, Stalking and Assaults against Employees* (PDF, 372 KB) and the Guidelines for Abuse, Threats, Stalking and Assaults Against Employees (PDF, 334 KB).

For more guidance, consult the following specific sections:

3. Social Media
9. Harassment and Discrimination

CAUTION

Discrimination is an action or a decision that treats a person or a group negatively based on the prohibited grounds of discrimination. There are thirteen grounds for discrimination under the *Canadian Human Rights Act* (CHRA): race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability, and a pardoned conviction or record suspension. The CHRA prohibits all CBSA employees from discriminatory practices based on one or more of the grounds of discrimination. These discriminatory practices include denying someone a service or accommodation or providing someone services or accommodation in a way that treats them adversely and differently. As professionals, we are aware of our CHRA obligations in the conduct of our duties and in our interactions with the public.

These obligations would apply, for example, but are not limited to the following situations:

- Border Service Officers (BSOs) processing travellers seeking admission to Canada
- Superintendents addressing a traveller's complaint
- Inland Enforcement Officers retaining a person in custody who requires religious accommodation
- Senior Officers Trade Compliance providing services to commercial clients
- Recourse Officers conversing with clients and their representatives during the appeal process
- Human Resources Advisors responding to inquiries from job fair participants
- Procurement Officers interacting with external vendors
- Technical Advisors liaising with commercial clients at the front counter
- Senior Investigators interviewing members of the public as witnesses

Working with the public occasionally involves dealing with difficult people. Clients' actions may sometimes be disrespectful, abusive, or threatening. They may even result in personal assault. If there is a need to resort to use of reasonable force we do so in accordance with CBSA training procedures and policies.

We must promptly report the full details of any incident to our manager and cooperate in any subsequent investigation.

The CBSA may provide us with protection, support and assistance in accordance with the *Policy on Legal Assistance and Indemnification*. This policy provides for both indemnification and legal assistance with respect to liability arising from circumstances in which we:

- acted in good faith;
- did not act against the interests of the Crown; and
- acted within the scope of our duties or course of employment with respect to the acts or omissions giving rise to the request (i.e. request for legal assistance and indemnification).

11. Contact With the People We Work With

Our CBSA values of **Respect, Integrity** and **Professionalism** guide our interactions with the people we work with including colleagues, clients, and stakeholders. As CBSA employees we demonstrate these values in a number of ways, including:

- by valuing the unique contributions of others within our diverse workforce;
- by fostering collaboration, professional learning, and innovation by being open and honest;
- by communicating with others, at all times, in a respectful manner including on social media fora and when using electronic communications;
- by never engaging in discriminatory or harassing behaviour;
- by considering the effect our decisions and actions have on others; and
- by never making abusive, derisive, threatening, insulting, offensive or provocative statements or gestures to or about another person. Consult section 2 of the *Canadian Human Rights Act.*

For more guidance, consult sections:

3. Social Media
4. Private, Off-Duty Conduct and Outside Activities
9. Harassment and Discrimination

12. Neglect of Duty

Although this Code sets out expected standards of conduct for all employees at CBSA, they are not all-inclusive. Our CBSA value of **Professionalism** encompasses being attentive, alert and reliable. Therefore, neglecting our duties falls short of our high standards. For example, as professionals we:

- carry out policies, procedures, or assignments or instructions from our managers without delay;
- follow applicable laws, rules, regulations, or policies;
- avoid a general lack of attention or sleeping on-the-job;
- attend work as scheduled; and
- are not absent from work without reasonable cause or authorization.

For more guidance, consult 1.1 Hours of Work

13. Safety and Security

Our CBSA value of **Professionalism** entails competency. We demonstrate competency by observing safety and security standards, rules and procedures established for the workplace and the use of equipment while on the job.

We promptly report to our manager when there is a threat or any work-related hazard, accident or injury to ourselves or other employees.

Examples: Safety issues can include allergies and sensitivities to food or scents or the effects of a psychological trauma.

For more information, consult the Standard for Security Incident Reporting (PDF, 501 KB).

For more information, consult the *Canada Labour Code* and the *Canada Occupational Health and Safety Regulations.*

CAUTION

Immediately notify your manager or a security officer if you become aware of:

- a security infraction;
- a negligent or criminal act;
- an unsafe or hazardous condition at work;
- an accident or injury to yourself or other employees; or
- a failure on the part of any employee to observe workplace safety and security standards, rules and procedures.

14. Use of Personal Electronic Devices at Work

Our CBSA value of **Professionalism** guides our behaviour at work so that we remain productive and avoid distracting or interfering with the work of others. It also includes being constantly aware of the potential for security breaches.

As CBSA **employees working at Ports of Entry, and in any other CBSA offices where service to the public is provided**, we do not use any personal electronic communication devices while performing our official duties.

As CBSA **employees not directly serving the public**, we minimize our use of personal electronic devices while we are performing our duties. If we are in doubt as to what is appropriate use, we consult and seek direction from our manager.

For more guidance, consult section 3. Social Media.

For more information, consult the *Policy on the Use of Personal Electronic Communication Devices in the Workplace.*

Examples: Personal electronic devices include but are not limited to: smart phones (including those with cameras), pagers, Bluetooth devices, laptop computers, gaming devices, tablets, IPods, recording devices, smartwatches, etc.

15. Consumption of Intoxicants, Illegal Drugs and Smoking

Our CBSA value of **Professionalism** entails being ready and able to provide service excellence in a secure and safe work environment. Our CBSA value of **Respect** requires that we value and act within the rule of law.

As professionals, we never report to work impaired or under the influence of an intoxicant. Employees occupying a safety-sensitive position are not to consume any cannabis within 24 hours of reporting for regular duty, standby or overtime.

We never use or are never found to be in possession of (except in relation to the performance of our duties) illegal drugs while on or off-duty.

Clarification: Intoxicants are defined as any substance that may affect an individual's ability to perform their duties safely and productively. Intoxicants include alcohol, cannabis, cannabis products, or any drugs – illicit or legal – where their usage has the potential to adversely affect the way a person thinks, feels, and acts.

For more information, consult the *Policy on the Use of Intoxicants* and the Questions and Answers.

Clarification: Contraband cigarettes fall under the category of illegal goods.

We recognize that, on occasion, consumption of alcohol may take place on CBSA premises in connection with the celebration of special events. Such activities are authorized by management and take place in areas not open to the public. Following these activities, we must be able to carry out our responsibilities effectively. Impairment due to consumption of intoxicants is not tolerated.

If we smoke tobacco or consume vaping products, we do so only during rest periods and not on duty or in any building where the CBSA conducts its business.

16. Financial Matters

Our CBSA value of **Integrity** requires us to separate our personal financial affairs from the handling of official financial matters.

16.1. Borrowing or Lending Money

We do not:

- borrow money or incur financial obligations from a client;
- present a personal cheque to be cashed by a client; or
- ask any employee to, or offer to, sign a financial instrument as an endorser or co-signer, to secure an amount of money being lent or borrowed, unless that employee is a relative or a common-law partner.

16.2. Care of Money, Credit Cards and Items Having a Financial Value

We follow established procedures and reasonable standards of care in accounting for, safeguarding and using government money, credit cards and any type of item having a financial value (e.g. phone cards, smart phones, cell phones, laptops, etc.) in our possession or control.

We immediately report to our manager if monies, credit cards or any type of item with a financial value is misplaced, lost or stolen while in our care.

For more guidance, consult section 7. Care and Use of Government Property and Assets.

16.3. Endorsing Cheques

We do not endorse cheques, either personal or business, made payable to "cash" issued by customs-house brokers, importers or their agents. Endorsing such a cheque may contribute to a possible misappropriation of business funds.

16.4. Illicit Gambling

We do not gamble on CBSA premises on or off-duty. Additionally, the Treasury Board *Policy on Acceptable Network and Device Use* prohibits the use of computer systems and electronic networks for the purpose of illicit gambling.

For more guidance consult section 6. Electronic Network Access and Uses.

CAUTION

Draws, usually called "50-50" draws (i.e., collections taken up by public servants to establish a sum of money, half of which would go to the winner of the draw and the other half to a charity) are exempt from this Code. They are considered social and voluntary activities shared by public servants. However, **draws of this type are regulated by provincial authorities and are subject to licensing requirements**.

16.5. Legal Provisions and Fraud

We comply with all legal provisions governing financial matters and safeguard against any potential situations of fraud or inappropriate use of funds as stated in the *Financial Administration Act*, the *Criminal Code* and the *Proceeds of Crime (Money Laundering) and Terrorism Financing Act*.

We immediately report to our manager if we have knowledge or awareness of any violation or fraud.

17. Unions and Similar Employee Associations

The CBSA respects the right of employees to belong to employee organizations (unions) and to take part in their legal activities.

Tip: Before participating in any union or employee association activity, we refer to our collective agreement to ensure it is not an illegal strike activity or job action.

Chapter 2: Conflict of Interest and Post-Employment

Our CBSA value of **Integrity** compels us to act at all times in a manner that will bear the closest public scrutiny. This behaviour goes beyond simply acting within the law. We do this by never using our official roles to gain advantage for ourselves or others or to cause disadvantage to others. We take the time to review our role as CBSA employees and as public servants to ascertain if there are any real, apparent or potential conflicts of interest between our official responsibilities and our private affairs. We take all possible steps to prevent and resolve any such conflicts of interest in favour of the public interest. We recognize that these obligations entail maintaining our employer's trust.

As public servants we are bound by the Treasury Board Secretariat (TBS) *Policy on Conflict of Interest and Post-Employment* as a part of our terms and conditions of employment. Key sections of this Policy are outlined below.

Examples of real conflicts of interest:

- processing importation of personal goods or that of a family member or friend as an officer at POE;
- processing of a traveller we know personally; or
- helping a friend set up an import/export business by divulging non-publicly available information.

Tip: According to the Federal Court of Appeal in Threader, the existence of an apparent conflict of interest must be determined by the following question:

"Would an informed person, viewing the matter realistically and practically and having thought the matter through, think it more likely than not that the public servant, whether consciously or unconsciously, will be influenced in the performance of his/her official duties by considerations having to do with his/her private interests?"

Threader v. Canada (Treasury Board), [1987] 1F. C. 41 (CA) paragraph 27.

Examples of potential conflicts of interest:

- employment with an import/export business;
- receiving benefits or income either directly or indirectly from a contract with CBSA;
- employment with an HR company while performing HR functions at CBSA;
- member of a board of directors of an import/export association.

A. Definitions

Conflict of Interest (COI): is a situation in which the public servant has private interests that could improperly influence the performance of his or her official duties and responsibilities or in which the public servant uses his or her office for personal gain.

- A real conflict of interest exists at the present time.
- An apparent conflict of interest could be perceived by a reasonable observer to exist, whether or not it is the case.
- A potential conflict of interest could reasonably be foreseen to exist in the future.

Conflict of Duties: a conflict that arises, not because of a public servant's private interests, but as a result of one or more concurrent or competing official responsibilities. For example, these roles could include his or her primary public service employment and his or her responsibilities in an outside role that forms part of his or her official duties, such as an appointment to a board of directors, or other outside function.

Public servant: a person employed in organizations defined in section 2 of the Policy. This includes indeterminate and term employees, employees on leave without pay, students participating in Student Employment Programs, casual, seasonal and part-time workers.

Although they may not be public servants, individuals on incoming Interchange Canada assignments are expected to comply with, and volunteers are expected to respect, the requirements in Appendix B of the

Policy. Order-in-council appointees, such as deputy heads, are subject to the *Conflict of Interest Act*, and are not subject to this Policy. Although, not bound by this Policy, we ask contractors and service providers to respect the spirit and intent of its requirements.

B. Prevention of Conflict of Interest

This section provides the conflict of interest and post-employment requirements. These requirements are grounded in and serve to uphold our values. By upholding these ethical standards, we conserve and enhance public confidence in the honesty, fairness and integrity of the public service. These requirements also form part of Canada's commitments as a signatory to international agreements on values and ethics.

We maintain public confidence in the objectivity of the public service by preventing and avoiding situations that could give the appearance of a conflict of interest, result in a potential for a conflict of interest, or result in an actual conflict of interest. Conflict of interest does not relate exclusively to matters concerning financial transactions and the transfer of economic benefit. While financial activity is important, conflicts of interest in any area of activity can negatively impact the perceived objectivity and impartiality of the public service. This is especially important with respect to activities on social media fora and when using electronic communication devices.

It is impossible to foresee every situation that could give rise to a real, apparent or potential conflict of interest. When in doubt, we should refer to the requirements set out in this Code and the *Values and Ethics Code for the Public Sector* to guide appropriate action. We can also seek guidance from our manager or explore options with the Office of Values and Ethics (E-mail) or consult the Resources posted on Atlas.

Tips to resolve conflicts of interest:

- If a family member or friend comes through the PIL, whenever possible, have someone else clear them.
- If we have worked in a program area that we are being asked to audit, we should declare it.
- If a family member or friend is a candidate in a staffing process, we should recuse ourselves from the selection committee.

In addition to the requirements outlined in this Code, we are also required to observe any specific conduct requirements contained in the statutes governing the CBSA and our profession, where applicable.

Ultimately, each one of us is responsible for preventing, avoiding and resolving his or her real, apparent or potential conflict of interest situations.

C. General Responsibilities and Duties

Our general responsibilities and duties include:

a) Taking all possible steps to recognize, prevent, report, and resolve any real, apparent or potential conflicts of interest between our official responsibilities and any of our private affairs;
b) Unless otherwise permitted in Appendix B of the Policy, refraining from having private interests, which would be unduly affected by government actions in which we participate, or of which we have knowledge or information;
c) Not knowingly taking advantage of, or benefiting from, information that is obtained in the course of our duties that is not available to the public;

d) Refraining from the direct or indirect use of, or allowing the direct or indirect use of government property of any kind, including property leased to the government, for anything other than officially approved activities;
e) Not assisting private entities or persons in their dealings with the government where this would result in preferential treatment of the entities or persons;
f) Not interfering in the dealings of private entities or persons with the government in order to inappropriately influence the outcome;
g) Maintaining the impartiality of the public service and not engaging in any outside or political activities that impair or could be seen to impair our ability to perform our duties in an objective or impartial manner; and
h) Ensuring that any real, apparent or potential conflict that arises between our private activities and our official responsibilities as a public servant is resolved in the public interest.

D. Conflict of Interest During Employment:

In order to prevent and resolve conflict of interest situations during employment, we are required to report in writing according to CBSA procedures (as outlined in each of the following sections) using the Conflict of Interest Report (PDF, 2.7 MG), all outside activities, assets and interests that might give rise to a real, apparent or potential conflict of interest in relation to our official duties. **Such a report is to be made within 60 days of our initial appointment or any subsequent appointment, transfer or deployment. This must be done in consultation with our manager**.

On a regular basis thereafter, and every time a major change occurs in our personal affairs or official duties, we are required to review our obligations under this Code and the *Values and Ethics Code for the Public Sector*. If a real, apparent or potential conflict of interest exists, we must complete and submit a Conflict of Interest Report (PDF, 2.7 MG) according to CBSA procedures (as outlined below) in a timely manner.

When negotiating financial arrangements with outside parties, we are to comply with the requirements listed in this Code as well as other related directives or policies issued by the Treasury Board and the CBSA. When in doubt, we are to immediately report the situation to our manager in order to seek advice or direction on how to proceed. In addition to reporting to our manager, we can explore our options with the CBSA's Office of Values and Ethics (E-mail).

Consult the Treasury Board Secretariat's FAQs: Policy on Conflict of Interest and Post-Employment.

1. Personal Assets

We are required to evaluate our personal assets, taking into consideration the nature of our official duties and the characteristics of our assets. If there is any real, apparent or potential conflict of interest between the carrying out of our official duties and our assets, we are to report this matter to the President's delegated authority in a timely manner, using the Conflict of Interest Report (PDF, 2.7 MG). Additionally, we are to notify our manager that a CBSA Conflict of Interest Report has been submitted and notify him/her when and if the conflict of interest has been resolved.

For more information, consult CBSA's List of Reportable and Exempt Assets and Liabilities.

Where the President's delegated authority determines that any of these assets results in a real, apparent or potential conflict of interest in relation to our official duties, we may be required to divest those assets, or to take measures to resolve the conflict. We may not sell or transfer assets to family members or anyone else for the purpose of circumventing the compliance requirements.

The types of assets that should be reported and the procedures for reporting and managing such assets are set out in the *Directive on Reporting and Managing Financial Conflicts of Interest*.

2. Outside Employment or Activities

We may engage in employment outside the public service and take part in outside activities unless the employment or activities are likely to give rise to a real, apparent or potential conflict of interest or would undermine the impartiality of the public service or our objectivity.

After consultation with our manager and if there is any doubt that our outside employment or activities might subject us to demands incompatible with our official duties, or cast doubt on our ability to perform our duties or responsibilities in a completely objective manner, we are required to complete and submit a Conflict of Interest Report (PDF, 2.7 MG) to our manager. In addition to reporting to our manager, we can explore our options with the CBSA's Office of Values and Ethics (E-mail). Our manager may require that the outside activities be modified or terminated if it is determined that a real, apparent or potential conflict of interest exists. The final decision rests with our Director General or Regional Director General.

Clarification: Displaying promotional items or products can create a conflict of interest because in doing so we are seeking to obtain a personal benefit through our workplace associations. If you wish to display any promotional materials on a bulletin board reserved for posting employees' outside activities, you must first obtain management approval.

Consult also, Clarification on 5. Solicitation and Fundraising.

3. Political Activities

Part 7 of the *Public Service Employment Act* (PSEA) recognizes our right, as public servants, to engage in political activity as long as it does not impair, or is not perceived to impair, our ability to perform our duties in a politically impartial manner. Whether a political activity will compromise impartiality, or will be perceived as doing so, depends on factors such as the nature of the political activity, the nature of our duties within the organizational context, and the level and visibility of our position.

"Political activities" are defined in Part 7 of the PSEA as:

- any activity in support of, within or in opposition to a political party;
- carrying on any activity in support of or in opposition to a candidate before or during an election period; or,
- seeking nomination as or being a candidate in an election before or during the election period.

If we wish to engage in a political activity not covered by Part 7 of the PSEA that could constitute a conflict of interest we are required to report the proposed activity to the CBSA's Designated Political Activities Representative

Clarification: Please note that elections for Indian band councils and school boards do not fall under the political activities provisions of the PSEA.

Clarification: Examples of non-candidacy political activities include:

- going door-to-door to solicit votes for a candidate or party;
- putting a sign on your front lawn supporting a candidate;
- donating to a candidate or party;
- attendance at a political rally (not to be done in uniform).

Consult the PSC's Political Activities Self-assessment Tool.

(E-mail) (DPAR). Similarly, if we are subject to this Code but not subject to Part 7 of the PSEA, including casual and part-time workers, and wish to engage in any political activity that could constitute a conflict of interest, we are to report the proposed activity to CBSA's DPAR.

Before engaging in political activities, or if we are unsure whether the political activity we want to engage in is appropriate, we discuss our interest in becoming involved in a political activity with our immediate supervisor who may be able to offer advice and guidance concerning the political impartiality aspect of the PSEA requirements, given our current job responsibilities. We can also seek advice and direction from CBSA's DPAR. For more information, consult General Political Activities.

As CBSA employees, we recognize that:

- to be a **candidate in a federal, provincial, territorial or municipal election** we have to request and obtain permission from the Public Service Commission (PSC);
- the PSC may make permission conditional on us taking a leave of absence without pay (LWOP) for the period, or any part of the period, where we are seeking nomination, or being a candidate, before and during the election period;
- the PSC may make permission conditional on us taking a LWOP or ceasing to be an employee if declared elected; and
- we need to **submit a completed political candidacy request** to the CBSA's DPAR **eight weeks before we require a decision** (i.e. deadline to submit our candidacy).

Clarification: You cannot use government property or resources or wear your official uniform or identifiers during political activities or political candidacy related activities.

Consult the short online PSC video: Candidacy Process.

For more information speak to your manager and/or CBSA's Designated Political Activities Representative (E-mail).

CAUTION

We are required to seek and obtain permission from the Public Service Commission to be a candidate, or seek to be nominated as one, in a federal, provincial, territorial, or municipal election. Before seeking nomination please read and comply with the Political Candidacy Request Process. Note that the responsibility for determining whether seeking nomination or being a candidate will compromise impartiality, or will be perceived as doing so, rests with the Public Service Commission.

Should we take part in any political activity, we will ensure that the nature of our participation does not conflict with our ability to:

- remain loyal to the Government of Canada;
- maintain an impartial and effective public service; and
- be politically neutral, in consideration of our position and visibility as a CBSA employee.

4. Gifts, Hospitality and Other Benefits

We are expected to use our best judgment to avoid situations of real, apparent or potential conflicts of interest by considering the following criteria on gifts, hospitality and other benefits while keeping in mind the full context of the *Values and Ethics Code for the Public Sector*, this *Code of Conduct* and the *Policy on Conflict of Interest and Post-Employment*.

Tip: Our BSOs from Edmundston, NB use the following test: "Would I have received this gift if I did not work for the CBSA?" If the answer is no, they decline the gift.

4.1. Acceptance

We are not to accept any gifts, hospitality or other benefits that may have a real, apparent or potential influence on our objectivity in carrying out our official duties and responsibilities, or that may place us under obligation to the donor. This includes activities such as free or discounted admission to sporting and cultural events, travel or conferences.

If we are offered a gift, hospitality or other benefits, we advise our manager, regardless of whether it is accepted or refused.

Although the normal expectation is that we do not accept gifts, hospitality or other benefits, it is permissible if they:

- are infrequent and of minimal value such as low-cost promotional objects, simple meals or souvenirs with no cash value (we use reasonable judgment to determine “minimal value” as it does not correspond to a specific dollar amount);
- are within the normal standards of courtesy, hospitality or protocol;
- arise out of activities or events related to official duties; and
- do not compromise or appear to compromise our integrity or that of the CBSA in any way.

Tip: Defining minimal value depends upon the context in which the gift is being accepted. The dollar value of an item is less important than the perception of accepting a gift e.g. If we are responsible for procurement and accept a low-cost coffee mug with a logo from a current or potential supplier, then there is a perception that we might favour this company.

Before accepting any gifts take into consideration the following:

- How does this appear to an outside objective person?
- Who is the gift from and what is their intent?
- Is it to gain favour or advantage?

In case of doubt, it is best to decline the gift, hospitality or other benefits.

CAUTION

Soliciting or accepting a commission, reward, advantage or benefit of any kind from a person or commercial organization that has dealings with the Government of Canada, without obtaining the required written consent through our manager, is an offense under the *Criminal Code*, as well as a serious breach of this Code. This could be considered a bribe.

4.2. Situations Where it May be Impossible to Decline a Gift, Hospitality, Other Benefit

We are to seek written direction from our manager where it is impossible to decline gifts, hospitality and other benefits that do not meet the principles set out above, or where it is believed that there is sufficient benefit to the CBSA to warrant acceptance of a certain type of hospitality. In such cases we are expected to promptly declare the gift, hospitality or benefit and seek written direction on what to do (e.g. accept the gift on behalf of the Agency, accept the gift and donate it to charity, etc.). We can explore our options with the CBSA's Office of Values and Ethics (E-mail) in these situations.

4.3. Honoraria

When we participate in events (speaker at a conference, panel etc.) in our official capacity, we do not accept any form of honorarium, regardless of whether such participation was during or outside work hours.

4.4. Travel Offers From a Third Party

In the course of our duties, we may receive offers from stakeholders to cover travel-related costs when we are called upon to collaborate with them or are invited to a conference as a speaker or guest.

If a third party offers to pay or reimburse the costs related to our travel, we must assess whether the offer poses a risk of real, apparent, or potential conflict of interest, or whether it may have, or give the appearance of having, influence on our objectivity in carrying out our official duties. We must also ensure that the acceptance of the offer would not contravene any legal, financial or policy requirements.

Accepting any offer of funded travel from a third party is unacceptable when:

- it would result in a direct personal benefit from the third party;
- the offer of funded travel was solicited;
- the third party is a potential or current supplier to the CBSA;
- the third party actively lobbies the CBSA; or
- the third party receives grants or contributions from the CBSA, unless a cost-sharing agreement exists between the Agency and the organization and where this type of expense is part of the agreement.

If management decides that there is a benefit and a value added for the CBSA in our attending an event, then Agency source funding should be identified to cover the cost of the travel.

Clarification: Public servants using the Government of Canada fleet card are not permitted to accumulate rewards and/or reward points on their own personal loyalty cards (i.e.: Air Miles, Petrol-Points, or other types of reward points) or receive cash-backs for fuel purchases and/or repairs made using the Government of Canada fleet card.

The only exception can be found under the Treasury Board approved Travel Directive:

"Provided that there are no additional costs to the Crown, public servants travelling on government business can join loyalty programs and retain benefits offered by the travel industry for business or personal use. Such privilege is conditional upon the use of government approved services and products."

5. Solicitation and Fundraising

With the exception of fundraising for officially supported activities such as the Government of Canada Workplace Charitable Campaign (GCWCC), we may not solicit gifts, hospitality, other benefits or transfers of economic value from a person, group or organization in the private sector who has dealings with the government. When fundraising for such official activities we should ensure that we have prior written authorization from our manager, who will seek written authorization from the President's delegated authority to solicit donations, prizes or contributions in kind from external organizations or individuals.

Similarly, if an outside individual or entity, with whom the CBSA has past, present or potential official dealings, offers a benefit to the Agency such as funding for an event or a donation of equipment, we are to consider whether any real, apparent or potential conflict of interest exists, and obtain the consent in writing of our manager, who will seek written authorization from the President's delegated authority prior to accepting any such benefit.

The President's delegated authority may require that the activities be modified or terminated where it is determined that there is a real, potential or apparent conflict of interest or an obligation to the donor. These provisions are designed to ensure that this policy is consistent with paragraph 121(1) (c) of the *Criminal Code*.

Tip: To prevent conflict of interest situations during GCWCC campaign, take into consideration the following:

- Does the donor have an existing business relationship with CBSA?
- Is the donor in a negotiation with the CBSA to establish a business relationship?
- Is the donor seeking an advantage either from us in our official capacity or from the Agency in general?
- From the point of view of an outside, objective person, how does acceptance of this donation appear?

Clarification: If we are raising donations, sponsorships or selling products for charitable purposes, we should not solicit these in person or display any promotional materials, products, solicitation sheets etc. without management approval.

Consult also, the Clarification on 2.Outside Employment or Activities.

6. Avoidance of Preferential Treatment

We are responsible for demonstrating objectivity and impartiality in the exercise of our duties and in our decision-making, whether related to staffing, financial awards or penalties to external parties, transfer payments, program operations or any other exercise of responsibility.

This means that we are prohibited from granting preferential treatment or advantages to family, friends or any other person or entity. We are not to offer extraordinary assistance to any entity or persons already dealing with the government without the knowledge and support of our supervisor. We also are not to disadvantage any entity or persons dealing with the government because of personal antagonism or bias.

Providing information that is publicly accessible is not considered preferential treatment.

6.1. Relationship/Partnership with External Stakeholders

As public servants, we are called upon to have contact with a variety of stakeholders. It is important to be, and be perceived as being, impartial and objective in all our dealings with our stakeholders, and to remember that we represent the CBSA and the Government of Canada. Care must be taken to keep our relationships with stakeholders professional and to avoid any real, apparent or potential conflict of interest.

In small communities, CBSA is often a visible and significant part of the community. In such cases, it may be a greater challenge for us to keep our professional and personal lives separate. Maintaining our professional demeanour in public fora and assessing the effect of our personal behaviour on our professional roles becomes especially important in these circumstances.

Clarification: To avoid preferential treatment or the appearance thereof, public servants are not to offer extraordinary assistance to any entity or persons without the knowledge and approval of their supervisor. They cannot directly or indirectly endorse a vendor, partner, client and/or stakeholder or request the same in return to promote or endorse a CBSA program. This includes but is not limited to:

- Providing testimonials on the quality of a vendor's product and/or service
- Displaying an outside entity's logo on ATLAS or on any other CBSA communication product
- Soliciting a testimonial from a partner to endorse or promote a CBSA program

6.2. Reporting Relationships

Given that as managers or supervisors, we are expected to be unbiased and fair in managing our team, a reporting relationship between family members is a real conflict of interest and should be avoided since it creates the appearance of preferential treatment. The closeness and visibility of the relationship are factors to consider in determining the extent to which the definition of family may be applied. For instance, close personal relationships that may not satisfy the legal definition of family but may contribute to a perception of preferential treatment should also be avoided in reporting relationships.

It is our responsibility to identify situations where we may be in a situation of conflict of interest with respect to reporting relationships and to take appropriate action. In cases where it is impossible to avoid the conflict of interest, management should assign certain responsibilities regarding the reporting employee (performance assessment, leave approval, financial approvals, etc.) to another supervisor, or take other administrative measures to minimize the risk of a conflict of interest.

E. Conflict of Interest Before and After Leaving Employment

We all have the responsibility to minimize the possibility of real, apparent or potential conflict of interest between our most recent responsibilities within the federal public service and our subsequent employment outside the public service.

Before leaving our employment with the public service, we are all to disclose our intentions regarding any future outside employment or activities that may pose a risk of real, apparent or potential conflict of interest with our current responsibilities and discuss potential conflicts with our manager or the President's delegated authority.

1. Post-Employment Limitation Period When in Designated Positions

At CBSA, EX positions or their equivalent, as well as EX minus 1 and EX minus 2 positions and their equivalent (e.g., PM-06, IS-05, AS-07), are designated for post-employment limitation. In addition, the President is responsible for designating positions of risk for post-employment conflict of interest situations. Such designations are to be communicated to potential and current employees.

If we occupy these designated positions, we are subject to a one-year limitation period after leaving employment with the federal public service. Before leaving and during this one-year limitation period, we are to report to the

President's delegated authority all firm offers of employment or proposed activity outside the public service that could place us in a real, apparent or potential conflict of interest with our public service employment.

We are also immediately to disclose the acceptance of any such offer.
In addition, we may not, during this one-year period after leaving the federal public service, without the authorization of the President's delegated authority:

a) accept appointment to a board of directors of, or employment with, private entities with which we had significant official dealings during the period of one year immediately prior to the termination of our service. The official dealings in question may either be directly on our part or through our subordinates;
b) make representations to any government organization on behalf of persons or entities outside of the public service with which we had significant official dealings, during the period of one year immediately prior to the termination of our service. The official dealings in question may either be directly on our part or through our subordinates; or
c) give advice to our clients or employer using information that is not publicly available concerning the programs or policies of the departments or organizations with which we were employed or with which we had a direct and substantial relationship.

Clarification: If you are in a "designated position," all post-employment conflict of interest situations should be taken into consideration, not just the three additional considerations as listed under a), b) and c).

Consult the Post-Employment Considerations and Exit Interviews.

2. Waiver or Reduction of Limitation Period

We may apply to the President's delegated authority for a written waiver or reduction of the post-employment limitation period. To do so, we are to provide sufficient information to assist the President in making a determination as to whether to grant the waiver taking into consideration the following criteria:

a) the circumstances under which the termination of our service occurred;
b) our general employment prospects;
c) the significance to the government of information we possessed by virtue of our position in the public service;
d) the desirability of a rapid transfer of our knowledge and skills from the government to private, other governmental or non-governmental sectors;
e) the degree to which the new employer might gain unfair commercial or private advantage by hiring us;
f) the authority and influence we possessed while in the public service; and/or
g) any other consideration at the discretion of the President.

F. Resolution

With respect to the arrangements necessary to prevent real, apparent or potential conflict of interest, or to comply with the requirements set out above, it is expected that situations will be resolved through discussion with the President's delegated authority. When we disagree on the appropriate arrangements to resolve a real, apparent or potential conflict of interest, the disagreement will be resolved through the resolution procedures established by the Office of Values and Ethics (E-mail).

G. Consequences

If we do not comply with the requirements set out in this chapter we may be subject to disciplinary measures, up to and including termination of employment.

Chapter 3: Disclosure of Information Concerning Wrongdoing in the Workplace

Wrongdoing is defined as:

a) the contravention of an Act of Parliament or of the legislature of a province, or of any regulations made under any such Act;
b) the misuse of public funds or assets;
c) gross mismanagement in the federal public sector;
d) an act or omission that creates a substantial and specific danger to the life, health and safety of Canadians or the environment;
e) a serious breach of a *Code of Conduct*;
f) knowingly directing or counselling a person to commit a wrongdoing.

When we have reasonable grounds to believe that a public servant has committed or is about to commit a wrongdoing in the workplace, under the *Public Servants Disclosure Protection Act* (PSDPA), we have three options to disclose this information. Our identity will be protected and we will be afforded protection against reprisal when we report wrongdoing using any of the three options:

Clarification: Disclosing information concerning wrongdoing in the workplace is voluntary.

1. we can talk to our manager.
2. we can disclose this information to the CBSA Senior Officer for Internal Disclosure (E-mail).
3. we can disclose this information to the Public Sector Integrity Commissioner.

Consult the CBSA Protected Disclosure of Wrongdoing Process.

When we disclose information concerning wrongdoing, we are expected to:

1. follow the internal procedures established to bring forward instances of wrongdoing in the workplace;
2. respect the reputation of individuals by not making trivial or unsubstantiated disclosures of wrongdoing or by making disclosures in bad faith; and
3. provide no more information than is reasonably necessary to make the disclosure.

Clarification: Managers in receipt of a disclosure of information concerning wrongdoing **do not** report through the chain of command. They must immediately contact the Senior Officer for Internal Disclosure (E-mail) to seek guidance.

CBSA employees should ensure that allegations or evidence of misconduct or wrongdoing is reported immediately.

When receiving a disclosure of wrongdoing under the PSDPA, managers must immediately report to the CBSA Senior Officer for Internal Disclosure (E-mail) any activity, statement or documentation that comes to their attention that may involve or constitute wrongdoing and/or improper (or criminal) activity.

When informed of any allegation or evidence of employee misconduct or wrongdoing, CBSA will investigate to ensure that the reputation of its employees and the integrity of CBSA operations are protected. Appropriate measures will be taken as a result of misconduct or wrongdoing.

For more guidance, consult the CBSA Protected Disclosure of Wrongdoing Process and Chapter 4: Disciplinary Measures and Resolutions of Issues Pertaining to the *Code of Conduct*.

Chapter 4: Disciplinary Measures and Resolutions of Issues Pertaining to the Code of Conduct

On its own, CBSA's *Code of Conduct* cannot address all ethical issues that may arise in the course of carrying out our Agency's mandate. As CBSA employees and as public servants we are expected to uphold a high standard of conduct and to respect and act in accordance with the *Values and Ethics Code for the Public Sector,* the *Policy on Conflict of Interest and Post-Employment*, and the CBSA *Code of Conduct*.

If a breach of either Code or the Policy occurs, managers are responsible for reviewing the breach and if required, consulting with Labour Relations and/or referring the case to Personnel Security and Professional Standards to determine appropriate action.

A decision regarding disciplinary measures will be determined on a case-by-case basis taking into consideration the nature of the breach and the seriousness of the misconduct. **Serious breaches will result in consequences up to and including termination of employment.** Some cases of misconduct may result in an employee being found guilty of an indictable offence and liable, on conviction, to fines and/or imprisonment based on legislative and regulatory requirements.

As provided by Sections 12 and 13 of the *Public Servants Disclosure Protection Act* (PSDPA), **if we have information that could indicate wrongdoing**, we can bring this matter to our manager, to CBSA's Senior Officer for Internal Disclosure (E-mail), or to the Public Sector Integrity Commissioner. For more guidance consult Chapter 3 Disclosure of Information Concerning Wrongdoing in the Workplace.

Clarification: In order to respect the confidentiality of CBSA's Employee Assistance Program (EAP) and in accordance with the EAP Guidelines, coordinator-counsellors and referral agents, while in the performance of their duties as agents of the EAP, are not required to report information related to an actual or potential serious misconduct or wrongdoing unless there is a significant and imminent risk of harm to an individual or individuals.

The absence of a specific standard of conduct does not mean that an action is condoned and, consequently, it may still be subject to disciplinary measures up to and including termination of employment.

With respect to either Code or the Policy, we are encouraged to resolve issues in a fair, respectful, and timely manner and to consider informal processes (e.g. dialogue, seeking guidance from experienced colleagues, our manager, an Informal Conflict Management System Advisor or our union representative. We can also explore our options with the CBSA's Office of Values and Ethics (E-mail) or view additional Resources posted on Atlas).

CAUTION

We are not permitted to do anything illegal or contrary to the *Criminal Code*, the *CBSA Act*, or any legislation or regulation enforced by the Agency. **In the unlikely event of being arrested, detained or charged, whether on or off-duty**—in Canada or outside Canada—with a violation of laws or regulations, **we will immediately report this incident to our manager**. This includes minor incidents, such as a traffic violation or Highway Code violation ticket received while using a government-owned or leased vehicle. We must also **report to our manager, any contact or associations we have with known or suspected criminals outside our official duties,** so that we can protect ourselves and the Agency.

Appendix

Contacts

Office of Values and Ethics

For additional guidance concerning the *Values and Ethics Code for the Public Sector*, the *Policy on Conflict of Interest and Post-Employment* and this CBSA *Code of Conduct*, contact the office at ethics.ethique@cbsa-asfc.gc.ca.

Senior Officer for Internal Disclosure (SOID)

The SOID helps to promote a protected environment for disclosing wrongdoing as specified in the *Public Servants Disclosure Protection Act* (PSDPA) and deals with disclosures of wrongdoing made by CBSA employees and members of the public. For information visit the CBSA Disclosure of Wrongdoing Process site.

To make a confidential disclosure, please phone: 613-954-3604 or E-mail (disclosures.divulgation@cbsa-asfc.gc.ca).

The Office of the Public Sector Integrity Commissioner

The Office of the Public Sector Integrity Commissioner of Canada provides a safe and confidential mechanism enabling public servants and the general public to disclose wrongdoings committed in the public sector.

Personnel Security and Professional Standards

Personnel Security and Professional Standards is responsible for all policies relating to professional standards and personnel security screening review for cause investigations. Specifically, it is the responsible authority for investigating suspicions or allegations of employee misconduct and unfavourable information that could jeopardize an employee's security screening or clearance. For more information, contact CBSA Security.

Designated Political Activities Representative (DPAR)

The DPAR provides guidance for employees who want to engage in political activities. For information visit the CBSA Political Activities site or contact the DPAR (E-mail).

Informal Conflict Management System (ICMS)

We have a right to work in an environment where employees respect each other and work together with professionalism. Different expectations, disagreements, and conflict are a natural and occasional part of human relations whether at work, school, or in our social lives. The confidential and impartial services of your Informal Conflict Management System are available to support you at the CBSA in attempting to resolve conflict. One can choose to use ICMS services prior to initiating a formal process, or after putting a formal process on hold. For assistance contact your ICMS Advisor.



Employee Assistance Program

If we find ourselves in a challenging personal situation (e.g. difficulty managing our time, health issues, substance abuse, relationship issues, etc.) that could affect our professional relationships or performance at work, it is important to speak to our manager or other advisors. To help overcome personal challenges, we have access to the Employee Assistance Program. This Program is available 24 hours a day/7 days a week to help overcome such personal challenges. For more information, consult the Employee Assistance Program.

Other Resources

Assistance is also available from Labour Relations and Human Resources advisors and our union representatives.

Reference Documents

The following is a list of resources that relate to the CBSA *Code of Conduct*. It is by no means exhaustive, but it includes the most relevant material.

CBSA Act, Policies, Directives and Resources

- Access to Information and Privacy (ATIP) Reference Manual (PDF, 648 KB)
- *Canada Border Services Agency Act*
- CBSA National or Regional Spokespersons
- CBSA Privacy Code of Principles
- CBSA Protected Disclosure of Wrongdoing Process
- *CBSA Uniform Policy and Standards of Appearance*
- Comptrollership Manual – Finance Volume
- Comptrollership Manual – Security Volume
- Conflict of Interest Guidelines
- Conflict of Interest Report (PDF, 2.7 MG)
- Directive on the Appropriate Use of Electronic Mail (E-mail) (PDF, 395 KB)
- Directive on the Consumption of Intoxicants at CBSA Training Facilities and during CBSA Training Events (PDF, 640 KB)
- Directive on Engaging the Public Through Social Media
- Directive on the Use of the CBSA Brand: Corporate Identity
- Directive on the Use of Web 2.0 Tools and Services
- *Discipline Policy*
- E-cigarettes in the Workplace
- General Political Activity
- Guidelines for Abuse, Threats, Stalking and Assaults against Employees (PDF, 334 KB)
- Guidelines for the Directive on the Use of Wireless Technology
- Guidelines for (ID) Identification Cards (PDF, 858 KB)
- Guidelines for the Policy on the Use of Electronic Resources (PDF, 440 KB)
- Information Sharing Toolkit
- Leader's Profile
- LinkedIn
- List of Reportable and Exempt Assets and Liabilities
- Our Service Commitment



Policy on Abuse, Threats, Stalking and Assaults against Employees (PDF, 372 KB)
Policy on Disclosure of Customs Information: Section 107 of the Customs Act
Policy on Internal Investigations into Alleged or Suspected Employee Misconduct (PDF, 334)
Policy on the Use of Electronic Resources
Policy on the Use of Intoxicants
Policy on the Use of Personal Electronic Communication Devices in the Workplace
Policy on Violence Prevention in the Workplace (PDF, 282 KB)
Political Candidacy Request Process
Post-Employment Considerations and Exit Interviews
Security Handbook (PDF, 712 KB)
Standard for Access Control (PDF, 459 KB)
Standard for Controlled Assets (PDF, 494 KB)
Standard for Security Incident Reporting (PDF, 501 KB)

Acts and Regulations

Access to Information Act
Canada Labour Code
Canada Occupational Health and Safety Regulations
Canadian Charter of Rights and Freedoms
Canadian Human Rights Act
Conflict of Interest Act
Copyright Act
Criminal Code
Customs Act
Financial Administration Act
Immigration and Refugee Protection Act
Privacy Act
Proceeds of Crime (Money Laundering) and Terrorism Financing Act
Public Servants Disclosure Protection Act
Public Servants Inventions Act
Public Service Employment Act
Public Service Labour Relations Act

Treasury Board Secretariat Policies and Resources

FAQs: Policy on Conflict of Interest and Post-Employment
Guidelines on Acceptable Network and Device Use
Occupational Safety and Health - Policies and Publications
Policy on Acceptable Network and Device Use
Policy on Conflict of Interest and Post-Employment
Policy on Harassment Prevention and Resolution
Policy on Legal Assistance and Indemnification
Social Media at Work
Uniforms Directive
Values Alive: A Discussion Guide to the “Values and Ethics Code for the Public Sector”
Values and Ethics Code for the Public Sector

Other Resources

Candidacy Process (video) (PSC)
International agreements on values and ethics
Political Activities Self-assessment Tool (PSC)
Public Sector Integrity Commissioner
Travel Directive

[i] Criteria adapted from the Millhaven Fibres Ltd., Millhaven Works, and Oil, Chemical and Atomic Workers Int'l Union, Local 9-670 (1967), 1 (A) Union-Management Arbitration Cases 328 (Anderson).
[ii] "Grant" and "contribution" here have the same meaning as in the Treasury Board *Policy on Transfer Payments*.
[iii] Assistant Deputy Ministers and their equivalents are subject to the *Lobbying Act*. In the case of any conflict between this Code and the *Lobbying Act*, the Act takes precedence.

Redacted



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VALUES and ETHICS CODE

for the PUBLIC SECTOR

Canada

VALUES and ETHICS CODE

for the PUBLIC SECTOR

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represented by the President of the Treasury Board, 2011

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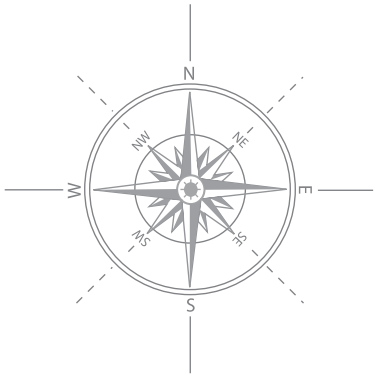

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The Role of Federal Public Servants

Federal public servants have a fundamental role to play in serving Canadians, their communities and the public interest under the direction of the elected government and in accordance with the law. As professionals whose work is essential to Canada's well-being and the enduring strength of the Canadian democracy, public servants uphold the public trust.

The Constitution of Canada and the principles of responsible government provide the foundation for the role, responsibilities and values of the federal public sector.[1] Constitutional conventions of ministerial responsibility prescribe the appropriate relationships among ministers, parliamentarians, public servants[2] and the public. A professional and non-partisan federal public sector is integral to our democracy.

The Role of Ministers

Ministers are also responsible for preserving public trust and confidence in the integrity of public sector organizations and for upholding the tradition and practice of a professional non-partisan federal public sector. Furthermore, ministers play a critical role in supporting public servants' responsibility to provide professional and frank advice.[3]

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[1] This Code is intended to clarify the role and expectations of public servants within the framework of Canadian parliamentary democracy as laid out in the *Constitution Act* and the basic principle of responsible government, which holds that the powers of the Crown are exercised by ministers who are in turn accountable to Parliament.

[2] The *Public Servants Disclosure Protection Act* (PSDPA) defines "public servant" as every person employed in the public sector (this includes the core public administration, Crown corporations and separate agencies). Every member of the Royal Canadian Mounted Police and every chief executive (including deputy ministers and chief executive officers) are also included in the definition of public servant for the purpose of the PSDPA and this Code.

[3] This text reflects the duties and responsibilities set out in *Accountable Government: A Guide for Ministers and Ministers of State,* the *Conflict of Interest Act,* the *Lobbying Act* and the PSDPA.

Objectives

This Code outlines the values and expected behaviours that guide public servants in all activities related to their professional duties. By committing to these values and adhering to the expected behaviours, public servants strengthen the ethical culture of the public sector and contribute to public confidence in the integrity of all public institutions.

As established by the Treasury Board, this Code fulfills the requirement of section 5 of the *Public Servants Disclosure Protection Act* (PSDPA). It was developed in consultation with public servants, public sector organizations and bargaining agents. This Code should be read in conjunction with organizational codes of conduct.

Statement of Values

These values are a compass to guide public servants in everything they do. They cannot be considered in isolation from each other as they will often overlap. This Code and respective organizational codes of conduct are important sources of guidance for public servants. Organizations are expected to take steps to integrate these values into their decisions, actions, policies, processes and systems. Similarly, public servants can expect to be treated in accordance with these values by their organization.

Respect for Democracy

The system of Canadian parliamentary democracy and its institutions are fundamental to serving the public interest. Public servants recognize that elected officials are accountable to Parliament, and ultimately to the Canadian people, and that a non-partisan public sector is essential to our democratic system.

Respect for People

Treating all people with respect, dignity and fairness is fundamental to our relationship with the Canadian public and contributes to a safe and healthy work environment that promotes engagement, openness and transparency. The diversity of our people and the ideas they generate are the source of our innovation.

Integrity

Integrity is the cornerstone of good governance and democracy. By upholding the highest ethical standards, public servants conserve and enhance public confidence in the honesty, fairness and impartiality of the federal public sector.

Stewardship

Federal public servants are entrusted to use and care for public resources responsibly, for both the short term and long term.

Excellence

Excellence in the design and delivery of public sector policy, programs and services is beneficial to every aspect of Canadian public life. Engagement, collaboration, effective teamwork and professional development are all essential to a high-performing organization.

Expected Behaviours

Federal public servants are expected to conduct themselves in accordance with the values of the public sector and these expected behaviours.

1. Respect For Democracy

   Public servants shall uphold the Canadian parliamentary democracy and its institutions by:

   1.1 Respecting the rule of law and carrying out their duties in accordance with legislation, policies and directives in a non-partisan and impartial manner.

   1.2 Loyally carrying out the lawful decisions of their leaders and supporting ministers in their accountability to Parliament and Canadians.

   1.3 Providing decision makers with all the information, analysis and advice they need, always striving to be open, candid and impartial.

2. Respect For People

Public servants shall respect human dignity and the value of every person by:

2.1 Treating every person with respect and fairness.

2.2 Valuing diversity and the benefit of combining the unique qualities and strengths inherent in a diverse workforce.

2.3 Helping to create and maintain safe and healthy workplaces that are free from harassment and discrimination.

2.4 Working together in a spirit of openness, honesty and transparency that encourages engagement, collaboration and respectful communication.

3. Integrity

Public servants shall serve the public interest by:

3.1 Acting at all times with integrity and in a manner that will bear the closest public scrutiny, an obligation that may not be fully satisfied by simply acting within the law.

3.2 Never using their official roles to inappropriately obtain an advantage for themselves or to advantage or disadvantage others.

3.3 Taking all possible steps to prevent and resolve any real, apparent or potential conflicts of interest between their official responsibilities and their private affairs in favour of the public interest.

3.4 Acting in such a way as to maintain their employer's trust.

4. Stewardship

Public servants shall use resources responsibly by:

4.1 Effectively and efficiently using the public money, property and resources managed by them.

4.2 Considering the present and long-term effects that their actions have on people and the environment.

4.3 Acquiring, preserving and sharing knowledge and information as appropriate.

5. Excellence

Public servants shall demonstrate professional excellence by:

5.1 Providing fair, timely, efficient and effective services that respect Canada's official languages.

5.2 Continually improving the quality of policies, programs and services they provide.

5.3 Fostering a work environment that promotes teamwork, learning and innovation.

Application

Acceptance of these values and adherence to the expected behaviours is a condition of employment for every public servant in the federal public sector, regardless of their level or position. A breach of these values or behaviours may result in disciplinary measures being taken, up to and including termination of employment.

The PSDPA defines the "public sector" as: (a) the departments named in Schedule I to the *Financial Administration Act* and the other portions of the federal public administration named in Schedules I.1 to V of that Act; and (b) the Crown corporations and other public bodies set out in Schedule I of the PSDPA. However, the "public sector" does not include the Canadian Forces, the Canadian Security Intelligence Service or the Communications Security Establishment, which are subject to separate requirements under the Act.

The *Values and Ethics Code for the Public Sector* came into force on April 2, 2012.

Avenues for Resolution

The expected behaviours are not intended to respond to every possible ethical issue that might arise in the course of a public servant's daily work. When ethical issues arise, public servants are encouraged to discuss and resolve these matters with their immediate supervisor. They can also seek advice and support from other appropriate sources within their organization.

Public servants at all levels are expected to resolve issues in a fair and respectful manner and consider informal processes such as dialogue or mediation.

As provided by sections 12 and 13 of the PSDPA, if public servants have information that could indicate a serious breach of this Code, they can bring the matter, in confidence and without fear of reprisal, to the attention of their immediate supervisor, their senior officer for disclosure or the Public Sector Integrity Commissioner.

Senior officers for disclosure are responsible for supporting the chief executive in meeting the requirements of the PSDPA. They help promote a positive environment for disclosing wrongdoing and deal with disclosures of wrongdoing made by employees of the organization. Further information on the duties and powers of senior officers for disclosure can be found in the attached Appendix.

Members of the public who have reason to believe that a public servant has not acted in accordance with this Code can bring the matter to an organizational point of contact that has been designated for the handling of such concerns or to the Public Sector Integrity Commissioner to disclose a serious breach of this Code.

Appendix

Duties and Obligations

Public Servants

Public servants are expected to abide by this Code and demonstrate the values of the public sector in their actions and behaviour. Furthermore, public servants must also adhere to the behavioural expectations set out in their respective organizational codes of conduct. If a public servant does not abide by these values and expectations, he or she may be subject to administrative or disciplinary measures up to and including termination of employment.

Public servants who are also managers are in a position of influence and authority that gives them a particular responsibility to exemplify the values of the public sector.

As provided by sections 12 and 13 of the *Public Servants Disclosure Protection Act* (PSDPA), if public servants have information that could indicate a serious breach of this Code they can bring this matter, in confidence and without fear of reprisal, to the attention of their immediate supervisor, their senior officer for disclosure or the Public Sector Integrity Commissioner.

Chief Executives [4]

Chief executives of public sector organizations have specific responsibilities under the PSDPA, including establishing a code of conduct for their organization and an overall responsibility for fostering a positive culture of values and ethics in their organization. They ensure that employees are aware of their obligations under this Code and their specific organizational code of conduct. They also ensure that employees can obtain appropriate advice within their organization on ethical issues, including possible conflicts of interest.

Chief executives ensure that this Code, their organizational code of conduct, and their internal disclosure procedures are implemented effectively in their organization, and that they are regularly monitored and evaluated. Chief executives of Crown corporations may rely on their boards of directors for support in this duty.

Chief executives are responsible for ensuring the non-partisan provision of programs and services by their organizations.

Chief executives are subject to this Code and to the *Conflict of Interest Act*.

Senior Officers for Disclosure

The senior officer for disclosure helps promote a positive environment for disclosing wrongdoing and deals with disclosures of wrongdoing made by public servants of their organization. Senior officers are responsible for supporting the chief executive in meeting the requirements of the PSDPA.

[4] "Chief executive" means the deputy head or chief executive officer of any portion of the public sector, or the person who occupies any other similar position, however called, in the public sector (PSDPA, 2005).

The senior officer's duties and powers within his or her organization also include the following, in accordance with the internal disclosure procedures established under the PSDPA:

1. Provide information, advice and guidance to public servants regarding the organization's internal disclosure procedures, including the making of disclosures, the conduct of investigations into disclosures, and the handling of disclosures made to supervisors.
2. Receive and record disclosures and review them to establish whether there are sufficient grounds for further action under the PSDPA.
3. Manage investigations into disclosures, including determining whether to deal with a disclosure under the PSDPA, initiate an investigation or cease an investigation.
4. Coordinate handling of a disclosure with the senior officer of another federal public sector organization, if a disclosure or an investigation into a disclosure involves that other organization.
5. Notify the person(s) who made a disclosure in writing of the outcome of any review and/or investigation into the disclosure and on the status of actions taken on the disclosure, as appropriate.
6. Report the findings of investigations, as well as any systemic problems that may give rise to wrongdoing, directly to his or her chief executive, with recommendations for corrective action, if any.

Treasury Board of Canada Secretariat— Office of the Chief Human Resources Officer

In support of the Treasury Board President's responsibilities under section 4 of the PSDPA, the Office of the Chief Human Resources Officer (OCHRO) is responsible for promoting ethical practices in the public sector.[5] OCHRO will work with all relevant partner organizations to implement and promote this Code, and will provide advice to chief executives and designated departmental officials with respect to its interpretation.

The Chief Human Resources Officer may issue directives, standards and guidelines related to this Code.

OCHRO will monitor the implementation of this Code in organizations with a view to assessing whether the stated objectives have been achieved.

Public Service Commission

The Public Service Commission is responsible for conducting staffing investigations and audits to safeguard the integrity of the public service staffing system and for administering certain provisions related to political activities to maintain the non-partisanship of the public service in accordance with the *Public Service Employment Act*.

[5] Section 4 of the PSDPA assigns this responsibility to the Minister responsible for the Public Service Human Resources Management Agency of Canada (subsequently the Canada Public Service Agency (CPSA)). With the creation of the Office of the Chief Human Resources Officer within the Treasury Board of Canada Secretariat on February 6, 2009, the functions of CPSA were transferred to OCHRO.