

Office of the Public Sector
Integrity Commissioner
of Canada



Commissariat à l'intégrité
du secteur public
du Canada

**Findings of the Public Sector
Integrity Commissioner in
the Matter of an Investigation
into a Disclosure of Wrongdoing**

Global Affairs Canada

Case Report
October 2022

Note: For the sake of brevity and without discrimination, the masculine form will be used throughout this Case Report.

This Case Report is available on our website: www.psic-ispcc.gc.ca

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The Honourable George J. Furey, Q.C.
Speaker of the Senate
The Senate
Ottawa, Ontario K1A 0A4

Dear Mr. Speaker:

I have the honour of presenting you with the Office of the Public Sector Integrity Commissioner of Canada's Case Report of Findings in the Matter of an Investigation into a Disclosure of Wrongdoing at Global Affairs Canada, which is to be laid before the Senate in accordance with the provisions of subsection 38(3.3) of the Public Servants Disclosure Protection Act.

The Case Report contains the findings of wrongdoing, the recommendations I made to the Chief Executive, the Chief Executive's written comments and my opinion as to whether the Chief Executive's response to my recommendations is satisfactory.

Yours sincerely,

A handwritten signature in blue ink that reads "Friday". The signature is written in a cursive style with a small dot above the 'i'.

Joe Friday
Public Sector Integrity Commissioner
Ottawa, October 2022

The Honourable Anthony Rota, M.P.
Speaker of the House of Commons
House of Commons
Ottawa, Ontario K1A 0A6

Dear Mr. Speaker:

I have the honour of presenting you with the Office of the Public Sector Integrity Commissioner of Canada's Case Report of Findings in the Matter of an Investigation into a Disclosure of Wrongdoing at Global Affairs Canada, which is to be laid before the House of Commons in accordance with the provisions of subsection 38(3.3) of the Public Servants Disclosure Protection Act.

The Case Report contains the findings of wrongdoing, the recommendations I made to the Chief Executive, the Chief Executive's written comments and my opinion as to whether the Chief Executive's response to my recommendations is satisfactory.

Yours sincerely,

A handwritten signature in blue ink that reads "Friday". The signature is written in a cursive, flowing style.

Joe Friday
Public Sector Integrity Commissioner
Ottawa, October 2022

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Foreword

This Case Report of founded wrongdoing, which has been tabled in Parliament as required by the Public Servants Disclosure Protection Act, S.C. 2005, c. 46 (the Act), presents the findings of our investigation into the mistreatment of employees and inappropriate behaviour by an executive at Global Affairs Canada (GAC), and management's response to the executive's conduct.

The Act provides a confidential whistleblowing mechanism for public servants and members of the public to disclose information related to wrongdoing in the federal public sector. Following a disclosure, I launched an investigation into an allegation that Ms. Latifa Belmahdi, Executive Director, committed wrongdoing when she made, on an ongoing basis, inappropriate comments and mistreated employees.

Under the Act, I have the power to expand an investigation as a result of any information provided to the Office of the Public Sector Integrity Commissioner of Canada (my Office), if I have reason to believe that another wrongdoing has been committed. In the present case, I launched an investigation to determine whether GAC had neglected to take adequate action to address Ms. Belmahdi's inappropriate behaviour, as well as mistreatment of employees.

In making my finding of wrongdoing, it is important to underscore that, while Ms. Belmahdi is solely responsible for her own conduct, the insufficient action by GAC to address her inappropriate behaviour allowed it to continue.

This Case Report can serve as a reminder that all public servants have a duty to uphold the Values and Ethics Code of the Public Service, and that executives in particular have a role to play in setting an example of appropriate behaviour for employees. In addition, it underscores the duty of management to take action when the behaviour of executives is having a negative impact on employees.

Joe Friday
Public Sector Integrity Commissioner

The Act was created to provide a confidential whistleblowing mechanism in the federal public sector. The disclosure regime established under this Act is meant not only to identify wrongdoing when it occurs, and to take corrective action to ensure the wrongdoing stops, but also to act as a general deterrent throughout the federal public sector. This is why legislation requires that founded cases of wrongdoing be reported to Parliament. This is a powerful tool of transparency and public accountability.

Mandate

My Office contributes to strengthening accountability and increases oversight of government operations by:

- providing an independent and confidential process for receiving and investigating disclosures of wrongdoing in, or relating to, the federal public sector, from public servants and members of the public;
- reporting founded cases of wrongdoing to Parliament and making recommendations to chief executives on corrective measures;
- providing a mechanism for handling complaints of reprisal from public servants and former public servants for the purpose of coming to a resolution, including through conciliation and by referring cases to the Public Servants Disclosure Protection Tribunal.

My Office is an independent federal organization created in 2007 pursuant to the Act.

Section 8 of the Act defines wrongdoing as:

- (a) a contravention of any Act of Parliament or of the legislature of a province, or of any regulations made under any such Act, other than a contravention of section 19 of this Act;
- (b) a misuse of public funds or a public asset;
- (c) a gross mismanagement in the public sector;
- (d) an act or omission that creates a substantial and specific danger to the life, health or safety of persons, or to the environment, other than a danger that is inherent in the performance of the duties or functions of a public servant;
- (e) a serious breach of a code of conduct established under section 5 or 6;
- (f) knowingly directing or counselling a person to commit a wrongdoing set out in any of paragraphs (a) to (e).

The purpose of investigations into disclosures is, according to the Act, to bring the existence of wrongdoing to the attention of the organization's Chief Executive and to make recommendations for corrective action.

The Disclosure

On November 21, 2019, my Office received a disclosure of wrongdoing relating to several examples of inappropriate conduct by Ms. Belmahdi. In February 2020, I launched an investigation into the allegation that Ms. Belmahdi committed a serious breach of a code of conduct when she made, on an ongoing basis, inappropriate comments, and when she mistreated employees.

As a result of information provided during the course of the investigation, my Office learned of the possibility that GAC was aware of Ms. Belmahdi’s inappropriate behaviour, but had neglected to take adequate action to address it. I had reason to believe that another wrongdoing had been committed and, in November 2020, I launched an investigation into the role of management at GAC in this matter.

About the Organization

According to the mandate published on its website, GAC is responsible for, among other things, advancing Canada’s international relations; fostering the development of international trade and commerce; providing consular services for Canadians; and, overseeing the Government of Canada’s global network of missions abroad.

At the time of our investigation, Ms. Belmahdi was an Executive Director in the Public Affairs Branch, which is responsible for communications and public affairs within GAC. She managed a team of approximately 25 employees.

Results of Our Investigation

Our investigation found that:

- Ms. Belmahdi committed a serious breach of a code of conduct when she continued to make inappropriate comments to employees and mistreated employees in full knowledge that GAC had previously found her behaviour to be a breach of the Values and Ethics Code for the Department of Foreign Affairs, Trade and Development (the GAC Code)—specifically, the “Respect for People” value;
- GAC committed gross mismanagement by not adequately addressing Ms. Belmahdi’s inappropriate behaviour in accordance with recommendations stemming from a 2017 GAC internal investigation into her conduct, and GAC did not ensure that Ms. Belmahdi’s behaviour had improved before promoting her, giving employees the impression that they condoned her behaviour.

Overview of Our Investigation

Ms. Christine Denis, an Investigator with my Office, led the investigation, supported by a Junior Investigator, Mr. Dragos Iancu Leach. They interviewed 24 witnesses and reviewed numerous documents.

In keeping with our obligation to uphold natural justice and procedural fairness, my Office provided Ms. Belmahdi and Ms. Marta Morgan, Deputy Minister of Foreign Affairs, in her capacity as Chief Executive of GAC, with an opportunity to respond to the allegations through the provision of a preliminary investigation report for review and comment.

In arriving at my findings, I have given due consideration to all information received throughout the course of our investigation, including the comments in response to the preliminary investigation report.

Factors Considered in Determining Wrongdoing

Gross Mismanagement

The factors that my Office considers in investigating an allegation of gross mismanagement under paragraph 8(c) of the Act include, but are not limited to:

- matters of significant importance;
- serious errors that are not debatable among reasonable people;
- more than minor wrongdoing or negligence;
- management action or inaction that creates a substantial risk of significant adverse impact upon the ability of an organization, office or unit to carry out its mandate;
- management action or inaction that poses a serious threat to public confidence in the integrity of the public service, and that does not primarily concern a personal matter, such as individual harassment complaints or individual workplace grievances;
- the deliberate nature of the wrongdoing; and
- the systemic nature of the wrongdoing.

Serious Breach of a Code of Conduct

The factors that my Office considers in investigating an allegation of a serious breach of a code of conduct under paragraph 8(e) of the Act include, but are not limited to:

- a significant departure from generally accepted practices within the federal public sector;
- the impact or potential impact of the breach on the organization's employees, clients and the public trust is significant;
- the alleged wrongdoer occupies a position that is of a high level of seniority or trust within the organization;
- there are serious errors which are not debatable among reasonable people;
- the breach of the applicable code(s) of conduct is systemic or endemic;

- there is a repetitive nature to the breaches of the applicable code(s) of conduct or they have occurred over a significant period of time;
- there is a significant degree of willfulness or recklessness related to the breach of the applicable code(s) of conduct; and
- the breach poses a serious threat to public confidence in the integrity of the public service, and does not primarily concern a personal matter such as individual harassment complaints or individual workplace grievances.

Summary of Findings

Information obtained during our investigation shows that Ms. Belmahdi repeatedly mistreated employees, including humiliating them, raising her voice and making inappropriate comments. Further, the evidence indicates that following a 2017 internal investigation by GAC into Ms. Belmahdi’s treatment of employees, she continued to exhibit inappropriate behaviour.

Evidence also shows that GAC did not take adequate action to stop Ms. Belmahdi’s inappropriate behaviour. GAC did not follow through with the recommendations stemming from the 2017 GAC internal investigation report. Further, they did not monitor Ms. Belmahdi’s behaviour to determine whether it had improved, nor did they ensure a favourable environment for employees to bring forward concerns. In June 2018, GAC promoted Ms. Belmahdi despite her behaviour, effectively condoning it.

The GAC Internal Investigation

In 2016, following several complaints by employees, an internal investigation was launched by GAC into Ms. Belmahdi’s actions. The internal investigation determined that a number of incidents of inappropriate behaviour occurred. Incidents included yelling, throwing of objects, mocking the work of employees, regularly expressing that she hates her job and will kill herself, pushing and slapping an employee, and introducing a team member as “their terrorist colleague.”

In the 2017 GAC internal investigation report (the GAC report), it was determined that Ms. Belmahdi’s management style did not align with key leadership competencies expected from public service leaders. Following the GAC report, the Inspection, Integrity and Values & Ethics Bureau at GAC determined that Ms. Belmahdi’s conduct amounted to a breach of the GAC Code—specifically, the “Respect for People” value. The Bureau also noted that if the situation was not addressed promptly, the risk of creating a poisoned environment was high.

Consequently, Ms. Belmahdi was supposed to have been put on an action plan to support her in changing her behaviour and improving her interactions and relationship with employees. Should the action plan have led to an improvement in Ms. Belmahdi's behaviour, she would then have been considered for a promotion.

Continued Mistreatment of Employees

During my Office's investigation, Ms. Belmahdi testified that she took the results of the GAC report very seriously and was working hard to change her behaviour. Despite this, the evidence demonstrates that Ms. Belmahdi's inappropriate behaviour had continued.

Witnesses noted that Ms. Belmahdi would roll her eyes at employees when they were speaking and that she would raise her voice during meetings, intimidating some employees. Witnesses also confirmed that Ms. Belmahdi made inappropriate comments about employee performance, sometimes in front of other employees. For example:

- On several occasions, Ms. Belmahdi referred to an international development project as "the ugly baby";
- She told an employee that a senior executive hated the employee's work;
- She mocked the work of a graphic designer, saying that a character the employee had drawn was ugly;
- She told one employee that a senior manager said the employee would never be promoted, and that she agreed; however, the senior manager in question confirmed he had made no such comment, and that this was not the first time Ms. Belmahdi had used his name in this way;
- She called her administrative assistants incompetent; and
- She told an executive that she had "never met somebody more incompetent" and added that she could not believe that the employee occupied a senior position.

Inappropriate comments by Ms. Belmahdi were not restricted to employees' work and performance, she also made comments about an employee's weight, even saying, "there she goes to the gym, she must have eaten too many cupcakes again!" On several occasions she also made disturbing comments, such as telling an employee that a training session she attended was a "concentration camp." The employee was Jewish.

In addition to making inappropriate comments, Ms. Belmahdi also mistreated employees on numerous occasions, often leaving them feeling humiliated. For instance:

- Ms. Belmahdi spoke to an employee in an abrupt and rude manner during a virtual meeting, and reprimanded the employee in front of peers;
- She wrongly accused an employee of having a “bitching session” about her when she heard her name mentioned in a casual conversation;
- Ms. Belmahdi called a pregnant employee at 7:00 a.m. and insisted that she come into the office, despite the fact that the employee had notified Ms. Belmahdi she was unwell and would be using sick leave;
- She told her assistant not to share ideas during a meeting; and
- She reprimanded an employee for taking bereavement leave due to a death in the family, and accused the employee of lying about the reason for being absent.

Several witnesses reported that Ms. Belmahdi also mistreated many co-op students, and that she did so in front of other employees, including:

- Telling students they were not part of the team—for example, telling a student who walked by a pot luck event: “This is a team lunch, you’re not part of the team so you can’t stay!”;
- Making students feel uncomfortable and intimidated—in one instance, Ms. Belmahdi told everyone at a meeting that one student was receiving a lower salary than the others, wishing him luck should he request a higher one; and
- Humiliating three students during a team meeting when she told all employees she was disappointed in the students’ performance.

Ms. Belmahdi’s behaviour affected one student so much he had to take time off work. This student indicated not having made a formal complaint against Ms. Belmahdi for fear it would negatively impact future employment opportunities. Several students complained to their university’s Co-operative Education Program Coordinator about Ms. Belmahdi’s behaviour.

The evidence establishes that Ms. Belmahdi’s behaviour was significantly outside the realm of acceptable practices within the public sector, as well as the expected behaviour identified in the GAC Code. According to the Key Leadership Competencies for federal public service executives and senior leaders, an executive leader in the public service should lead by example, inspire and motivate employees, and create respectful and trusting work environments.

The evidence demonstrates that Ms. Belmahdi failed to grasp the seriousness of the earlier findings of the GAC report, as her inappropriate behaviour continued. Although during her interview with my Office she expressed remorse and stated that she took the findings seriously, her actions demonstrate that she did not. Her conduct has been repetitive and sustained over a long period, both before and after the GAC report, and negatively affected several employees. As such, Ms. Belmahdi made serious errors that are not debatable among reasonable people, and her behaviour shows a significant degree of willfulness and recklessness.

Ms. Belmahdi's actions are also a matter of significant importance in the context of the current work environment of the federal public sector, as expressed by both the former and current Clerks of the Privy Council, who have underscored that a healthy workplace is a public service priority. The Clerks' expectations regarding the behaviour of public servants is particularly relevant to my determination that Ms. Belmahdi's breaches of the GAC Code and the Values and Ethics Code of the Public Service represent a significant departure from generally accepted practices within the federal public sector and that her breaches are serious, considering Ms. Belmahdi's leadership role.

Inadequate Response by GAC

After the GAC report, it was crucial for GAC to take all reasonable actions to prevent Ms. Belmahdi from continuing her inappropriate behaviour. GAC was responsible for providing Ms. Belmahdi with the tools to correct her conduct, monitoring her behaviour, and protecting employees from any further mistreatment or otherwise inappropriate behaviour in the workplace. GAC was also responsible for ensuring that Ms. Belmahdi's promotion to the next executive level was contingent upon her behaviour improving through the means of an action plan. However, based on the evidence, no action plan was put into place and a decision was made to promote Ms. Belmahdi despite her continued inappropriate behaviour.

GAC attempted to correct Ms. Belmahdi's conduct by providing her with a professional coach; the coaching was only partially completed and replaced with informal coaching by another executive. It is unlikely that the coaching provided by the executive was adequate, and the evidence demonstrates that Ms. Belmahdi's inappropriate behaviour continued regardless.

Not only did GAC fail to ensure that an action plan was in place, they also failed to follow up with Ms. Belmahdi's employees to ascertain whether the inappropriate behaviour had improved. Given that Ms. Belmahdi was found to have breached the GAC Code in 2017, it is of concern that there was no follow-up with the employees

regarding their well-being at work. However, it is worth noting that it would have been difficult for her supervisors to follow up with employees when most of the supervisors were not informed of the findings of the GAC report. The sharing of such information with Ms. Belmahdi's supervisors could have allowed for better monitoring of her behaviour.

The evidence also demonstrates that there was a failure to ensure an environment in which employees felt comfortable bringing forward any concerns they had against Ms. Belmahdi. Employees believed if they complained it would be career-limiting and that they had to deal with issues themselves. Some employees also felt that making a complaint would be pointless, since the GAC report did not result in any concrete action. In addition, employees were aware that Ms. Belmahdi was promoted the year following the report, leading them to believe that GAC condoned her behaviour. The consequence of this is the weakening of the legitimacy of processes available to employees to bring forward concerns regarding the behaviour of senior managers.

The inadequate response by GAC amounts to a serious error that is not debatable among reasonable people and is a matter of significant importance.

Conclusion

It is an accepted principle that managers are held to a higher standard of conduct, and must serve as an example to employees. On occasion, managers make errors in judgment. However, in the case of Ms. Belmahdi, the evidence shows a sustained pattern over several years of inappropriate behaviour and comments. As an Executive Director managing a team of approximately 25 employees, Ms. Belmahdi held a position with a high level of seniority. As such, her responsibilities included fostering a healthy workplace, nurturing productive relationships, building cohesive teams, and holding herself to the highest professional standards.

It is the responsibility of management to ensure a safe work environment in which employees feel empowered to come forward with concerns. By failing to take reasonable precautions to ensure Ms. Belmahdi's behaviour improved and still promoting her, GAC allowed her inappropriate behaviour to continue and gave the appearance of condoning it.

Accordingly, I find that Ms. Belmahdi committed wrongdoing, and that her actions amount to a serious breach of a code of conduct, pursuant to paragraph 8(e) of the Act, and that GAC committed gross mismanagement, pursuant to paragraph 8(c) of the Act.

The Commissioner's Recommendations and GAC's Response

In accordance with paragraph 22(h) of the Public Servants Disclosure Protection Act (the Act), I have made the following recommendations to Ms. Marta Morgan, Deputy Minister of Foreign Affairs, in her capacity as Chief Executive of Global Affairs Canada (GAC), concerning corrective measures. I will be requesting an update of all three recommendations in the next six months to ensure they are properly addressed.

My recommendations and GAC's responses are as follows:

- 1. Taking into account section 9 of the Act, which states that a "public servant is subject to appropriate disciplinary action, including termination of employment, if he or she commits a wrongdoing," I recommend that GAC consider the need for disciplinary action against Ms. Latifa Belmahdi.**

GAC will initiate a disciplinary process to address issues brought forward in the report, which will include appropriate disciplinary and/or corrective action.

- 2. I recommend that GAC, in consultation with employees and the relevant bargaining agents, assess the need for a workplace wellness initiative of the affected Branch to ensure a healthy workplace and to address the needs of employees affected by Ms. Belmahdi's conduct.**

GAC will assess the need for an organizational climate assessment of the affected branch in order to address the potential lingering effects of Ms. Belmahdi's conduct.

- 3. I also recommend that GAC ensure that all managers understand their obligations under the Values and Ethics Code for the Department of Foreign Affairs, Trade and Development, as well as the Values and Ethics Code for the Public Sector.**

GAC will continue to promote to all managers and employees their obligations under the Values and Ethics Code for GAC, as well as the Values and Ethics Code for the Public Sector. Under the Directive on Mandatory Training at GAC, all employees are subject to mandatory Values and Ethics training. Furthermore, a series of targeted training programs are available to branches and managers.