

Second Session – Forty-Second Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Public Accounts

Chairperson
Mr. Jim Maloway
Constituency of Elmwood

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MANITOBA LEGISLATIVE ASSEMBLY
Forty-Second Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON PUBLIC ACCOUNTS

Tuesday, September 22, 2020

TIME – 3 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mr. Jim Maloway (Elmwood)

VICE-CHAIRPERSON – Mr. Andrew Smith (Lagimodière)

ATTENDANCE – 9 QUORUM – 6

Members of the Committee present:

Hon. Mr. Gerrard, Messrs. Lindsey, Maloway, Mses. Morley-Lecomte, Naylor, Messrs. Reyes, Smith, Teitsma, Wasyliw

Substitutions:

Mr. Reyes for Mr. Michaleski

Hon. Mr. Gerrard for Mr. Lamont

APPEARING:

Mr. Tyson Shtykalo, Auditor General of Manitoba

WITNESSES:

Hon. Mr. Helwer, Minister responsible for the Civil Service

Ms. Charlene Paquin, Civil Service Commissioner

MATTERS UNDER CONSIDERATION:

Auditor General's Report – Annual Report to the Legislature, dated March 2014

Chapter 7 – Manitoba's Framework for an Ethical Environment

Auditor General's Report – Follow-up of Recommendations, dated May 2016

Manitoba's Framework for an Ethical Environment

Auditor General's Report – Follow-up of Recommendations, dated March 2017

Manitoba's Framework for an Ethical Environment

Auditor General's Report – Follow-up of Recommendations, dated March 2018

Manitoba's Framework for an Ethical Environment

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Mr. Chairperson: Good afternoon. Will the Standing Committee on Public Accounts please come to order.

This meeting has been called to consider the following reports: Auditor General's Report and Annual Report to the Legislature, dated March 2014, chapter 7, Manitoba's Framework for an Ethical Environment; Auditor General's Report, Follow-up Recommendations, dated May 2016, Manitoba's Framework for an Ethical Environment; Auditor General's Report, Follow-up of Recommendations, dated March 2017, Manitoba's Framework for an Ethical Environment; and the Auditor General's Report, Follow-up of Recommendations, dated March 2018, Manitoba's Framework for an Ethical Environment.

Committee Substitutions

Mr. Chairperson: For the committee's information, pursuant to our rule 104(2), I would like to note the following substitutions for this afternoon's meeting: Mr. Reyes for Mr. Michaleski and the Hon. Mr. Gerrard for Mr. Lamont.

* * *

Mr. Chairperson: Before we get started, are there any suggestions from the committee as to how long we should sit this afternoon?

Mr. Mark Wasyliw (Fort Garry): We're requesting two hours.

Mr. Chairperson: Thank you.

And what order should we consider the reports?

Mr. Wasyliw: We're asking the reports be considered in a global fashion.

Mr. Chairperson: Thank you.

Does—oh. So, it's been suggested that we sit for two hours and revisit at that time. Do we have agreement for that? *[interjection]* Two hours, okay. So there is agreement, then, to sit for two hours? *[Agreed]*

And in terms of the order that we should consider the reports, it's global—it's suggested is we consider it globally. *Agreed?* *[Agreed]*

Now, does the Auditor General wish to make an opening statement?

Mr. Tyson Shtykalo (Auditor General of Manitoba): Let me first introduce my staff with me today: Maria Capozzi, director of our governance practice and the person who is responsible for conducting the audit before us today, and Stacey Wowchuk, assistant auditor general for performance audit.

Mr. Chair, ethics matter. This is especially true in the public sector, which affects every Manitoban. Government departments are in a position of trust, and the civil service must reflect a commitment to upholding the public's trust and confidence in the institutions of government by maintaining the highest standards of ethical behaviour.

When we issued our report on Manitoba's framework for an ethical environment in 2014, we noted we had conducted an increasing number of audits and investigations over the previous five years concerning issues of ethics, conflict of interest and fraud. In the six years since, I cannot say that that has abated. In fact, I would say that today even higher ethical expectations are being placed on every sector of society, especially on the public sector and its leaders.

* (15:10)

Our report focused on the ethics-related policies and procedures put in place by the Civil Service Commission and how they were being implemented across all departments as well as what systems were in place to identify and mitigate and report any incidence of unethical or fraudulent nature.

Our report also included the results of a survey of all departmental employees, which gauged their perception of the ethical climate within their workplace. Nearly 5,000 employees responded to our survey: 94 per cent told us that ethics and integrity are critical issues in the public sector and are an important part of fulfilling their work as civil servants. They know that ethics matter.

Mr. Chair, a well-constructed and implemented values and ethics program in the civil service helps to build a workplace culture that fosters ethical behaviour in all employees, recognizes and avoids potential conflicts of interest and reduces the risk of loss due to fraud. We believe a proactive approach is required to instill such a strong ethics program throughout the civil service, and that this critical function deserves focused attention by the Civil

Service Commission and by senior leadership in all departments.

Our report issued 20 recommendations to government, which we continued to follow-up on until 2018. At that time much still—much more still needed to be done. We found seven recommendations continued to be outstanding as of September 2017. Our concern is that these recommendations are foundational to building a stronger ethical environment. These outstanding recommendations included developing an ethics policy or code of conduct, which is critical—which is a critical building block for all the other recommendations in the report. Without it, progressing further on the other elements of an ethics programs become difficult or fragmented at best.

Outstanding recommendations also included enhancing the conflict of interest policy to require periodic updating of conflict of interest declaration forms by all employees, preferably annually and especially for those employees in positions with greater risk of conflict of interest.

Also outstanding was our recommendation to provide fraud awareness training as part of an overall strategy for ethics-related training and especially for employees within workplaces perceived to be at high risk for fraudulent activity. Twenty-five per cent of employees told us they work in such an area.

Mr. Chair, tips from employees are the No. 1 way fraudulent activity is discovered. Hence, having employees who can recognize fraud and know what to do and how to report it is a valuable asset that can reduce the incidence of fraud in the workplace.

This also relates to our outstanding recommendation of developing and implementing a process to enable employees to report concerns of ethical misconduct, including anonymous disclosure. This would be in addition to The Public Interest Disclosure (Whistleblower Protection) Act as an act—as this act is limited and does not deal with disclosures related to routine administrative or operational matters.

Our report noted our concern with the findings of our survey showing that some employees are not reporting observed misconduct because they perceived issues would not be appropriately dealt with by management and they feared retaliation. Mr. Chair, more has to be done to reinforce a workplace culture that is not afraid to bring issues forward and sees that ethical issues are taken seriously and appropriately dealt with. I encourage the Public Accounts Committee to continue monitoring the status of these

recommendations and critically assessing the adequacy of planned actions and time frame for completion.

Thank you, Mr. Chair.

Mr. Chairperson: Thank you.

Does the Civil Service Commissioner wish to make an opening statement, and she—would she please introduce her staff joining her here today?

Ms. Charlene Paquin (Civil Service Commissioner): The staff I have with me today from the departments are, up the back, Brian Ellis, who's the assistant deputy minister for the Labour Relations Division in the Civil Service Commission. I have Stephanie Loewen, our executive directory of policy, programs and learning, also with the Civil Service Commission; and Valerie Barber, who's the director of insurance and risk management, with the Department of Finance.

So thank you for the opportunity to appear before the committee today. I am very pleased to report that the Civil Service Commission has continued to advance work on the recommendations outlined in the office of the Auditor General's framework for an ethical environment report, and we've made significant progress in strengthening the Manitoba government's ethical environment and framework.

As the organization responsible for leading effective human resource management in the Manitoba government, the Civil Service Commission takes its commitment to ethical conduct very seriously. We play a significant role in the area of recruitment, ensuring that the recruitment and selection of public servants is based on merit, equity and fairness and that the candidates selected meet the government's requirements.

Upon hiring, ethics-related policies and training are outlined in letters of offer and new employees are required to complete an online corporate orientation course, along with a suite of mandatory online courses, including values and ethics in the Manitoba government that reinforces the ethical expectations of them.

Employees also receive workplace-specific orientations provided by their supervisors, which is supported by a new employee orientation checklist that includes a reminder to review ethics-related policies and ensure completion of the mandatory online courses.

Existing employees are also required to complete the mandatory courses and completion of these courses are tracked by the Civil Service Commission and shared with departments on a biannual basis to ensure follow-up with those that have not yet completed them.

Our training and development unit, which is commonly known as Organization and Staff Development, or OSD, delivers training for employees online and in person on a range of workplace topics, including ethics-related matters.

We promote and administer key policies and procedures to foster an ethical environment, some of which have been noted in the Auditor General's Report, including the Oath of Office, the conflict of interest policy, the electronic network usage policy, the respectful workplace policy, the Manitoba Government Code of Conduct, which has replaced the previous values and ethics guide, the security checks policy and the social media policy.

The Manitoba government's framework for effective comptrollership is also a key component of our ethical environment and framework, requiring all departments to have plans in place to assess their comptrollership capabilities, including ways to communicate, monitor and assess their fraud-prevention processes.

As far as progress to date, since the last time the CSC appeared before this committee in September 2014, we've undertaken a number of projects and initiatives to address the Auditor's recommendations. I'd now like to provide a brief overview of some of these projects and initiatives, including a new Manitoba Government Code of Conduct, a revised conflict of interest policy, new respectful workplace policy and amendments to The Public Interest Disclosure (Whistleblower Protection) Act.

On July 25th, 2019, a new Manitoba Government Code of Conduct—we'll refer to it as the code—was introduced to replace the previous values and ethics guide. The code takes the existing ethical principles of the guide and ties them in with the expectations of other conduct policies, such as conflict of interest, oath of affirmation, oath of office allegiance, respectful workplace and social media, to name a few.

The code includes several enhancements, including extending the application of the Manitoba government's core values and expected behaviours to all Manitoba government employees, including political staff, volunteers and contract staff.

The code also defines roles and responsibilities at each level of the organization, including senior management's role in overseeing implementation and compliance with the code.

A clear process for disclosing and addressing alleged violations of the code is also established, including a disclosure form which can be completed by anyone receiving or submitting a disclosure, including anonymous disclosures. Information on possible consequences for violations of the code is also provided.

The CSC has also made updates to the conflict of interest policy, a foundational piece of our ethical environment and framework, which sets expectations for placing the public interest first in our work, while ensuring that real or perceived conflicts between our work and our personal or private interests are regularly reviewed and resolved.

The conflict of interest policy now includes reference to the code and also streamlines the declaration form and process which can now be completed electronically. These updates followed work done in the preceding few years to strengthen the disclosure expectation of employees and provide a clear and standardized process for disclosure.

Respectful workplaces are also critical to ensuring ethical conduct throughout the public service. On March 6th, 2019, a new revised respectful workplace policy was introduced to establish clearer roles and responsibilities and provide consistent procedures for employees to address concerns. The revised policy also highlights a joint commitment between the Legislative Assembly and the Manitoba government to support respectful working relationships between all staff.

Development of the policy was informed by extensive employee consultations as well as an external review of existing respectful workplace policies and procedures conducted by MLT Aikins in 2018.

To champion the revised policy and better support employees and managers in understanding their roles and responsibilities in addressing workplace issues and inappropriate behaviour such as harassment or sexual harassment, a new respectful workplace adviser and dedicated respectful workplace consultant roles were established within our human resource operations divisions as of April 1st, 2019.

* (15:20)

And then, finally, in collaboration with Manitoba Status of Women, we also launched a government-wide awareness campaign on March 26, 2019, to help employees recognize what actions constitute sexual harassment to inform supervisors about their responsibility to address sexual harassment and to direct employees to the reporting options available and the Internet site with the revised policy and reporting—and supporting resources.

Training for employees and managers on building respectful workplaces and addressing wrongdoing has also been expanded and improved. In response to COVID-19, a virtual workshop version of our Building Respectful Workplaces for Employees course was launched on June 19th, 2020, and a Building Respectful Workplaces for Managers virtual workshop was recently implemented. An updated mandatory online course on Respectful Workplace and Harassment Prevention is also set to launch this winter.

We also recently implemented new webinars for employees on topics such as race, diversity, inequity, systemic racism, unconscious bias, discrimination, inclusion, power and privilege, particularly in support of some of the recent tragic events that have necessitated this type of dialogue.

An important component of our respectful workplace policy framework has been the regular tracking and reporting of statistics related to harassment and sexual harassment. These statistics will once again be publicly reported in the CSC's annual report, and put out online as well to strengthen the culture of accountability and transparency around these issues.

The administration of The Public Interest Disclosure (Whistleblower Protection) Act continues to be a core responsibility of the commission and fundamental to maintaining a strong ethical environment across government.

As part of this responsibility, we continue to correspond annually with departments about their obligation to communicate to employees about the protections provided under PIDA and the disclosure process; support designated officers in understanding their roles and responsibilities under PIDA, including procedures for receiving and investigating disclosures of wrongdoing; and collaborate with the Manitoba Ombudsman to advance and update PIDA-related training and supports.

Notably, we also led the introduction of important amendments to PIDA in 2018 to strengthen the Province's ethical framework and enable municipalities to opt-in to the legislation by council resolution. The amendments also extended protections to school divisions and districts and enhanced the investigative powers of the Manitoba Ombudsman. With the introduction of these amendments, the CSC launched a new public-facing PIDA website to educate the public, employees and designated officers about their roles, responsibilities and protections provided under PIDA.

Since the CSC's previous appearance at this committee, many other policies, tools and resources have also been implemented or enhanced. This work has included introduction of a new social media policy, enhanced training for human resources staff on ethical issues and increased communication to all employees about ethics-related policies and resources, disclosure procedures and the importance of reporting wrongdoing.

In collaboration with Manitoba Finance, six e-learning courses on comptrollership have been implemented, along with a refresher course on information security awareness. More recently, Central Services—it was Manitoba Finance who had this in the OHU report—implemented a process to make it easier for employees to report suspicious emails, as well as an anti-phishing tool to teach staff how to recognize phishing attempts in a safe and simulated environment.

We have also ensured that Bill 19, The Public Service Act, which is intended to replace the existing Civil Service Act, entrenches core values for an ethical public service, including respect for others, integrity, accountability and skill and dedication.

While we have made significant progress in strengthening the Manitoba government's ethical environment and framework and addressing the Auditor General's 2014 recommendations, some initiatives remain in progress or planned: in particular, building on our existing mandatory courses, which include ethics-oriented training.

The CSC's planning to review and revamp our corporate orientation for new employees, as well as ensuring the code of conduct and related information about fraud awareness and prevention is reflected in our mandatory courses. We have also initiated work to enhance training available to designated officers under PIDA, and are collaborating with the Manitoba

Ombudsman to ensure alignment with PIDA-related information and resources provided by their office.

The Civil Service Commission is committed to strengthening the Manitoba government's ethical environment and framework. We know that as public servants, conducting ourselves ethically and putting the public interest first are fundamental to delivering the policies, programs and services Manitobans rely on. Any and all allegations of misconduct are taken seriously, and all available channels of investigation and redress are utilized as deemed appropriate.

We recognize and appreciate the opportunities we have for promoting innovative and sustainable methods to ensure that our work and conduct is carried out in an ethical manner. As such, we are taking, and have taken, substantive steps to implement the Auditor General's recommendations and will continue to do so.

Thank you again for the opportunity to appear before this committee and provide responses to you on behalf of Manitoba government.

Mr. Chairperson: Thank you.

Before we proceed further, I'd like to inform those who are new to this committee of the process that is undertaken with regards to outstanding questions.

At the end of every meeting, the research officer reviews the Hansard for any outstanding questions to which the witness commits to provide an answer and will draft a questions-pending response document to send to the Civil Service Commissioner. Upon receipt of the answers to those questions, the research officer then forwards the responses to every PAC member and to every other member recorded as attending the meeting.

Before we get into questions, I'd like to remind members that questions of an administrative nature are placed to the Civil Service Commissioner, and that policy questions will not be entertained and are better left for another forum. However, if there's a question that borders on policy and the minister would like to answer that question, or the commissioner wants to defer it to the minister to respond to, that is something that we would consider.

The floor is now open for questions.

Mr. Wasyliv: My question is for the deputy minister. In your opening remarks, you talked about a new Manitoba Government Code of Conduct launching on July 25, 2019. I'm wondering if you could explain to

us how a code is launched, and what that actually means, and has that completely replaced the code of ethics?

Ms. Paquin: So, when we talk about launching products, policies and things like that in the public service, that is typically meaning that we are communicating it internally to all public servants, and that can take a number of different forms, usually electronically, where we'll announce it inside the public service—that it's there, that it's available—with the appropriate links so people can go look at it and look at all the forms and the policy and everything else. But that's what a launch looks like inside the public service.

Mr. Wasyliv: I'm wondering if you could go through what is different about the Manitoba Government Code of Conduct as opposed to the ethics guide, and what's been added, what's been removed and what generally has been changed.

Ms. Paquin: So the main things that were added to the code—I mean, it certainly reflects the values and ethics that were in the original values and ethics guide, so it wasn't that we were taking away concepts and removing those, and I think that's an important thing to point out.

* (15:30)

So it still reflects core values and ethics, but we extended its application more broadly than just the civil service—the core, regular, full-time term civil servants—so now it applies to political staff, volunteers and contract staff. And I think that was an important extension that we included.

We also did more in this, in that we defined the roles and responsibilities, so we lay out what management's role is, what it means to disclose, what the process looks like. And it helps to reinforce not just the overall importance of the code of conduct and how it applies to all public servants at all levels, but also to outline roles and responsibilities, which I think was something that was not as clear under the previous values and ethics guide.

We also added—and this was a really, really important piece—was the process for disclosing and addressing allegations. So now there is a very clear way for people to bring forward concerns around code of conduct. There's a form they can use. And then, you know, it talks about who can receive it, where you submit it to and all of that. So—and it does allow for anonymous disclosures, which is certainly something that was raised in the previous report.

It also—and I—this is really important for us from a labour relations perspective—is it's quite clear on the possible consequences for violations. And I think that that's a really important thing when you're dealing with employees and employers is to understand what it means if you are violating the code and if you're found to violate the code. And so that was an important piece, as well.

The other thing that we did with it that I think was really important was we had, you know, values and ethics and we had all of these policies sort of side-by-side, if you will. And the code of conduct now connects in all of those. So if you go into the policy, it can link—it'll link to the conflict of interest policy, it'll link to the oath of office. So what we're showing is that all of these individual policies with very specific areas feed into the overall code of conduct and, therefore, the expectation of public servants.

Mr. Wasyliv: Was the Auditor General involved in this process at all? Were they given a draft or consulted to see if this new code addressed some of their concerns from the original report? And if not, why not?

Ms. Paquin: Can we take that back, and I'll try to get you an answer right away?

Mr. Wasyliv: Okay. So you're not in a position to answer that today?

Ms. Paquin: We're trying to find that out right away, yes.

Mr. Wasyliv: I'm wondering if you can explain why it took five years to get this done.

Ms. Paquin: So, I'll say that I, you know, I don't think it's a—there's no simple answer as to why it took as long as it took. I—you know, at the time, you know, the commitment that was made was that the commission would review the values and ethics guide, all its related policies and ensure that expectations were being met.

I think it takes time to go through that and figure out whether or not you need something different, or whether you don't, and I think as time has evolved over the past few years, we've certainly found ourselves in a position—and it's been an opportunity, really, to look at a number of the different things that we're doing, including enhancing Respectful Workplace and how all of that fits in together as a means to—helping to inform that process.

So it can take a lot of time. It's really a matter of all the work that's been undertaken, the reviews that—

undertaken and what needs to happen to get it to where it needs to be, but I don't think there's a—one particular answer that really gets at the timeline.

Mr. Wasyliw: The recommendation from the Auditor General seems pretty clear to me that they develop a code of conduct or a policy. So, for clarity, are you saying that the commission initially didn't support that recommendation and, over five years, grew to support it and then acted upon that change in perspective?

Ms. Paquin: So, to clarify, by no means am I suggesting the commission did not support moving forward on anything. What I'm trying to say is that at that time there was a values and ethics guide providing guidance, guidelines, and I think the Auditor General was recommending that that become a policy, that it wasn't probably strong enough in how it was dictating expectations, if you will.

So the recommendation was that we develop a policy on values and ethics or a code of conduct. And so our commitment to go back was to look at that values and ethics guide and all the related policies, many of which I mentioned, to ensure those expectations were there. So it's not that it wasn't a supported piece of work. It was just a matter of the steps needed, I think, to get there and to bring it to a conclusion and to fruition.

Mr. Wasyliw: So, what steps caused the delay?

Ms. Paquin: Yes, this one I think we'll have to come back with a more fulsome response for you. We'll have to go back and revisit previous steps. I just—I don't want to speculate on anything and I want to make sure we provide the right response.

* (15:40)

Mr. Wasyliw: Now, the Auditor General's original report had used as an example the federal government code of conduct. And one of the things that they used as an exemplar was under that code, there is a duty to act where a civil servant has information about a serious breach of the code, and they must disclose.

Is there a comparable act in your code?

Ms. Paquin: Sorry, to clarify: You're asking if there is a requirement for a staff person to disclose? I just want to make sure I got the question correctly.

Mr. Wasyliw: Yes. So, if a civil servant becomes aware of a serious breach of conduct, they are duty-bound under the code to disclose it. That's the way it is in the federal code of conduct.

So, again, my question to you: Do we have a comparable passage in the Manitoba code?

Ms. Paquin: Yes, we do.

Under the rules and responsibilities section of the code, where it speaks to roles and responsibilities of employees, it says all employees have a duty to report any situation that they believe is in violation of the code. Such concerns should be disclosed in a timely manner as per the process outlined in the Violations of the Code section.

Mr. Wasyliw: In relation to the jurisdiction of this code of conduct, would it also cover the Auditor General's Office?

Ms. Paquin: I will—so the Auditor General is an independent officer—is an independent office of the Legislative Assembly of Manitoba. And, you know, I don't want to speak of any of their behalves in terms of what they put forward as a code of conduct.

What we have done in practice is to share all the work that we do with the Legislative Assembly and independent officers, as their staff are technically civil servants under The Civil Service Act, but we do respect as a Civil Service Commission that there is some independence in that and have tried to work through that process.

So I suppose the answer is that technically it would apply, but typically the Legislative Assembly and the independent officers themselves—although, again, I don't want to speak for the OAG—have—will often develop their own that mirror ours.

Mr. Wasyliw: So in launching this new code, you indicated that you would send it electronically to employees of the government. Was it also sent to employees of the Auditor General? *[interjection]*

Mr. Chairperson: The Civil Service Commissioner.

Ms. Paquin: My apologies, I will get that right.

My understanding is that when information is emailed out of the government to civil servants, it does go to all the staff of independent offices, but there may be occasions where that does not occur.

Mr. Wasyliw: My question is for the Auditor General about whether or not he was aware of this Manitoba Government Code of Conduct and its launch.

Mr. Shtykalo: We were aware that there was a code of conduct that was being launched. We did not review it as part of—since our follow-up process on this audit had been completed and we didn't

incorporate it into any type of review or audit procedures.

I'd also like to clarify that our staff, although they are civil servants, were not provided with a copy. We do have our own expectations on values and code of conduct within our office that we use, but we are not—we were not part of the distribution or the launch.

Mr. Wasyliw: Wondering if the Auditor General can advise whether he's reviewed this code of conduct to see if it addressed any of the outstanding issues in his 2018 report.

Mr. Shtykalo: We have not reviewed it. I'm—so I wouldn't want to speak on whether it, you know, it meets the—fulfills the recommendation that would be fully implemented at this time where it exists, but certainly not review it to the standard that I'd be comfortable to report on our findings.

Mr. Wasyliw: I'm wondering if the Auditor General can give us his perspective on why it's taken five years to get to this point.

Mr. Shtykalo: I can't speak as to my—I don't want to speculate as to why, but I will go on record as saying that when we did do our third and final follow-up, we were disappointed to see that the—that what we saw as sort of the most foundational recommendation out of our report had not been implemented.

Mr. Wasyliw: Getting back to the Civil Service Commission, you had indicated that you had launched this online to all your employees. Is there any requirement for employees to review this code and any tracking to make sure that each and every employee has, in fact, either reviewed it or received professional development on it, and if not, is there plans to do so or have some process in place?

Ms. Paquin: Just to—because I said I would follow up on this—I wouldn't disagree with the auditor, and I can confirm we did not vet or consult with the auditor on the development of the code, and I just had said I would bring that response back from our perspective. So I wanted to do that.

In terms of the code, that's a really interesting question on how you track people's reading of the code or accessing the code. I can say right now we include all of our policies in packages to new employees. So, as part of the letter of offer package that goes out, and that requires conflict of interest declarations to be made, review of all of the policies.

We are looking at updating right now our corporate orientation training, and what was our

values and ethics training, to update that, which will include the code of conduct; these are mandatory trainings, and those we do track. So once that's updated I think we'll have a much better ability to determine the comprehension that people—maybe not the comprehension people have, that's probably not the right way to say that, but rather the access that people have had, because we do track and biannually advise departments of staff who have not taken mandatory training.

So that will be a mechanism. It's not developed yet, but it is coming. It's planned.

Mr. Wasyliw: When will it be updated?

* (15:50)

Ms. Paquin: The work is underway, and we're anticipating right now before the end of the calendar year to have that updated.

Mr. Wasyliw: Now, you've indicated there's a procedure for new employees. What about existing employees who, you know, obviously haven't changed jobs. Do you have any formal process in place to make sure that they're aware of the code and track that they have either been read it, or they've been trained on it in some type of professional development?

Ms. Paquin: The mandatory training will certainly help to get at some of that because it will be required to be taken by all staff, not just new staff, so that's an important piece. And, again, that's upcoming, so it will be a new launch.

When we put the code out, again, it was communicated internally, and we rely a lot on internal communication, so where we have opportunities to communicate other things that may be happening, we will use those to reiterate that these exist and that—and to provide the links to people to go to them, but that's—I think, right now, probably our best opportunity to get at what you're asking about is with the mandatory training and our ability to track on that.

Mr. Wasyliw: Now, the Auditor General had noted in his original report that many Manitoba public servants don't actually have computers or Internet access as part of their jobs.

How are you reaching these employees, and how are you tracking it to make sure that they also receive this training?

Ms. Paquin: That's a great question and it is—it does continue to be a bit of a challenge for some of our

staff. We certainly have staff who do not have routine access to computers in their places of work. However, one of the methods we have is that at home, so if people have cellphones, other devices and they can connect to Wi-Fi, they can certainly access our online training system. It's called our learning management system, so training can still be taken from home as opposed to in the workplace.

In some of those workplaces where there is not the ability to get online, group training can be offered where the materials are printed off and training is given in a more in-person format. That's been done as well, and documents like our code of conduct are all available. They're public facing, so, again, they can be accessed from home as well even if individuals don't have access to a computer in the workplace.

Mr. Wasyliw: Now, in one of your earlier updated reports of the Auditor General—I think the 2017 version of it, there was some discussion at that time of the department having ethics officers position to address ethical concerns and that ended up being abandoned.

I'm wondering if you can expand why that was abandoned and what do you have in place for those positions.

Ms. Paquin: So I would have to go back on the first part of your question again to get the history on the ethics officers and I can commit to see what I can find. What I can tell you about what we have today, though, to support this is a respectful workplace adviser whose role is entirely to support departments around ensuring there's appropriate conduct and around behaviours and providing advice and guidance and support in that regard.

We've also got dedicated positions within our human resource operations divisions that are called respectful workplace consultants and they too provide ongoing support. And then generally speaking, our labour relations officers and our human resources consultants and managers and directors have very strong connections with departments and I think it's fair to say that on a regular if not daily basis, they are providing support and answering questions where managers or employees might have queries about conduct, behaviour questions or concerns.

Mr. Wasyliw: So again, to clarify, would the respectful workplace officers be responsible for managing issues under the government code of conduct?

Ms. Paquin: So they play, sort of, multiple roles, in terms of consultant and adviser positions. Depending on the issue itself, how severe it is, there's a number of processes that we have outlined and it's included in the respectful workplace policy code of conduct, that relates to how we deal with things.

So if, for example, there's an issue or a concern, it's perceived as a code of conduct issue, the consultant or adviser might actually be able to help work through an informal resolution process to help figure out what the issue is and bring resolve to that. If it requires a formal investigation, those staff could be helping and would be helping to guide someone to the disclosure form, walk them through the process.

So I don't know that I would say they're necessarily responsible for managing the code of conduct because everybody in the public service has a role to play in managing their behaviour under the code of conduct, but they definitely play a role in helping to support employees and managers in addressing issues that arise.

Mr. Wasyliw: So, giving an example, say in a case of fraud, would you go to your workplace, you know, respectful workplace officer—I'm assuming, given your answer, you wouldn't. So is there another ethics officer or somebody designated for all situations, no matter how serious, that somebody could go to? Or do they have to know what everybody's job description is and that they can go to this person but they can't go that person, and under what circumstances and under, you know, what situation?

* (16:00)

Ms. Paquin: I think it's an overall context piece. I would say that one of the things we've tried to do, and particularly true with respect to respectful workplace, harassment, is to create an environment where people can go to anyone in a senior position to report a concern. So, you know, that's an important piece. But in the code of conduct, the second part that details the roles and responsibilities does outline the role of the employee and their responsibilities, their duties.

It also has the role of managers and supervisors where it says where they have observed a violation or where concerns are brought to their attention, they must act in a timely manner to address the situation. Once addressed, they must monitor the workplace to ensure there's no recurrence of such behaviour. They must also ensure there are no acts of reprisal taken against employees who have brought forward concerns.

It may depend on what type of concern you are looking at as to where an individual may go. Oftentimes, they will come through human resources to seek some advice on the appropriate place. We might refer them to internal audit, for example, if it is something related to fraud or insurance and risk management if there's something there.

There are different avenues, depending on what the conduct type is. It may often be addressed by the Civil Service Commission directly. And then, of course, we advertise that—not advertise; we promote that people do always have the option to go to the Ombudsman, as well, if they don't feel comfortable disclosing a concern within the public service.

Mr. Wasyliw: So is there in place a hotline or one person where you don't have to navigate the bureaucracy and that every single person who may have an issue can just go to that one place or person and get their answers and their concerns dealt with, or do they have to navigate the bureaucracy?

Ms. Paquin: There is not one specific person that individuals can go to for all related issues. It is a little bit complex because there are different types of concerns, different types of disclosures and different resolution processes that can go with, so it can be complicated. Disclosures under The Public Interest Disclosure Act are regulated, so there's very specific avenues and processes that are followed there as well.

It's a fair question that you're asking. At this point, what we've tried to do is to make the information as accessible as possible and to create positions and a lot of awareness within our own department to ensure that we can support people to get the answers they need and the resolution they need.

Mr. Wasyliw: How do you make a confidential disclosure under the system?

Ms. Paquin: So any disclosures that come through the Civil Service Commission are generally kept confidential, as they become human resource matters, and we don't share those things. The respectful workplace, sexual harassment policies all talk about confidentiality, which, it's important to note, isn't necessarily the same as anonymity, and that—because when you are investigating sometimes if you're going to, you know, address an issue, people will know where it came from. But we do everything we can to keep it confidential.

In terms of the code of conduct, though, in the disclosure form itself, there is a piece that's highlighted that talks about anonymous disclosures.

So people who are concerned about making an anonymous disclosure have options outlined for them in terms of how they can bring that forward: they can mail it to us; they can send it in different formats; and then we will do whatever we can to investigate it, assuming we've got enough information to do that. So there are those avenues, and, you know, the expectation, as it's outlined, is that anybody who gets a disclosure keeps that disclosure confidential.

Mr. Wasyliw: What type of processes do you have in place to protect complainants from reprisals? *[interjection]*

Mr. Chairperson: The Civil Service Commissioner.

Ms. Paquin: Sorry. When we conduct investigations, again, we emphasize confidentiality. We emphasize it with respondents, complainants, witnesses, and we do talk about the fact that reprisal's not acceptable. We don't typically disclose who the complainant is, but we also don't want people assuming who the complainant is and therefore taking action. Actions that could constitute reprisal may very well violate our respectful workplace policy in and of themselves, and we will ask complainants to advise us if they experience reprisal or believe they're experiencing reprisal, and we would likewise investigate that as well, and it could result in action.

Mr. Wasyliw: Is there anything in the code that actually sets out penalties and consequences for reprisals?

* (16:10)

Ms. Paquin: So again, under part B of the code, I'll highlight there is—along with anonymous disclosures, there is a section that outlines confidentiality and the expectation of confidentiality. It outlines consequences, stating that the employer will take corrective action if someone is found to have engaged in activities contrary to the code, which could be reprisal activity.

There's also a section on reprisal and it's very clear that reprisal is not permitted against an employee exercising their rights in good faith under the code. Any act of reprisal will be cause for disciplinary action up to and including termination of employment. Reprisal can include but is not limited to an actual or threatened harmful act, penalizing someone for making a complaint—and then it gives an example—and/or withholding a benefit for making a complaint.

So the code itself does highlight, with examples, what reprisal could look like and the fact that a staff

person, a manager could be disciplined quite significantly if they're found to have reprimed.

Mr. Wasyliw: The Auditor General was concerned about the conflict of interest policy, that it didn't—wasn't broad enough and that people who weren't senior managers didn't have to disclose and that there should be some sort of periodic updating of these conflict things.

Has those concerns been addressed with your changes in policy, and if so, how?

Ms. Paquin: So, the very short answer to the question is we do believe that the changes made address the recommendation—the original recommendation that was provided—actually two of them. In terms of the conflict of interest policy, it was updated in 2015 with some additional resources and we updated it again in 2019.

In 2015, we revised it to include roles and responsibilities, a new conflict of interest declaration form, a new conflict of interest guide for managers with sample scenarios to help people understand what that means and a new process diagram. In 2019, an electronic conflict of interest declaration form was also implemented and it was slightly revised to make it a little bit simpler to use. We also implemented a values and ethics calendar checklist in 2017 to remind departments of ethics-related requirements throughout the year.

Now, in terms of the annual submission piece, the procedures we've put in place to help ensure employees submit conflict of interest declarations is that we've strengthened our policy and processes to ensure public servants are regularly reminded to consider and appropriately declare conflicts of interest, which include a senior management mechanism in place. Deputy ministers and assistant deputy ministers in particular are reminded on an annual basis to put in their conflict of interest forms, even if they don't have conflicts to declare.

Language in the policy regarding the expectation that employees complete the conflict of interest declaration upon entry into the civil service, and at the change of any new job, revised letter of offer templates that include the requirement for new employees to complete that template. There's an employee orientation checklist that includes that review. And they can now submit it electronically, which is helpful.

And, again, the calendar checklist. We did an internal audit of employee declaration forms in 2015

and again in 2017 to help monitor that compliance, and we saw a significant improvement in the declarations completed at that time.

Mr. Wasyliw: So the Auditor General recommended that this occur yearly. So you have not adopted that recommendation, and you're not mandating that with your employees?

Ms. Paquin: So, apologies, I'll clarify.

We do send out an annual reminder to all staff to review the conflict of interest policy and to submit conflicts—conflict of interest declarations if there has been a change of status for them of some kind. And we would of course encourage people to submit them any time during the year. But that's the annual reminder.

We do require assistant deputy ministers and deputy ministers to submit one every year regardless of whether or not they have a conflict to declare.

Mr. Wasyliw: I—this is for the commissioner.

So you do not support the recommendation of the Auditor General, and you're not—you have no intention of actually satisfying it?

Ms. Paquin: So it's certainly not that the Civil Service Commission does not support 'confliiss'—conflict of interest declarations. We balance that with reasonableness as well. And I think that what we've done here is to take an alternate approach to meet the spirit of that recommendation.

You know, it's not believed that a requirement for all employees to sign a conflict of interest form annually would be an efficient measure, as many, many employees will have no conflict to declare.

So the annual reminder we feel is a more practical approach that helps ensure that employees will fill out those forms who do have a conflict to declare, and it opens up the dialogue to remind employees of what it means to have a real or perceived conflict of interest, which is, again, part of creating a culture—an ethical culture. So we've relied very much on the annual—the reminders and the declarations to come in.

And, again, you know, our staff do work very closely with departments, so people will frequently come forward and say, you know, this is my situation, do I need to do a conflict of interest form. So there's always an opportunity for questions and answers and dialogue, but I think our feeling was that if the majority of them will have no conflict to declare, then

annually we'll be taking in several thousand forms. And so, really, we wanted to take a practical approach.

* (16:20)

So I think we absolutely support the spirit of that recommendation. We've just taken a different approach to try to meet the spirit.

Mr. Wasyliw: You've indicated that on at least two occasions you did a survey to see how compliant your staff were with this requirement.

What was the non-compliance percentage in these surveys?

Ms. Paquin: So, in terms of the conflict of interest declaration, so we conducted in 2015 and 2017 and we saw a 36 per cent compliance rate in 2015, up to a 79.2 per cent compliance rate in 2017.

Mr. Wasyliw: What are the consequences for non-compliance?

Ms. Paquin: So I believe at the time that the audits were being done, part of that was, in fact, to improve understanding, improve compliance. It wasn't being done as a punitive measure. What we wanted was for people to pay closer attention to it, make sure they were disclosing that they were understanding the importance of that.

So today, for example, I think it's very clear that there's an expectation of disclosure. We give lots of opportunity and requests and make that requirement at a number of points in time. So if someone was to not disclose, for example, and they ended up having a conflict of interest, that would be something we'd be investigating as an individual matter that could result in a consequence.

It could be that it—not disclosing could be seen as a violation of the code of conduct. I think that our ability to promote and to look at this is a lot better than it was back then, too, and so that would strengthen it.

And so while there is no—the code of conduct itself does not speak to violations related to the disclosure of a conflict of interest, there could certainly be consequences for not doing that, but they may be on a case-by-case basis depending on what it looks like.

Mr. Wasyliw: I appreciate that if there is an incident and it's learned that this was not done, that that would be a factor in employee discipline.

But I'm talking about a situation where you have 21 per cent of your employees not complying with

your mandates and there are, and if I hear you correct, absolutely no consequences to them, and this could go on for the entirety of their career as long as nothing blows up.

Do I have that correct?

Ms. Paquin: You know, I think how I can best respond to that is to say that at the time, again, that people are hired, they're—have an expectation to put in a conflict of interest form. So there are checks and balances in the system.

At that point in time, managers, human resources, it goes in the file, so we'll know if those aren't disclosed then. It does get more challenging, as time goes on, if people do not disclose a conflict of interest when they have one; that could happen, absolutely, and it may not be something that we find out about until after the fact.

Again, what we've tried to do, over and over again, is to continue to promote people's understanding of what a conflict of interest means and why it's important to declare them, and every submitted conflict of interest form does go in someone's employee file. So we do have ways to go back and look at those, which is how we can audit those kinds of things.

But, you know, globally speaking, I think we've made a lot of improvements to how we've managed conflict of interest, how we have articulated it and its importance, and we will continue to do that, to continue to improve compliance and people's understanding of the importance of declaring.

Mr. Wasyliw: Is there anybody responsible in your department to monitor compliance, at least with senior executive staff, to make sure that they have all complied on a yearly basis with this? And does that employee, you know, also do that for non-managerial staff?

Ms. Paquin: So for assistant deputy ministers and deputy ministers, the process is—and we actually just sent out our annual reminder recently—for deputy ministers, the disclosures all go to the clerk of Executive Council, and then will come through me as the commissioner. For assistant deputy ministers, those are all routed up through their deputies and then to me. So we do track those centrally, basically, in my office.

There is no one person who tracks it for the other 13,000 staff. You know, the way that we're organized in the Civil Service Commission is sort of by

department and the way staff are assigned in teams to help support those—what we call client departments, and so it really would be those directors, managers and consultants at the various levels that would be bringing those in. And, of course, we have to remember people come into the workforce at all kinds of different times and change jobs at all kinds of different times, so there isn't that one point.

*(16:30)

It's a little bit easier to manage that with deputy ministers and assistant deputy ministers because they're smaller in number and so you can kind of go out and collect those at one time and track them, I think, in any—in a more practical fashion.

Mr. Wasyliw: This to the Auditor General. After hearing all this about conflict of interest, I'm wondering if you can share with us whether you believe the department has actually complied with the substance of your recommendations and if not, in what way they haven't complied.

Mr. Shtykalo: So before I give my response, I—again, we haven't done an audit. But just listening to what I've been hearing, the one thing that I would draw the committee's attention to was a comment we made in both our 2017 and 2018 follow-up where we believe, at a minimum, those employees in significant decision-making roles or departmental positions with an elevated risk for conflict of interest should be required to submit declarations on a periodic basis, preferably annually.

So annual reminders to renew or update conflict of interest, you know, achieves the goal of ensuring awareness as well as serves as a reminder for when situations change for employees. But we believe that leading practices would require that those who work in positions considered more susceptible to conflict of interest, for example, property assessment or positions in procurement, update and sign off on an annual basis.

Mr. Wasyliw: So is there more work to be done in this area, or are you satisfied with the response from the department?

Mr. Shtykalo: I wouldn't answer whether it's satisfied until we would have a chance to do sort of a full review and interview with the Civil Service Commissioner.

Mr. Wasyliw: This for the commissioner. I'm wondering, she had indicated earlier that she hadn't consulted with the Auditor General in relation to the

Manitoba Government Code of Conduct, and I'm wondering if she could explain to this committee why that consultation didn't occur.

Ms. Paquin: So I think that while we may not and did not consult on the final product, that's not necessarily unusual in getting recommendations. I think that when these audits are conducted, there is a lot of dialogue, there is a lot of back and forth, lots of questions being asked and answered. And so all of that information is considered when we take that final recommendation forward to make sure that we are meeting what we believe is intended by that recommendation. And so if the auditor was in their report, for example, to point out, you know, exemplary examples, we would go and look at those. We would do other jurisdictional reviews and those kinds of things as well.

So, you know, while we may not have shared the final and said what do you think of this, we certainly would have considered all of what was provided to us by the auditor's staff through the course of the audit and through the reports.

Mr. Wasyliw: The Auditor General, in one of the follow-up reports, discussed that there had been compliance by deputy ministers for the annual conflict of interest disclosure. I just want to confirm that is correct, that the secretary of the Treasury Board is considered a deputy-level position. Is that correct, Commissioner?

Ms. Paquin: Yes, the secretary to Treasury Board is a deputy-minister-equivalent position.

Mr. Wasyliw: Wondering if the commissioner can confirm whether the secretary to the Treasury Board is in compliance with his obligation to file a conflict of interest disclosure.

Hon. Reg Helwer (Minister responsible for the Civil Service): I think questions of that nature speak to individuals and HR and that is maybe a better question for the clerk than in this format.

Mr. Wasyliw: Wondering if the Auditor General could explain—I think I'm looking at recommendation No. 11, that required periodic reports from departments on their implementation of ethics-related policies, including the values and ethics guide, and upon receipt of the reports there is a recommendation that the commission proactively provides support to those departments with less-developed implementation processes.

And we know of September 2017, that this checklist was not in place by the departments, and I'm

wondering if the Auditor General could explain what this checklist is and why it's important for the departments to put in place.

Mr. Shtykalo: In our final follow-up, we had noted that CSC was finalizing a checklist.

* (16:40)

It was our understanding at the time that this checklist was for the benefit of the department as a reminder on things to remember, to—things to include, but it was not something that was to be submitted back to the Civil Service Commission.

You know, our recommendation, as we say in our report, envisions a more engaged role for the Civil Service Commission in providing proactive support to departments. So, I can't tell you the exact contents of that checklist, but from our perspective we had seen it as a reminder for the department.

Mr. Wasyliv: I just want to follow-up with the Auditor General. What would a more engaged role look like?

Mr. Shtykalo: So, to continue in our comments from the report, we believe that a more formalized reporting process from the departments would enable CSC to better understand what's happening, what their challenges are and to work with the department in implementing those policies in which they're encountering these challenges.

Mr. Wasyliv: This is for the commissioner: Does the department believe that they are following the Auditor General's recommendation, with the CSC taking on more responsibility ensuring that departments are meeting reporting requirements and supporting these things, or does the department have a different view?

Ms. Paquin: I think that the Civil Service Commission, in my opinion, has very much addressed at least the spirit of—if not the full recommendations in all cases or most cases. I think that the work that we've done in the commission, particularly over the past couple of years, in strengthening policies, procedures, outlining roles and responsibilities, disciplinary action, putting staff in place with direct roles in supporting departments, has been critical in helping to strengthen the ethical environment of government. It's been a high priority for us and we've done it, and my staff have done an incredible amount of work in bringing that to fruition across government.

That doesn't mean it ends there. I think we're doing a good job of helping to promote this. This is part of, truthfully, a transformation and continuing

cultural change within the public service as a whole, which is, again, a priority. And we don't stop here. We will—we're committed to continuing to support that work going forward, making changes where we need to make changes, continuing to evolve policy and process to make sure it's as strong as possible.

Mr. Wasyliv: Does the department provide monitoring and enforcement with other departments of government to ensure that they are actually putting these things in place and things are happening the way that they are—ought to or intended to?

Ms. Paquin: So, again, I think it's important to note we're trying to create a system and a culture where people are aware, they understand, they know their roles and responsibilities, understand their obligations as public servants and what that means, that we're supporting employees to feel safe and have—be in a safe environment to bring issues forward, that we're supporting managers and supervisors to receive those disclosures and complaints appropriately and address them appropriately. The CSC's role is providing guidance, tools and supports to do that, and then, of course, we play a fairly significant role when it comes to investigating issues as well. And in those cases, you know, that's where we're taking on a large role in the outcome, whether that's to be informally reviewed or otherwise.

And I think those are very important supports that we play because, again, you know, the values and ethics, the code of conduct, the way that we behave can't just be housed in one department; it has to be held as a responsibility from the top down, and that is something that we are—we have been actively working with. And so, you know, deputy colleagues promoting these initiatives and policies within their departments is a key piece of work, all of those things. And then we track—we track investigations as well, formal investigations. And so we can—and we've enhanced some of that as well over the past couple of years, so we can start to look at whether we're seeing trends and try to make some connections in that regard as well. We're a bit early on in that process, but that's another tool for us as well.

Mr. Wasyliv: Wondering if the commissioner can confirm for this committee whether all members at the ADM and DM level have filed a conflict of interest declaration as of this date, and if not, if you can give us an estimate of how many are outstanding.

Mr. Helwer: I think we're getting down to personnel levels that are not for public disclosure in this forum, and certainly we can discuss that with the clerk of the

Executive Council, but when we talking—getting down to the individual level, that is perhaps not where we need to go in this committee.

Mr. Wasyliw: The issue before this committee is the system that this government has put in place to track conflict of interest declarations with senior management. The question does not identify any individual, nor would it. It simply seems that we're testing how well the system has been working or not working and by answering that, it'll give this committee that information and we can deal with it accordingly.

Mr. Helwer: Mr. Chair, in my opinion, you're asking the commissioner to identify individuals, and that is not appropriate in an HR setting.

Mr. Wasyliw: With the greatest of respect, I haven't asked that; in fact, I've asked the opposite. This is a general question that can be answered that would not identify anybody and simply state whether or not their system, which they claim is in place, is working or not and how well.

* (16:50)

Mr. Helwer: I have spoken at length to the commissioner about these types of things.

I can confirm the system works very well. If I were to disclose whether an individual had or had not, or the numbers that had or had not, filed 'conlit'—conflict of interest forms, again, we are getting into the HR level, which identifies individuals.

Mr. Wasyliw: We're seeking a ruling from the Chair.

I would ask that this question's legitimate and it be answered.

Mr. Chairperson: It's not for the Chair to determine. If the minister doesn't want to answer the question, he doesn't have to and he can answer it in any way he wants. The member can re-ask the question if he wishes.

Mr. Wasyliw: How many people at the DM—or, I won't even ask how many.

Is there any outstanding conflict of interest disclosures—leaving aside the irony of not disclosing conflict of interest disclosures—at the DM or ADM level currently?

Mr. Helwer: So the 'infamation' is collected, and it is a dynamic piece of information as we bring in deputy ministers and move people around.

But again, we're getting into an HR side here for the deputies that I don't believe is appropriate. These

are not elected officials like MLAs that their disclosures are made public. We ask for disclosures and we receive the disclosures.

Mr. Wasyliw: Now, this question's for the Auditor General.

Bill 19 has recently been brought to the House, and I'm wondering if the Auditor General has reviewed that bill and has any comments about whether or not it addresses any of your recommendations at No. 11 of the report?

Mr. Shtykalo: Can I ask what the name of Bill 19 is?

Mr. Wasyliw: Public Service Act.

Mr. Shtykalo: So, I have not reviewed Bill 19 with respect to whether it meets the—our recommendation, but I am somewhat familiar with that bill, or I know of it, because it's my understanding that, you know, as my staff are all civil servants, we will be affected by the bill as well. So any looking at it or discussions we've had about it have been in the context of our office as opposed to how it would, you know, meet our recommendation in this report.

Mr. Wasyliw: It's the same question for the commissioner, whether or not there's anything in Bill 19 that, in her view, would also help to address some of the recommendations in the report.

Ms. Paquin: I think that Bill 19—what Bill 19 does is it creates a legislative framework that reinforces everything that we're talking about right now.

So, one of the most important things about it is that it lays out in legislation in a way that's never been done before what the expectations are of public servants and it defines public servants in a very, very broad way. So it includes independent officers, it includes the broader public sector, and it defines them, because we're not all in the same employer. But, in my opinion, the best thing about it is that it says to the public in a very, very formal way that these are the expected behaviours and that this is what the public can expect from public servants, as well.

So in that regard, I think it provides a very strong overlay to all the policy and procedure that we've developed.

Mr. Chairperson: Hearing no further questions or comments, I will now put—oh.

Hon. Jon Gerrard (River Heights): Several of the recommendations dealt with the needed reporting. There was a reporting requirement in recommendation 11, there's a reporting requirement in tracking

and reporting in 15, there's a reporting requirement in 17. There's, of course, the annual update requirement in—of the conflict of interest in 12.

My initial question would be to the commissioner. To what extent are we going to actually get these reports done, and will there be a compilation of the reports under the acts? Because if each department reports separately, it would be much more useful for MLAs and for the public if there was some compiled report of all the investigations, whether it's the P-D—the whistleblower act or whether it is other non-whistleblower acts that are being involved.

Ms. Paquin: With respect to The Public Interest Disclosure Act, my understanding is it's—each department is—well, I know each department is required to have a section in their annual report every year that talks about disclosures and investigations, and I believe that's because, under the legislation, each department is its own entity with its own designated officer. So that's how it's structured under PIDA, and so they are each individually required to do that.

As far as tracking of other investigations, the CSC does consolidate and track formal investigations. We do not track all informally resolved disputes, but we do track that at a department level and we consolidate that, which you can find on the Manitoba government website.

For the last—since 2018, we've been disclosing types of investigations, harassment-related investigations and sexual harassment related by type of investigation, whether the investigation was substantiated, the numbers—the number of allegations. So there is information out there on the website.

* (17:00)

It is—what's the word I'm looking for? It's rolled up in a way that does not identify and would not and could not identify individuals. That is done on purpose. It's critically important we never disclose a complainant through any kind of process, but that information is consolidated.

That information is also reported in the CSC's annual report every year, so it will be going out publicly soon again for this past fiscal year as well.

Mr. Gerrard: You know, one of the components of the recommendations of the Auditor General is that not only there be reporting of the numbers of investigations, but there be some level of reporting of

the consequences to individuals as a result of those investigations.

Is the compiled result of the consequences or indication of the consequences as well?

Ms. Paquin: That information is also available. It's themed again because we need to be very cautious not to violate privacy. There are restrictions under legislation around people's employment ability.

So, for example, we may talk about the consequence being education and training, for example, versus discipline, but we won't break down what types of discipline, particularly if the numbers are low enough that it could reasonably identify somebody.

So you can find some information—sorry—talk to the microphone—you can find some information.

Mr. Chairperson: Thank you. I'm interrupting the questions at this point to put the question on the reports.

Does the committee—

Mr. Gerrard: I have only just started and I have a relatively modest number of questions. I wonder if the amount of time for questioning could be extended for 15 minutes, and that should be sufficient.

Mr. Chairperson: I remind the member that this is a leave request and I would put it to the members of the committee because it's been previously agreed that we will finish at eight minutes past the hour.

Is it the will of the committee to extend the time? We need a yes or a no. If it's a no, we're going to put the questions now.

Some Honourable Members: Yes.

Mr. Chairperson: It's agreed? *[Agreed]*

Mr. Gerrard: Just a couple of follow-up comments on the reporting.

One is that it would be really advantageous if there was a summation of all the reports of the whistleblower act. And if that could be looked at at some point and figure out who might be the organization to do that, whether it could be done by the Civil Service Commission or some other organization.

The second would be the annual update of the conflict of interest. I know that the commissioner has said that this is voluntary and not mandatory. I think the experience that we would have as MLAs, even

though many do not change from year to year, that it's an important reminder when one has to fill these out in a mandatory way, and I think that it would be desirable to do that in a mandatory way instead of just voluntary. So I pass on those comments.

My next significant question really has to do with what we're trying to achieve here, which is to decrease fraud, increase reporting so that we will better understand and have a civil service which is going to be more ethical in an ethical culture.

I notice that in the original Auditor General's Report, that 55 per cent of the respondents said that they felt that theft would not be discovered, that 51 per cent of respondents felt that those who violate the ethical standards will not be caught, and 59 per cent of individuals who violated—I forget what the section was—felt that they would not be properly dealt with. And so that—we clearly have a fundamental problem here of things not being reported, things being felt that they won't be addressed or followed up.

It seems to me that it would be helpful to repeat this survey on a—whether annual or every two-year basis—to find out in fact if there has been a change in the culture, in the views of people in the civil servants. Such a survey could be carried out relatively anonymously in a relatively automated digital fashion using modern technology, and I would ask the Auditor General if he would think that a repeated survey along these lines at intervals would be helpful in understanding if in fact there has been a culture change?

Mr. Shtykalo: So my response to that is, firstly, we found that, you know, this survey provided a lot of eye-opening figures, and we found—we did the survey near the end of the our audit, once we had, you know, started our procedures, and we found that a lot of what our findings were were supported by what we were hearing through the survey. So we found it a very useful exercise to support our findings in the audit.

I would say that, you know, this might be something that the department might want to undertake on a regular basis to monitor the progress in some of these areas, but that being said, our office has the ability to conduct a similar survey if that is, you know, a request that is made of us of public account—of the Public Accounts Committee.

It's not something we have scheduled. We don't have another follow-up scheduled for this, so we wouldn't do it, but we certainly would be able to do

that if that is what the request to us was from Public Accounts Committee.

Ms. Paquin: I just thought of one thing I wanted to clarify because Mr. Gerrard raised it again, and I apologize I didn't say this before is that the public interest disclosure information is disclosed in each department's annual reports, but we do consolidate that information, and it's on the public interest disclosure information website, so it should all be in one place there.

And as for surveying, you know, I think we have traditionally done what we call our employee engagement survey. It's done every two years, but this year actually, we're just in discussions about what surveying—particularly in light of COVID and the major change that we've had in the way that we're working is to go back and figure out a better mechanism to survey staff in a more timely basis and not have that two-year lag before we're asking how things are going and how people feel.

So we're—I don't have a model yet for it, but it is something we're actively talking about doing so we have a more robust way of gathering feedback from our staff.

Mr. Gerrard: I thank the Auditor General and the commissioner for their comments.

* (17:10)

No disrespect. I wasn't necessarily asking the Auditor General to do it, but just pointing out that this is something which would be very valuable. And, in fact, I think that it's really important when we're looking at follow-ups, that we are not just checking that the policies and processes are in place, but they're—in fact, that we're checking whether the culture is changing, whether people are, you know, more likely to report problems, whether people feel that problems which are reported are more likely to be dealt with adequately. I think these are really important results.

And so I'm encouraged that the Auditor General and the commissioner are offering possibilities to do this sort of a follow-up. I think it would be very valuable and would be a real indicator of whether or not the processes that are being put in place are having a meaningful impact.

So, Mr. Chair, those are my questions and my comments. Thank you.

Mr. Chairperson: Thank you, Mr. Gerrard.

Hearing no further questions or comments, I'll now quickly put the question on the reports.

Does the committee agree that we have completed consideration of chapter 7, Manitoba's Framework for an Ethical Environment, of the Auditor General's Report, Annual Report to the Legislature, dated March 2014? *[Agreed]*

Does the committee agree that we have completed consideration of Manitoba's Framework for an Ethical Environment, of the Auditor General's Report, Follow-up of Recommendations, dated May 2016? *[Agreed]*

Does the committee agree that we have completed consideration of Manitoba's Framework for an Ethical Environment, of the Auditor General's Report, Follow-up of Recommendations, dated March 2017? *[Agreed]*

Does the committee agree that we have completed consideration of Manitoba's Framework for an Ethical Environment, of the Auditor General's Report, Follow-up of Recommendations, dated March 2018? *[Agreed]*

Before we rise, it would be appreciated if members would leave behind any unused copies of reports so that they may be collected and reused at the next meeting.

The hour being 5:12, what is the will of the committee?

Some Honourable Members: Rise.

Mr. Chairperson: Committee rise.

COMMITTEE ROSE AT: 5:12 p.m.

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