

New Report Finds CBSA Oversight Law Passed in 2024 Still Not in Force, and Enduring Vulnerabilities in Canada's Public Administration

- *Legal analysis of a 31-year CBSA and military veteran's case lands days after the Supreme Court of Canada ruled that laws shielding government decisions from court review are unconstitutional*

OTTAWA, August 13, 2026 – In 2024, Parliament passed legislation to create Canada's first independent oversight body for the Canada Border Services Agency (CBSA). Nearly two years later, that law still has not been proclaimed into force. A new report released today by the Whistleblowing Canada Research Society finds that gap has left a federal whistleblower's allegations with no independent body to review them.

The report, prepared by Ottawa Barrister and Solicitor, Brian Doody, examines the case of Luc Sabourin, a 31-year member of the Canadian Armed Forces and CBSA who was medically retired in January 2022. Mr. Sabourin alleges he faced workplace harassment and threats after disclosing suspected misuse of CBSA resources and security-related misconduct to Members of Parliament, and that his union did not respond to his repeated requests for help. He retired with a reduced pension.

The report identifies five unresolved issues in Mr. Sabourin's case, from the resource misuse and national security related allegations and union inaction to harassment and his pension - the most important of which is: no independent body exists to review them. The Public Complaints and Review Commission Act, which received Royal Assent in October 2024 and would create that body for the CBSA and the RCMP, has never been proclaimed.

The report's release follows a unanimous Supreme Court of Canada ruling on July 30, 2026, that “privative clauses,” statutory provisions that shield a tribunal's rulings from being challenged in court, are unconstitutional (2026 SCC 28). The case arose from a challenge to a ruling by the federal Ethics Commissioner, but Whistleblowing Canada says the principle behind it reaches further: government cannot pass laws that shield them from accountability. The organization points to the Public Servants Disclosure Protection Act (PSDPA) as a further example: a whistleblower cannot bring a reprisal complaint to the Public Servants Disclosure Protection Tribunal without the consent of the Public Sector Integrity Commissioner. Since the Act took effect in 2007, 651 reprisal complaints have been filed, 11 were referred for a hearing in those 20 years and none has succeeded.

“It appears that the PSDPA has been very effective in shielding government from accountability but has been no shield for whistleblowers contrary to its stated intent. Given the profoundly entrenched resistance to reform only an outpouring of disapproval from Canadians has the power to move our leaders and reverse this constitutional affront, injustice and threat to our democracy” says President Pamela Forward.

The report recommends that the federal government proclaim the Public Complaints and Review Commission Act, allowing an independent review of the CBSA allegations, reform the PSDPA and other GAPS and reconsider Mr. Sabourin's pension. The full report is available at on request].

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About Whistleblowing Canada Research Society

Founded in 2019 and based in Ottawa, Whistleblowing Canada Research Society is dedicated to advancing education on whistleblowing practice through research and informing public policy dialogue and development. Only 5% of workers – public servants - in Canada currently have whistleblower protection under (ineffective) laws. The other 95% in the private sector have no stand-alone whistleblower protection laws.

Notes to Editors

The Supreme Court ruling

On July 30, 2026, the Supreme Court of Canada ruled unanimously in Democracy Watch's case against the Attorney General of Canada (2026 SCC 28) that privative clauses limiting court review of a tribunal's decisions are unconstitutional. The ruling arose from a challenge to a 2021 ruling by then-Ethics Commissioner Mario Dion. Democracy Watch's full statement: <https://democracywatch.ca/dwatch-wins-unanimous-supreme-court-ruling-removing-statutory-barriers-to-challenging-decisions-of-the-federal-ethics-commissioner-and-similar-tribunals-across-canada/>

The PSDPA numbers

According to a [February 2026 submission to the UN Human Rights Committee](#) by the University of British Columbia's, Allard Law Schools, International Justice and Human Rights Clinic, endorsed by Whistleblowing Canada, 651 federal reprisal complaints were filed between 2007 and January 2026. Eleven were referred to the Public Servants Disclosure Protection Tribunal, two received a decision on the merits, and none ruled in the whistleblower's favour. A 2021 assessment by the Government Accountability Project and the International Bar Association ranked Canada's whistleblower protection law last with no best practices among some 60 countries surveyed.

About the report

The full report, “Whistleblower Analysis Report: The Case of Luc Sabourin,” was prepared by Brian Doody, Barrister & Solicitor (Ottawa), for Officer Luc Sabourin on the recommendation of Whistleblowing Canada Research Society and is endorsed by the organization. It is released with the permission of Mr. Sabourin.