

# ENFORCEMENT ISSUES WITH CODES OF ETHICS

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## Bill C-65

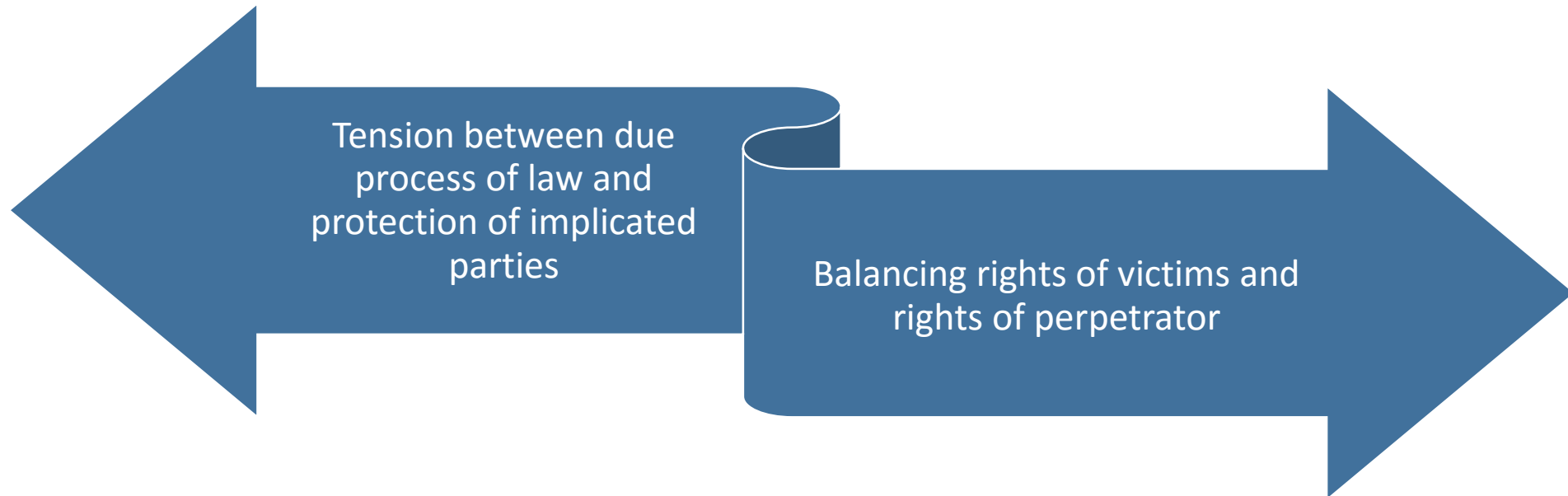
- An Act to amend the Canada Labour Code (harassment and violence), the Parliamentary Employment and Staff Relations Act and the Budget Implementation Act
- The Canada Labour Code only deals with “accidents and injury to health”
- When in force, it will address harassment and violence, specifically referring to both physical and psychological injuries and illnesses linked with or occurring in the course of employment



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## Bill C-65

### COMPETING VALUES



## Bill C-65

- Bill C-65 refers to investigating, recording and reporting incidents (S.125(1)(c) and preventing and protecting employees from incidences of harassment and violence (s.125)(1)(z.16))
- No reference to sanctioning
- S. 22(1)(a)(iv) of the Regulations states:

*“...the reports need only contain the investigator’s recommendations to eliminate or minimize the risk of a similar occurrence...”*

## - Applying the Bill's Framework to the International Aid Sector -

How the agency deals with the current incident



How it dealt with similar issues, even those that occurred long before the current incident



Direct impact on the outcome

## IDENTITY

### **Consequences of protecting the identities of wrongdoers:**

- Loss of donor support
- Loss of high-profile spokespersons
- Loss of corporate sponsorships and government partnerships
- Being barred from the country (Oxfam GB)

### **Cover-ups will fail:**

- Not disclosing to authorities or donors
- Partial or selective disclosure
- Lying (Oxfam GB)

## **TOUGH ISSUES!**

- Timing of disclosure: address it ahead of the public knowing about it
- Dealing with the authorities of the country in which the incident occurred?
- Sex workers vs. Minors and other vulnerable persons
- Difference in treatment between a national vs a foreign resource

## RETALIATION

- Consequences to whistleblower (whether victim or third-party)
- Right of employee to file a complaint if he or she believes that he or she is subject to reprisals because they exercise their rights. The onus is on the employee to demonstrate that the disciplinary or reprisal action was taken because they exercised a right pursuant to Part II of the *Code* (ss. 133(1) and 147)