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Chair

Mr. Pat Martin

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• (0845)

[English]

The Chair (Mr. Pat Martin (Winnipeg Centre, NDP)): Good morning, ladies and gentlemen. Welcome to the 44th meeting of the House of Commons Standing Committee on Government Operations and Estimates. We are convened today to deal with the certificate of nomination of Mr. Joe Friday to the position of Public Sector Integrity Commissioner, referred to this committee on Monday, March 23, 2015.

We are pleased to have Mr. Friday here with us for this formal vetting process. I'd like to say at the outset before Mr. Friday begins his remarks that he did send a letter to the committee, which committee members will have seen, to explain why he was unable to attend a week or so ago when we were interested in calling him to speak to the committee when he was nominated as the interim commissioner.

We got the letter, Mr. Friday. We understand fully, and we accept your apology and explanation. The committee understands completely.

Having said that, we only have one hour to deal with this, ladies and gentlemen, so we will be trying to keep the questions very tight with five-minute rounds for the questions and answers. At 9:40 I will ask for the question to be put so that we can make the report to the House of Commons in routine proceedings, which will begin at 10 o'clock.

Having said that, let's welcome Mr. Friday and ask him to please make his opening remarks.

Mr. Joe Friday (Interim Commissioner, Office of the Public Sector Integrity Commissioner of Canada): Thank you, Mr. Chair.

And thank you to all committee members.

Mr. Chair, thank you for acknowledging receipt of my letter of March 13. Again, I do apologize to you and all committee members and assure you of my ongoing respect for your committee and my absolute understanding of my obligation to appear before you.

[Translation]

I am deeply honoured that the Prime Minister chose to nominate me to the position of Public Sector Integrity Commissioner, further to a publicly advertised process initiated last year.

[English]

The position of commissioner is that of an agent of Parliament, one of a small number of oversight offices that exercise important

and sensitive functions in the federal public administration, functions that require objectivity, neutrality, and independence.

[Translation]

I fully understand the importance of the role of Public Sector Integrity Commissioner, and if appointed, I would bring all of my experience, skills and commitment to this position.

I would also like to point out that I fully understand that, as an agent of Parliament, I would be directly accountable to Parliament.

[English]

Our office was created in 2007 under the Public Servants Disclosure Protection Act as part of the federal government's accountability initiative. The office provides a safe and confidential mechanism for public servants and for members of the public to disclose wrongdoing committed in the federal public sector. The act also helps protect from reprisal public servants who have disclosed wrongdoing and those who have cooperated in investigations.

The position of commissioner plays a central role in the accountability framework for the federal public sector. It represents a commitment to excellence in public service and, increasingly, it forms part of the identity of Canada in the world as a trusted leader in good government and good governance.

If my appointment is approved, my commitment will be to represent the public interest in carrying out the important and sensitive duties of the commissioner, reporting directly to Parliament, as all agents do.

• (0850)

[Translation]

Over the past seven years at the Office of the Public Sector Integrity Commissioner, first as general counsel, then as deputy commissioner, and since January 1 of this year, as interim commissioner, I have gained a clear and in-depth understanding of the structure and operation of our disclosure and reprisal protection regime, in other words, the whistle-blower protection regime.

I also understand the importance of emphasizing and demonstrating the trust that Canadians have in public institutions and their public service, including the need to work on keeping and strengthening that trust. In order to meet these objectives, it is essential to use discretion, be familiar with how the public sector operates and take an objective and balanced approach when making decisions on key issues.

[English]

I understand that it can be extremely difficult for people to come forward when they have witnessed what they think is wrongdoing. I understand that reprisal can take many forms and requires a direct and clear response to not only address an individual situation effectively but also to discourage it from happening in the future. I also understand that all parties, including those accused of having committed wrongdoing or reprisal, have the right to be treated with fairness and justice.

[Translation]

Working as an independent decision maker, the commissioner has a very demanding role. Many aspects of the role still have to be defined as they relate to the disclosure of wrongdoing. The Office of the Public Sector Integrity Commissioner must be able to manage expectations and perceptions using diplomacy and judgment. That being said, I know that, by continuing to work toward the objectives of accessibility, clarity and consistency, the office will be able to deal with wrongdoing and complaints of reprisal and thus help strengthen the public service.

[English]

It has been eight years since the office was created. We've had many tangible successes in those eight years in the tabling of case reports, the referral of reprisal cases to the tribunal that was specifically created in our legislation to determine and rule upon these cases, and in the conciliation of some of those cases. We've also had success in our sustained outreach to inform Canadians about our existence and mandate.

The true measure of our success in many ways is that we treat each case fairly, rendering decisions on issues of significant public interest and importance in a just and equitable manner and in accordance with our act.

[Translation]

If my nomination is approved, I intend to follow the example of my predecessor, under whose leadership I am proud to have helped lay a solid foundation for the rigorous operational policies and methods we have in place today. I will continue to be guided by and build on that success.

[English]

My priorities are grouped under the principles I've just mentioned: accessibility, clarity, and consistency. These principles, while distinct, are intrinsically linked. Accessibility, which is linked to awareness and knowledge, is a priority that I believe will be a permanent one for us. It is a goal and a challenge that is shared by our colleagues in the provinces and the territories with whom I meet on a regular basis, and it is shared by our international counterparts, many of whom I'm also in ongoing communication with.

[Translation]

In simple terms, this principle means that people need to know who we are and where to find us when they need us. They need to understand that, by law, they can choose to make disclosures within their department or to come to us. They also need to be aware of what we can and cannot do for them when they come to our office.

We have to keep working on raising people's awareness, providing them with clear information and reassuring them.

[English]

Further in this regard, I'll also focus on the continuing challenge of ensuring that our work is informed by other relevant perspectives and opinions. Our external advisory committee, started in 2011, will continue. It provides us with essential external points of view and it allows us to be aware of the influence and effects of our actions. In this regard, an increased focus on the input and views of federal unions will be a priority for me as chair of this committee.

Looking to the internal operations of our office, we're in a position to take stock of our considerable experience and build on the lessons we have learned to date, including guidance from the courts. To that end, I have focused on making progress on our internal policy-making process, bringing together our operations, legal, and policy teams to produce directives to guide operations more directly and more strategically, and also to provide potential users of our regime with clarity on our interpretation and application of the law. We want people to make informed choices about coming to our office. Knowing what to expect is a key part of that.

This builds on our work in recent years in creating and publicizing service standards. These are timelines that we've imposed on ourselves to complete initial analyses of files and also to complete investigations.

[Translation]

Mr. Chair, I will also continue to place great importance on the standards of professionalism and excellence that our staff are expected to uphold. Our job is difficult, but our team, though relatively small, is stronger than ever. When it comes to recruitment, we have demonstrated rigour and strategic vision. I have learned that, for a small organization like ours, it can be extremely complicated to attract and retain the right people.

Eight years in, our workload seems to have stabilized, even though we have no control over the frequency, number or type of disclosures. By now, we have shown that we can accomplish our work within the constraints of our existing budget. We are finally ready to undertake the statutory five-year review of the legislation, and when that review begins, we will be pleased to submit the observations and suggestions that have arisen from our work to date, thereby contributing to potential changes to the system.

● (0855)

[English]

Generally speaking, as we continue to prepare for this review, I can say that our focus will be on improving confidentiality protection and providing support to complainants of reprisal in an effort to allow them to access the full benefit of the protection under the law. I would say with confidence that our act is working, but I would also say that it can work better. It is the responsibility of any commissioner to ensure that it is working to its full capacity and potential.

[Translation]

Our work requires a thorough understanding of the federal public service, its activities and, indeed, its culture. I am confident that my 22 years of experience within the federal administration will be critically important to the performance of the duties and functions of commissioner under the act.

I have proven my objectivity and my independence in the context of my work for the commissioner's office to date, particularly when I was called upon to act as a decision-making authority in founded cases of wrongdoing. I am relying on that experience, my judgment and my legal training to guide me in carrying out the role of commissioner.

[English]

I'm asking you to place your trust in me and to allow me and my capable, dedicated, and experienced team to fully implement the act over the next seven years in supporting the goal of accountability in the federal public sector.

I wish to underscore that the vast majority of public servants serve Canadians with integrity and an honourable sense of service. My goal as commissioner would be to ensure that Canada's proud tradition of public service not only continues, but that it is also strengthened and exemplified by the highest degree of respect for and compliance with standards of integrity, professionalism, and respect.

[Translation]

Thank you for considering my nomination, Mr. Chair.

[English]

It would be my pleasure to answer any questions the committee may have for me at this time.

The Chair: Thank you, Mr. Friday.

I'm sure there are questions and we'll begin with the official opposition, the NDP, Mr. Mathieu Ravnat. There are five minutes for questions and answers, and I'm going to be quite strict with this so we can get as many questions in as we can.

Mr. Mathieu Ravnat (Pontiac, NDP): Thank you, Mr. Chair.

I'd like to begin by informing Canadians why we're meeting this early. One of the reasons we're meeting this early—it's not the regular time—is that the government attempted to circumvent this committee's responsibility to vet your nomination by trying to get this done via routine proceedings in the House, which is in a few hours, which is just a farce. It's complete contempt for the

committee's responsibility in vetting you, but I know that's not your fault, Mr. Friday, and I'm happy that you're here. I also wanted to thank you for your written apology about what happened last week.

You are largely perceived by experts in this area—particularly when it comes to whistle-blowing and because of your kind of uncritical comments of the Ouimet era in your office—as an insider. What can you say to Canadians and their concerns that yet another insider is being named to this position, which won't significantly improve the possibility for integrity to be upheld in the public sector?

Mr. Joe Friday: Thank you, Mr. Chair, for the question.

I believe that a profound understanding of the public sector is necessary to fulfill the duties of the Commissioner of Public Sector Integrity. This is the domain in which we work. This is the structure within which we investigate and within which we make recommendations for corrective action.

I have 22 years of experience in the federal public sector. I am proud of those 22 years. With respect to being an insider, I can say that I have only worked at one department, and that's the Department of Justice. I was there for 15 years. I have no preconceptions, no biases, no prejudices with respect to any party, to any file, at any level within the federal public service—

● (0900)

Mr. Mathieu Ravnat: Thank you for that, Mr. Friday.

Maybe what would help is to indicate what solutions you might have. There are only 50 complaints presently. Monsieur Dion said when he stepped down that, compared to the hundreds of thousands of employees in the public sector, this is just bizarre. It sends the message that this is just a symbolic function, that fundamentally there isn't much, or that people who are working in the public sector don't have the confidence in your office to come forward. I've heard that by whistle-blowers and I've heard that by experts.

What are you going to do to change that situation?

Mr. Joe Friday: I would say that in order to understand the whistle-blowing regime, one must look at the role we play as an external investigator. There's also an internal regime that is administered by the Treasury Board. I will only be able to speak, of course, about our external regime.

My starting point is that the vast majority of public servants serve honestly and with integrity. When we look at the numbers of public servants and the numbers that we have, there is a success rate or reporting rate of about 3%. So 3% of disclosures resulted in a founded case of wrongdoing.

My most recent understanding of the statistics in the United States, for example, is that they have about a 2% finding rate. I don't know if that's at all helpful in providing some further—

Mr. Mathieu Ravnat: It's some context, but what is wrong with the legislation?

Mr. Joe Friday: I think part of the ongoing challenge that we face—and this is largely cultural—is that I don't know if a single piece of legislation can change this, given the discussions I have on a regular basis with the administrators and managers of whistle-blowing regimes in other countries and other provinces and territories.

The issue is one of having trust in an organization to deal with a complaint or a disclosure in a open, fair, and confidential way.

Mr. Mathieu Ravignat: How are you going to address that lack of trust?

Mr. Joe Friday: We have a strong focus on reaching out to public servants. They are our prime stakeholders. For example, just before Christmas we released a video that we're quite proud of, explaining to potential whistle-blowers what their options are, what their rights are. We have been instituting, since January, a new way to reach out to deal with public servants at all levels, using people at all levels within our organization. I really think that our ability to respond to people is best represented by our work. The case reports we have, the referrals we make to the tribunal, the conciliations we're able to demonstrate are very helpful.

The Chair: I have to interrupt you there, Mr. Friday.

Thank you, Mr. Ravignat.

Next for the Conservatives is Mr. Chris Warkentin.

Mr. Chris Warkentin (Peace River, CPC): Thank you, Mr. Chair.

Mr. Friday, I do appreciate your attending this morning. We certainly appreciate this opportunity.

Unlike Mr. Ravignat, I can guarantee that there would be no reference to the House had this hearing not happened, and so we appreciate all parties' efforts to make this happen so that this nomination can proceed to the House in due course. We do appreciate your coming here, Mr. Friday, and your explanations as to why you were unavailable the other day.

We know that the office to which you are being called is one that's a high priority for our government. We believe strongly in the office, obviously. We have undertaken to see the legislation and to see the office created. We believe it plays an important role in terms of transparency and accountability for all Canadians.

There is a real sense that communication is important when somebody's coming to your office, obviously. You've talked a little bit about the necessity that somebody who's coming to your office knows what to expect. I think there are sometimes reservations in going to any office if there isn't a real sense as to what they can expect once they go.

There seems to be maybe a little bit of misunderstanding about what your office can do versus a resolution that could be undertaken through the Treasury Board process or through even possibly a union resolution process.

Could you explain briefly how you see your role as different from some of the other resolution processes, the office that you hold, and how you can better explain it to people in the civil service who might be looking for a resolution to a concern they do have?

• (0905)

Mr. Joe Friday: Certainly, Mr. Chair.

I would say that one reason we have so many cases that we do not deal with is that we are not the right place to come to. We have great discretion under our act to direct people to the appropriate place. People come to us thinking, for example, that we might be one of the other agents of Parliament, or that we are the Auditor General, or that we are the Public Service Commission. It really is our responsibility to clarify who we are, but also who we are not.

The role we play is also that of an independent, neutral agent. We do not represent whistle-blowers. I'd like to say that we advocate on behalf of whistle-blowing; we don't advocate on behalf of individual whistle-blowers. We don't represent a party. That is a surprisingly challenging message for us to get across, but we are consistent in the clarity of our communications with disclosers, potential or real, with complainants, potential or actual, of what we can and can't do for them.

I would also point out an interesting feature of our legislation is that we actually provide money to parties coming forward to allow them to seek legal counsel, to get some legal advice. Clarity in our dealing with each and every case, and dealing with each and every case in all its complexity under the restrictions of our law, is a key priority. It defines both the operational obligation we have and the operational challenge we have.

Mr. Chris Warkentin: As commissioner, you play an important role not only as a commissioner in terms of head communicator or a leader in terms of your office, but you're an employer, and you're so many more things with other roles within the office. Obviously, as the commissioner, you play a number of different roles. You have quite the experience. It's very impressive.

Could you explain to us how some of those experiences contribute to your being prepared for the different positions that being a commissioner require of you? You've served in that capacity for a little while now. Now, if you're made a permanent commissioner, you'll continue in those roles. Could you speak just a little bit about the past experiences and how they play an important role in those different roles?

Mr. Joe Friday: Certainly, Mr. Chair.

I will start answering the question by saying that we have had our challenges within the Office of the Public Sector Integrity Commission. What I have been able to demonstrate, and will continue to demonstrate, is a perseverance and a resilience and the ability to focus on success and to follow my strong, unshakable, belief in the value of the role of our office, with a commitment to lead it to success. I do that bringing the benefit of my managerial, legal, and operational experience to the position. I have a particularly strong background in the area of alternative dispute resolution. It's extremely important operationally, given that we have conciliation powers under our act, but it also provides me with a particularly collaborative approach to management, to development of the office, to development of people within the office, and to communications about our office. My training as a lawyer, I think, has given me the neutrality and objectivity that is essential.

• (0910)

The Chair: Thank you, Mr. Friday.

As reluctant as I am to interrupt you, I have to move on to Mr. Brahmi.

[*Translation*]

Mr. Tarik Brahmi (Saint-Jean, NDP): Thank you, Mr. Chair.

Mr. Friday, you mentioned in your opening remarks that many aspects of the role still have to be defined as they relate to the disclosure of wrongdoing. Could you give us an example of the most pressing elements that have yet to be defined?

Mr. Joe Friday: Mr. Chair, the commissioner has considerable discretionary authority. It is up to me to define how that discretion is exercised. Right now, we are working on identifying the criteria and factors involved.

Mr. Tarik Brahmi: Could you give me a specific example so that I can get a better idea of what you mean.

Mr. Joe Friday: We have the discretion, for instance, to refuse to deal with a disclosure if, in our opinion, the subject-matter of the disclosure is not sufficiently important. We need to define what constitutes "sufficiently important" and determine where the threshold lies.

Mr. Tarik Brahmi: Without naming any names, could you give me an example of a case you've dealt with or a situation you considered?

Mr. Joe Friday: Certainly. Take, for example, an allegation of the misuse of public funds, involving a public servant who used a taxi chit after regular working hours. Is it worth investigating that disclosure and submitting a report to Parliament for five or six dollars? What the public servant did is not acceptable, but it does not necessarily constitute wrongdoing. That's a matter that can be dealt with outside our office.

Mr. Tarik Brahmi: Fine.

In your previous role, did you encounter any cases where you felt a legislative amendment was necessary to broaden or make changes to your mandate? Could you give us an example?

Mr. Joe Friday: We're in the process of finalizing a list of possible amendments. For instance, I think it would be very important for the office to have the authority to use evidence that comes from outside the public service, in other words, the private sector. Currently, we don't have the right to obtain that information, and from time to time, that hinders our work.

Mr. Tarik Brahmi: Is that an issue you've raised before?

Mr. Joe Friday: Pardon me?

Mr. Tarik Brahmi: In your previous role, did you raise that issue in order to improve the process?

Mr. Joe Friday: Yes.

Mr. Tarik Brahmi: Can you give us any other examples of initiatives you have undertaken, personally?

Mr. Joe Friday: Yes. I wanted to broaden the definition of "wrongdoing", so that the person making the disclosure could share the information with everyone in the chain of command and not just their immediate supervisor. That's a restriction in the act right now. I

would like to provide for more possibilities and broaden the scope of that definition, as well as others.

Mr. Tarik Brahmi: As far as broadening the definition is concerned, do you think you would need additional funding?

Mr. Joe Friday: I don't think so. I think we could continue to do the job with our current budget.

Mr. Tarik Brahmi: In your career, have you ever had an experience where you, personally, had to make a disclosure?

Mr. Joe Friday: Personally, I've never encountered that. But I've often had to use my dispute resolution skills to communicate with people and address my concerns informally. But, no, I have never made a disclosure of wrongdoing myself.

• (0915)

[*English*]

The Chair: Thank you, Mr. Friday.

Thank you, Mr. Brahmi.

Next for the Conservatives is Brad Butt. You have five minutes, please, Brad.

Mr. Brad Butt (Mississauga—Streetsville, CPC): Thank you very much, Mr. Chair.

Good morning, Mr. Friday. Welcome to the committee. It's great to have you here. Congratulations on the nomination.

I know we had a brief chat prior to the committee meeting about some of the ideas you have for the office. I think that's great. I like your enthusiasm, and I think that's a credit to you and to the office you will run.

What is the staff complement in the office? How many people are working with you in the department?

Mr. Joe Friday: We currently have a staff of 25 people, not counting me in my current position of interim commissioner. The majority of those 25 are operational employees—our investigators, our case analysts, and our legal services team. My focus as interim commissioner, and I hope as commissioner, is to continue to direct our budget toward the core operations of our mandate, the heart of our *raison d'être*.

Mr. Brad Butt: When complaints come in about the actions of our public servants, are they treated differently if they are part of a union versus non-unionized employees? Do you have to work within the confines of the collective agreement and other issues with respect to dealing with the union of which the individuals are members? Are they treated differently? Is there a role to play? How do you facilitate what I would hope is a positive working relationship with the unions as well as with the employees who are subject to the investigations?

Mr. Joe Friday: Mr. Chair, I would assure committee members that all disclosures are dealt with equally, are dealt with in the same manner, and are dealt with fairly with justice and equity in mind.

Every discloser and every reprisal complainant has the right to be assisted by whomever he or she wishes. In some cases that's legal counsel, and in some cases that's a union representative. The importance of establishing and maintaining good relationships not only with a discloser or a complainant but also with whomever is their representative is of extreme significance to us.

That's why, Mr. Chair, on our external advisory committee we currently have representatives from the Canadian Association of Professional Employees, the Association of Canadian Financial Officers, the Public Service Alliance of Canada, the Association of Professional Executives of the Public Service of Canada, and the Professional Institute of the Public Service of Canada. We feel it's very important to build a community of support among both the people who would come to our office as individuals and also those organizations that can help and assist those people in making an informed decision about whether to come to our office.

I would see the role of the unions being very important in helping potential disclosers and complainants in making that kind of informed decision.

Mr. Brad Butt: I think it's important that all the parties have a fair opportunity to be involved, so I like what you're saying about the approach you see your office taking in this regard.

Is there anything specifically you would change in how the current process works, as you see it, either to make it more open, transparent, or public, or on the opposite side to make sure we're protecting individuals who in some cases may have been falsely accused of something? Is there anything specific you would change in the way these investigations take place?

Mr. Joe Friday: Mr. Chair, I would say that confidentiality is a key pillar of our regime, so any changes we might consider would have confidentiality as their driving feature.

We have established timelines to allow us to hold ourselves accountable to be, as required by our legislation, as informal and expeditious as possible.

Just this month I started an initiative that I think reflects the difficulty of balancing my training as a lawyer and a journalist. But we are in the process of introducing a simpler form of language in our decision letters so that there will not be a lot of legal terms, and no more Latin terms. This is one practical example of how we are trying to make ourselves relevant on the ground.

• (0920)

The Chair: Thank you, Mr. Friday.

Thank you, Mr. Butt.

Next, for the Liberal Party, the vice-chair of the committee, Mr. Gerry Byrne.

Hon. Gerry Byrne (Humber—St. Barbe—Baie Verte, Lib.): Thanks, Mr. Chair.

I would like to acknowledge, Mr. Friday, that in looking at your resumé and biography I appreciate the fact that your excellence within the public sector is equal to your commitment to the community at large. I see that you're a strong advocate of the arts and I think that involvement is embodied across the public sector to contribute back to the community at large, so I want to acknowledge that and say how much we appreciate it.

Mr. Friday, there was a mix-up with your appearance here and I don't want to belabour the point, but I would say that there was some confusion as to whether or not you should appear some days ago, and you came to a conclusion that you should not.

Did you receive any advice outside of your office on that matter? Did the Privy Council Office offer you any advice as to what capacity you would be serving here, being asked to appear before the government operations committee?

Mr. Joe Friday: Mr. Chair, I would say that the Privy Council Office has been nothing but respectful of my independence and of any decision with respect to that appearance being my own.

I will tell you that in speaking to the Privy Council Office on March 11 with respect to issues about the nomination procedure—just factual issues—it was at that moment I realized that I was actually not the nominee. I had not been told I wasn't or that I was. I think that's a demonstration of the complete neutrality that I have been the beneficiary of, or subject to.

With respect to my absence on March 12, I received no advice as to what to do or what not to do, from anybody. Those were based on internal discussions based on my understanding or my misunderstanding of the purpose of my appearance on March 11. Again, I apologize for any confusion and take full responsibility for it.

Hon. Gerry Byrne: We appreciate your frankness and openness on that.

Moving on, with that said, in terms of the independence of the office itself, there have been issues with a previous office-holder, Ms. Ouimet, whom we and you are aware of. Of course, you may be aware as well that there has never been a parliamentary committee hearing on the Auditor General's findings of Ms. Ouimet's office and the activities she did and did not partake in.

As an independent officer, would you provide advice or your own perspective to this committee? Do you feel it would be worthwhile and helpful, and would you welcome, a parliamentary committee having a look back at that situation so that we can establish best practices and learn from that situation?

Mr. Joe Friday: Mr. Chair, I'm in the hands of the committee and of Parliament with respect to what information is needed for you to be satisfied of our independence, and our professionalism, and our ability to do our work.

I believe that my predecessor, Monsieur Dion, did speak to some of the activities that he undertook, as commissioner, when he came into the office with respect to a review of closed files and reporting on those. And we did report on those in our annual report from that year.

Hon. Gerry Byrne: Mr. Friday, I apologize for interrupting, but I'll put it in this perspective. You are a whistle-blower watchdog. You are a watchdog of the public service. You're unafraid, you're uninhibited, you charge in where others would fear to go.

There has been some wrongdoing, and there has been some wrongdoing within the office of the Public Sector Integrity Commissioner.

Would it be your advice, would it be your consideration, would you give any perspective to this committee whatsoever as to whether or not there should be some oversight at a parliamentary committee level of that situation?

• (0925)

Mr. Joe Friday: Of the situation from 2010?

Hon. Gerry Byrne: Correct, and the Auditor General's report.

Mr. Joe Friday: The Auditor General's report, which is a matter of public record, is something that we would be more than happy to be judged against, or for there to be a further look into those issues if indeed they're still alive and still relevant.

From my own personal perspective, I feel we have moved beyond that and have quite a different organization in 2015 than we did in 2010, with a number of safeguards in place and a number of operational and management steps we have taken to assure, quite responsibly, I think, parliamentarians and Canadians that what may have happened in the past simply will not or cannot happen again, given the safeguards and the—

The Chair: Thank you, Mr. Friday.

Thank you, Mr. Byrne.

Five minutes goes by quickly.

For the Conservatives, Mr. Guy Lauzon.

Mr. Guy Lauzon (Stormont—Dundas—South Glengarry, CPC): Thank you very much, Mr. Chair.

Welcome, Mr. Friday, and congratulations on your nomination.

There was some talk about public servants, and I note that you have 22 years with the public service. I also had 22 years of service with the public service. I think I understand the machinations of the public service, because I served as a PSAC union president for five years and then spent 11 years in management. I think I have a feeling of both sides.

My experience has been both as both a union president and a manager, and as you said in your comments, the vast majority of public servants are people of integrity. They're there to do a good job. Sometimes there are misunderstandings, and there was some mention of a few complaints to your office. I think that speaks well to the system that the public service is governed by now with the Public Service Commission, with the various unions.

In my 22 years on both sides of the fence, I never experienced an issue that couldn't be resolved within the.... There was the odd case, especially on promotions where it would go to the appeal process through the Public Service Commission, but generally speaking most employees and most management were satisfied with the process in place. There is the odd example where some people don't feel comfortable in that system. I guess that's where, for example, if I didn't feel comfortable with the system that's in place, I could go to you if I thought somebody were treating me unfairly.

I just wanted to put that in context.

There were a couple of things you said in your opening comments that really impressed me. You talked about accessibility, clarity, and consistency. You also talked about an external advisory committee that started in 2011. I wonder if you could just give us some background on accessibility, clarity, and consistency, which are the principles that you operate by. Also, tell us how that external advisory committee works.

Mr. Joe Friday: Mr. Chair, with respect to the clarity, accessibility, and consistency, these are the hallmarks of my

approach to working within PSIC and they will be the defining features of how I will lead PSIC should my nomination be approved.

I think I can sum it up by saying that if people are going to come to us, they have to know who we are, where we are, what is going to happen to them when they come to us, and they have to be kept advised of what is happening and have to understand our decisions after we make them. That goes to not only how we communicate our work but also to how we carry out our work. This is essential to every step in the case analysis and investigation process.

The link to the advisory committee is that if we have external perspectives from members of this committee.... I mentioned four unions and one organization of executives that is on the committee. We also have a law professor from the University of Ottawa on the committee; we have the administrator of the tribunal who is associated with our office on the committee; and we have representatives of the internal disclosure process. So we have two senior officers, as they're called, from two departments on our committee. For us to be able to discuss what we're doing, how we're doing it, what we're planning to do with these people and to get their perspective is a marvellous investment in both clarity and efficiency, and also consistency.

I will be the chair of this new committee. We'll be meeting for the first time under my chairmanship next month. and I would like to use this committee as a conduit to our core constituency, which is the public service.

● (0930)

Mr. Guy Lauzon: Thank you very much.

Chair, that summarizes everything that I could ever possibly ask of Mr. Friday.

The Chair: Thank you.

Mr. Lauzon, by a happy coincidence, your five minutes are up simultaneously to your exhausting your questions.

That concludes one round of questioning, by our accounting. We have time for one more round, and the NDP has expressed an interest in one more time slot.

I do have one question. I was involved in the early days from the creation of the office of the whistleblower with the Federal Accountability Act, and even earlier when we had a very high profile case when the former privacy commissioner himself had a whistleblower come to this committee and expose wrongdoing in that office.

There was expectation, I think, that when we finally beefed up the Office of the Integrity Commissioner through the Accountability Act, there would be a windfall of whistleblowers coming forward, that there would be a flurry of wrongdoing exposed in the public sector, but we really haven't see that. Either there isn't a great deal of wrongdoing going on or whistleblowers still don't feel confident that they can come forward and tell their story without fear of reprisal.

Briefly, in your opinion, which is it?

Mr. Joe Friday: Mr. Chair, I do think there is a great challenge facing our office and all of our colleagues' offices, whether in Canada or elsewhere, with respect to people feeling confident to come forward, feeling safe to come forward. That's why our communications, with respect to what we do and how we do it, will be a permanent challenge for us. It's difficult to accept, as someone who believes fully in the value of this regime and this system, but it's something that I can't deny. When I speak to people individually or in groups, it would be unusual for someone not to express some kind of concern.

What I would say about our act, and why I think this aspect is really of great international interest and a model that many other jurisdictions are looking to follow, is that one of the fundamental changes from the former Office of the Public Service Integrity Commissioner to the external agent of Parliament, the Office of the Public Sector Integrity Commissioner, is that the legislation provides a discloser with the choice of what route to take. They can disclose to a supervisor; they can disclose internally, because each department must have its own internal system; or they can come externally to us.

In the previous system, one had to exhaust all internal options before going externally. I think the change in the legislation has been of remarkable importance. Having said that, it has not fully addressed the issue of fear and confidence—and I don't know if it's institutional culture or human nature—but it is something that we accept as a permanent feature of our professional landscape and something that we have to continue to address to the extent we can through our communications, through our decision-making process, and through the advisory committee that we just discussed, the importance of which I can't underscore enough.

The Chair: Thank you, Mr. Friday.

I don't want to take up too much time. I will just say that the terms "whistleblower" and "troublemaker" are still in a lot of people's minds, and whistleblowers might think they get marked with a stigma if there's not total anonymity associated with it, that it might interfere with their career ladder if they come forward and blow the whistle on any wrongdoing.

• (0935)

Mr. Joe Friday: Mr. Chair, if there's one thing I had the power to change, it would be those negative associations that attach to the word "whistleblower". There's even debate as to whether or not we should be using the term. It's used internationally, and I personally use it. I believe there's no shame attached to the term, but I do recognize—

The Chair: There are heroes, sometimes.

Mr. Joe Friday: I do recognize that there are negative connotations or associations that are sometimes made with respect to loyalty, disloyalty, or dishonour. We say in our office that one of our challenges is to turn the perception of whistleblowing from an anti-social behaviour to a pro-social behaviour.

The Chair: Excellent.

I won't take any more time. I apologize to the committee.

We have time for a five-minute round from the NDP and then we do have to deal with an item of business, as motion from this

committee has to be reported to the House of Commons, so I will give Mathieu the floor.

Could keep it to five minutes or less, please, Mathieu?

Mr. Mathieu Ravnat: Yes.

You're right, Mr. Friday. This is about socially acceptable behaviour. Fundamentally, it's not about whistle-blowers. It's about keeping our government honest, and whistle-blowers do that. So they're essential to ensuring accountability and transparency in this country.

What we're not talking about, though it was suggested in the chair's comments, is that this is really about the fear of reprisals and whether or not the legislation is robust enough to protect whistle-blowers when they do come forward. You may be aware that I have tabled a bill on this that attempts to provide greater protection for whistle-blowers with regard to the delay for denouncing a reprisal in the workplace due to whistle-blowing. It's a 60-day limit right now. I am suggesting that it should take into consideration a yearly work evaluation cycle.

What do you think about that? Because if there are going to be reprisals, they would be at the next employee evaluation.

Mr. Joe Friday: Mr. Chair, first of all I would agree that the heart of any whistle-blowing regime is the protection against reprisal. One of the very difficult issues—and I alluded to it in my opening remarks—is that the subtler forms of reprisal are the most difficult to identify. When someone blows the whistle and then immediately something bad happens to them, the precision is almost mathematical.

I mentioned as well that we're looking at producing a suite of policies to guide us in being consistent and clear. The first policy we are working on and have almost completed is to provide some guidelines to the commissioner with respect to interpreting that 60 days. The law currently allows that 60-day period to be extended, taking into account the circumstances of the case, and as I speak we are working on internal guidelines to ensure that people are treated equitably.

Mr. Mathieu Ravnat: That's a step forward. Clarity needs to be sent to the public service about that when decisions are made. Hopefully that policy will be largely disseminated.

Mr. Joe Friday: My goal is not only to have these policies shared internally, of course, but also to have them shared externally as appropriate. That would allow people to understand what framework we bring to our work.

Mr. Mathieu Ravnat: The other issue I want to bring up is about trying to nab the perpetrators. When this happens, often your powers are limited with regard to where you can go to get the information. Sometimes the information is outside the public sector, when dealing with a contractor. Sometimes that's done on purpose, and you only have the mandate to look at people who are currently active in the public sector.

Do you feel you need to expand your power so you can go into the private sector or question somebody who is no longer in the public service, who has retired, to get to the bottom of certain issues?

Mr. Joe Friday: Mr. Chair, one of the recommendations for amending the legislation that I intend to propose is allowing our office—though we recognize there has to be some kind of reasonable limitation on our powers—to have access to information in the hands of the private sector.

Very often, as you point out, and I agree with you, that information is in the hands of a former public servant. Even if we could have access to the information in those hands, or have the ability to accept that information, not just to accept it if it's offered to us, but to actively seek information necessary for us to complete an investigation.... Fortunately, that has not posed a major practical hurdle for us to date. Quite frankly, given the amount of information available within the public sector, and the respect that all departments and public servants and deputy ministers have demonstrated when we investigate, information is shared with us in total without question. We have a marvellous level of cooperation, but yes, access outside the public sector would be an important amendment from my perspective.

• (0940)

The Chair: Thank you, Mr. Ravnat. Thank you very much, Mr. Friday.

No one else is on the speakers list, but Mr. Warkentin has asked for the floor.

Mr. Chris Warkentin: Yes. Thank you, Chair.

Thank you, Mr. Friday, for coming. We appreciate your coming here and letting us grill you for a little while. It's probably one of the more difficult job interviews a person can undertake, as it's very public.

Mr. Chair, we on this side are satisfied with the qualifications and the competencies of Mr. Friday, and therefore I'm going to move a motion:

That the Chair report to the House that this Committee has examined the qualifications and the competencies of Mr. Joe Friday to the position of Public Sector Integrity Commissioner, and finds him competent to perform the duties of that position.

The Chair: Thank you very much, Mr. Warkentin. You have provided the chair with a copy of the motion. Are there any questions or any comments on the motion, or debate?

(Motion agreed to)

Therefore the chair will make a report to the House of Commons in 20 minutes or so that the committee has examined the qualifications and competencies of Mr. Joe Friday to the position of Public Sector Integrity Commissioner and finds him competent to perform the duties of the position.

Thank you very much, ladies and gentlemen. We will adjourn.

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