

CANADA

[French](#)

Laws or Regulations

A proposed *Public Servants Disclosure Protection Act* was introduced in the House of Commons in October 2004 as Bill C-11. The bill proposes to strengthen the regime governing the internal disclosure of wrongdoing. It requires heads of federal organizations to establish an internal disclosure mechanism, calls for the establishment of a code of conduct, and provides substantial protections in law from reprisal for good faith disclosures. The Bill is now being studied by a Committee of the House of Commons.

Other measures

In April 2004, an internal committee was established, chaired by the Chief Trade Commissioner, to consider and review cases where Canadian individuals or companies have been found guilty of bribery or corruption overseas. This committee would advise the Minister responsible regarding any response. To date no cases have yet been referred to the Committee.

In June 2004, the Canadian International Development Agency (CIDA) circulated an Anti-Corruption Scoping Study which provides an overview of anti-corruption policy and programming activity in the agency. CIDA is exploring the possibility of developing other initiatives with the objective of mainstreaming anti-corruption throughout the Agency's activities.

In order to clarify its policy on bribery, in 2004, Export Development Canada (EDC) introduced its Anti-Corruption Policy Guidelines, which outline the measures that EDC will apply to combat corruption, including a section on disclosure to law enforcement authorities.

In September 2004, the Canada Revenue Agency has developed a section in its Audit Manual to deal with the application of section 67.5 of the *Income Tax Act* as it relates to outlays and expenses incurred under section 3 of the *Corruption of Foreign Public Officials Act (CFPOA)*. As well, in February 2005, the Canada Revenue Agency has revised its Investigation Manual to include a reference to the CFPOA and a link from the reference to the CFPOA to the section of the Manual dealing with non-deductibility of illegal payments.

On February 11, 2005, the Canadian Embassy in Bogotá, in conjunction with the Canada-Colombia Chamber of Commerce, held a Corporate Social Responsibility Conference that was attended by companies, civil society and local government representatives, including the Vice –President of Colombia. Corruption was one of the items on the agenda.

A company, Hydro-Kleen Incorporated, entered a guilty plea in the Court of Queen's Bench in Red Deer, Alberta, January 10, 2005 for bribing a U.S. immigration official in order to secure favourable access for its employees to the United States. The U.S. official had previously pleaded guilty and received a six month sentence and was subsequently deported to the United States. The company was found guilty under s. 3(1)(a) of the *CFPOA*. This is the first conviction in Canada under the *Act*.