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Chair

Mr. Pat Martin

Standing Committee on Government Operations and Estimates

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• (1100)

[English]

The Chair (Mr. Pat Martin (Winnipeg Centre, NDP)): Good morning, ladies and gentlemen. We'll convene our meeting of the Standing Committee on Government Operations and Estimates to deal with the estimates referred to our committee.

We're very pleased to have as our first witness someone who is no stranger to this committee, but almost a frequent flyer here, Mr. Joe Friday, the Commissioner of the Office of the Public Sector Integrity Commissioner of Canada.

Mr. Friday, we'll invite you to make a few opening remarks and then we'll open it up to the floor for questions.

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

Good morning to committee members.

Thank you for inviting me to speak to the Office of the Public Sector Integrity Commissioner's 2015-16 main estimates and our reports on plans and priorities. I might add that it's a pleasure to appear before your committee again, following my nomination appearance almost a month ago to the day.

[Translation]

Our priorities for 2015-2016 are the following: first, ensuring a sound management of our disclosure and reprisal regime—timely, rigorous and accessible; second, fostering a growing awareness and understanding of the regime; and third, ensuring the human resources capacity is in place to support those first two priorities.

[English]

The way in which we manage cases at the office has evolved over the last eight years, after treating more than 800 files. The office has improved the quality and efficiency of delivering its program by refining and standardizing processes, developing service standards, and seeking feedback from stakeholders.

Looking forward, in order to provide clear guidance for staff and for people who come forward to our office with a disclosure of wrongdoing or a complaint of reprisal, we will continue to update and to publicize as appropriate our policies and procedures based on our ongoing experiences in applying and interpreting the act.

[Translation]

The office will continue to evaluate affordable technology and systems that will support the operations, such as the cross-

government shared case management system initiative. In addition, the office continues to consider proposed amendments to the act that would improve the application of the PSPDA.

These priorities are consistent with the guiding principles that I defined during my nomination hearing before this committee last month: accessibility, clarity and consistency.

• (1105)

[English]

Awareness activities have over the last number of years been aimed at management across the organizations to which the act applies. It's a priority to evaluate and implement new approaches to reach a broader section of public servants, which encompasses those working at all levels of federal departments and federal agencies, as well as parent crown corporations.

Our third priority relates to staffing and retention. It's a unique challenge in small organizations and, as I also mentioned in my recent appearance, it's an ongoing challenge. We have a number of planned staffing activities and strategies currently underway, including the re-establishment of qualified pools for key positions within our organization.

In establishing these plans and priorities, we started last fall with a risk evaluation process. The process engaged management staff and our audit and evaluation committee. The same assessment was used by our office to develop a three-year strategic plan and then was used as the basis for establishing operational work plans. I'd like to say that this approach to planning builds partnerships and mobilizes staff toward developing and achieving common objectives. It was part of the process in preparing the 2015-16 report on plans and priorities that we're here to discuss today.

The office is projecting a constant level of spending from 2015-16 through to 2017-18 of \$5.4 million, of which \$3.7 million is for personnel costs. Of the total, 62% of expenditures are planned for the disclosure and reprisal program—that's our core mandate—and the balance is for what we have described as internal services.

[Translation]

PSIC has started 2015-2016 with 55 active files, of which 16 are investigations underway. Last year, the number of new files was comparable with activity levels in recent years.

[English]

While we don't control the number, the type, or the complexity of the disclosures and reprisal files we receive, we do monitor our workload closely and plan our resource expenditures accordingly to the extent possible. I'm confident we're able to manage within our budget at the present time and in the present circumstances.

Mr. Chair, I am also confident of our capacity to meet the challenges ahead. I look forward to keeping you and your fellow committee members advised of our continuing progress in this regard.

[Translation]

I would be pleased to answer any questions or provide details on our office.

Thank you.

[English]

The Chair: Thank you very much, Mr. Friday, for those very concise but information-packed remarks. It leaves us adequate time for a number of rounds of questioning. I'm glad that you're here today, and I should have mentioned it during my opening remarks that your speaking to the reports on plans and priorities at the same time as you're speaking to the main estimates is very useful to us as a committee. That was one of the recommendations of the committee in our own study. In the the analysis of estimates, its' very useful.

We'll begin with the official opposition, with Mr. Denis Blanchette.

[Translation]

Mr. Denis Blanchette (Louis-Hébert, NDP): Thank you, Mr. Chair.

I want to thank our guests for joining us.

Here is what I find surprising. You are saying that you will have the same budget over three years, but you are also saying you want to make sure the staff is very aware of your presence and your services.

If your awareness-raising efforts were to bear fruit—in other words, if public servants became aware of your presence and the number of cases reached a certain maturity—that number would surely increase. I think you yourself actually included that in your risks, given the small size of your organization.

Under such circumstances, what would you do—and I am excluding the accumulated backlog in the processing of complaints—to effectively meet your mandate?

Mr. Joe Friday: Thank you.

For us, the challenge of raising public servants' awareness is really a permanent one. Despite our ongoing efforts to improve our communications and our awareness-raising measures, I think our workload is now fairly stable. For instance, we sent a video to the entire public service. I think that we are very sensitive to changes in our workload and that we have the flexibility we need to respond to an increase in the reporting of reprisals. We need to put in a fairly determined effort to remain focused on our applications for disclosure of wrongdoing and respond to them.

●(1110)

Mr. Denis Blanchette: However, you did say that your main risk factor was an increase in the number of cases.

Do you think the number of cases generated by the machinery of government has reached a certain maturity? In other words, have you reached a plateau that will not be exceeded or do you think the office is not quite well enough known and that additional cases might increase your small team's workload?

Mr. Joe Friday: I think there is a balance between the two possibilities or challenges. It is clear to me that our challenge is to make ourselves better known to our stakeholders. That being said, we have enough experience to manage our human resources in order to adequately respond to requests.

Mr. Denis Blanchette: In terms of budget, will the office's promotion efforts be maintained or increased over the next few years, or will they be fairly stable? What are the budgetary implications of promoting the office's mandate?

Mr. Joe Friday: We have a three-person team and a strategic communication plan, so as to use our resources adequately and thoroughly. For example, we are currently looking at some very affordable and effective options such as using social media, improving our website, creating another video, using electronic communication tools, and so on.

We remain focused on raising awareness. That's a permanent challenge for us and for our provincial and international counterparts.

[English]

The Chair: I'll have to stop you there, Mr. Friday.

Thank you, Mr. Blanchette. Five minutes go by very quickly when it's for the question and the answer. If we can keep both fairly concise, we'll get more people in.

For the Conservatives, then, Mr. Chris Warkentin.

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

Mr. Friday, thanks so much for being with us again. We appreciate it every time you do take time out of your busy schedule to come.

I think I have generally enough information with regard to the estimates in general and I appreciate the fact that you have disclosed and made it clear as to where the money goes. However, I want to drill down a little bit in terms of the process, in terms of allocating resources and different things within your office.

You're responsible for the oversight of departmental work that happens within departments. Are you also responsible for crown corporations?

Mr. Joe Friday: Our jurisdiction extends to parent crown corporations, so the total population, if you will, of our constituency is somewhere between 375,000 and 400,000 civil servants.

●(1115)

Mr. Chris Warkentin: Right.

I had the opportunity to work with a constituent who had concerns regarding a crown corporation once. The issue was resolved with the help of the office prior to your taking over, but it created for me some questions as to just what the process looks like.

Obviously, there will be complaints that come to your office from time to time with a range of allegations, some with regard to behaviour within an office, some with regard to ethical issues, and some possibly with regard to criminal wrongdoing. Obviously, within that there would be other organizations, I suspect, that you would work with—possibly the Auditor General—if it were ever seen to be a systematic defrauding of taxpayers' dollars. The other would obviously be criminal justice organizations, such as the RCMP or police forces in some cases.

Could you explain to me how the process unfolds? Obviously, you wouldn't be left to conduct investigations of wrongdoing if they got so complex, or if they went into the area of criminal wrongdoing. Is that the case? Would you do a cursory assessment and then pass it on? How would that work?

Mr. Joe Friday: If during the course of an investigation into an allegation of wrongdoing we determine there may be a criminal violation or criminal activity involved, we have express authorization under our legislation to refer that portion of the investigation to the relevant police force or the office of the Attorney General of Canada, and we have done that on occasion.

We then continue to investigate the rest of the allegations if, indeed, they stand alone and can be investigated as wrongdoing. That has happened and we actually have a protocol in place for the referral of matters to the appropriate police force.

Mr. Chris Warkentin: The reason I bring this up is simply that it would seem to me that some of those investigations would be very complex and expensive, if in fact you were responsible for undertaking the entire scope of the investigation. But I'm hearing from you that you continue the investigation as it relates to the wrongdoing in terms of, I suspect, the elements that are not criminal.

Mr. Joe Friday: Yes.

Mr. Chris Warkentin: Obviously the criminal allegations, and then of course the subsequent finding of guilt or innocence, would have an impact on your findings as well, but you wouldn't be left to fund the entire examination or the entire investigation.

Mr. Joe Friday: No, we would not be, and we're very cognizant of the fact that Parliament did not create our office as a new police force. We respect the specific jurisdiction of the police and the different kind of investigation that is required, including a different standard of proof, a burden of proof, between an administrative investigative body such as ours and a criminal investigative body such as the police.

Mr. Chris Warkentin: I appreciate that, and that alleviates some of the concerns I have with the possibility that a budget could be completely thrown into chaos if you were responsible. When we've looked at criminal investigations my understanding is some of these investigations can be very expensive.

Mr. Joe Friday: And some administrative investigations can be very ongoing and long. I can think of one investigation for which we have four shelves of boxes of documents for one allegation of

wrongdoing in our office. They can become very complex, and they vary from one case to another.

Mr. Chris Warkentin: In cases like that, would you hire outside investigators to supplement your internal investigation?

Mr. Joe Friday: Under our legislation we have express authority to contract for services to assist us if needed. We have used that to get expert advice and expert counsel, if and when necessary. We've also put in place a standing offer for external investigative services. That's a group of outside investigative services that we have opened to other departments as well so they can benefit when they're doing their internal investigations, because we of course are the external investigators, but a wrongdoing can also be disclosed internally and investigated without our involvement.

The Chair: Thank you, Mr. Warkentin, you're well over your time.

Thank you, Mr. Friday.

Next we'll go to the NDP, Mr. Tarik Brahmi.

[Translation]

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

Mr. Friday, I would like to focus a bit on the technological aspect of your organization. I assume this refers to the first priority you set out—ensuring a sound management of the disclosure and reprisal regime. Regarding that first priority, you talked about refining and standardizing processes in terms of service standards, and about improving the feedback you receive.

What kind of technology are you using? Is there software that helps you monitor those two aspects—service standards and feedback? Will it change over the next few years?

• (1120)

Mr. Joe Friday: We have used technological tools to conduct focus group testing. That's a national initiative. We are currently looking into the possibility of making an online form available to people who want to disclose or complain in order to simplify the process for registering a complaint or disclosing alleged wrongdoings.

For instance, we have established an external committee. I just held that committee's first meeting as commissioner. We used technological tools to include representatives from across the country.

Mr. Tarik Brahmi: Thank you.

Are those tools or computer services external or internal? I am looking at your 2015-2016 expenditures. If we use the 2014 public accounts as a reference point, informatics services are the second item in the professional and special services section, right after business services. Is that an evolution? Are you planning to keep the expenditures for that need internal or to use external services?

Mr. Joe Friday: We are currently exploring the possibility of using a cross-government case management system. It's a shared system. For the time being, we have an internal electronic case management system. Considering the financial resources, I hope that the shared system will be more affordable and effective.

Mr. Tarik Brahmi: You talked about that cross-government case management system in your presentation.

Are only the computer platforms shared, or can other government organizations have access to the information?

Mr. Joe Friday: That's a very important issue for us because confidentiality of information is a pillar of our regime. With Ms. Fraser's help, we are making sure that all the necessary protections are in place to avoid problems such as privacy breaches.

Mr. Tarik Brahmi: However, I imagine this means that, at a certain clearance level, the infrastructure will be accessible from other government organizations, as will the information. Is that what you are telling me?

Mr. Joe Friday: Perhaps Patricia could answer your question.

[English]

Ms. Patricia Fraser (Manager, Financial services, Office of the Public Sector Integrity Commissioner of Canada): There's a lot of security being put in place by Shared Services Canada, working with PWGSC, for this project. It's not ready yet from Shared Services Canada but it will be Microsoft Dynamics that will be used and there's a lot of interest. There are approximately 35 departments using it. If we decide that security isn't sufficient to meet our needs, we would still go ahead and use the same software product to be consistent.

• (1125)

The Chair: Thank you very much, Ms. Fraser.

Thank you, Mr. Brahmi.

We'll go next to the Conservatives with Mr. Greg Kerr.

You have five minutes, please, Greg.

Mr. Greg Kerr (West Nova, CPC): Thank you, Mr. Chair.

It's very interesting.

I'm going to back up a little bit because we were talking about "internal" and "external" several times.

Is it possible for you to give a clear explanation of the responsibilities under "internal"? I see 30 resources are dedicated there as compared to what is "external". I know it's very simplistic but I think it would help if we could help separate the two.

Mr. Joe Friday: I'll turn it over to Ms. Fraser to walk us through that, if I may.

Ms. Patricia Fraser: Definitely.

We follow Treasury Board Secretariat's guidance on the classification of our costs and what's internal and what's external. Internal costs include finance, human resources, IT, information management. As for our legal costs, when they relate to litigation, we consider those internal costs. Those are probably the largest ones. The program costs are the investigators, the case analysis, and the management of that. The majority of our legal costs are considered part of the program because they are reviewing the cases and getting opinions on those.

Mr. Joe Friday: Could I also clarify that as a micro-organization, which I think is our official designation—we're smaller than small—we don't have internal information management, information

technology services, or internal human resources services. We buy those services from PWGSC and the Canadian Human Rights Commission, and that represents a large portion of what we classify as our external costs.

Mr. Greg Kerr: That gets into the whole security question, which I know keeps coming up.

What is the basic training that a person needs to be an employee in your services? What are the main requirements?

Mr. Joe Friday: We do provide our own training and orientation to new employees.

From an operational perspective, for our investigators we have developed a statement of qualifications that emphasizes the need to have direct investigative experience and direct administrative investigation experience as well.

Going back to Mr. Warkentin's question, the distinction between a criminal investigation and an administrative one is one that we think is worthwhile focusing on. We occupy a particular position within the range of investigative models and approaches, and it's of utmost importance for us to ensure that the people who work for us understand what our powers and authorities are, what they aren't, what the burden of proof is, what the standards are.

At this point we are developing, as I mentioned in my opening remarks, a pool of pre-qualified investigators so that we can dip into that pool when necessary. Also, the standing offer that I mentioned provides us with the ability to hire on a contractual basis specialized services or those with specialized knowledge, for example, if we're working on a complex financial investigation, where we would need some expert advice, with all the appropriate security requirements in place. We have security requirements for both internal, obviously, and external service providers.

Mr. Greg Kerr: Do I have a bit of time left, Mr. Chair?

The Chair: You still have about one and a half minutes, Greg.

Mr. Greg Kerr: Given the delicacy of what you do, the investigators obviously all have to walk on eggshells, otherwise you'd be worried about legal ramifications, I'm sure. Do the investigators have to be bonded or certified? How is that controlled so that it protects the integrity of both what you do, and the potential on the other side, those being investigated?

Mr. Joe Friday: We have the security classifications for each of those, and they must have and maintain those security requirements. Expressly under the law, if we are working on.... It's possible that we could be working on an investigation that includes top secret information, and we ensure that we have at least two members of our staff who have current top secret clearance at all times.

It's not the norm, but it is certainly a possibility.

• (1130)

Mr. Greg Kerr: Thank you very much.

The Chair: Thank you, Mr. Kerr.

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

Hon. Gerry Byrne (Humber—St. Barbe—Baie Verte, Lib.): Thank you to our witnesses.

We're talking about the main estimates and spending appropriation by the government.

Mr. Friday, back in 2011 agents of Parliament wrote to the Speakers of the Senate and the House as well as the chairs of the government oversight committees requesting an opportunity to appear about the independence of agents of Parliament. That letter was issued in 2011. Subsequently there was the May election in 2011, and then following the configuration of the new Parliament the letter was retransmitted. It's never been replied to by Parliament, by any standing committee.

What are your views about the independence of Parliament and whether your going before Parliament looking for the appropriation of funds impacts your independence?

Mr. Joe Friday: Mr. Chair, I have not had the requirement or the opportunity to seek extra funds, because we've been able, quite thankfully, to manage within our budgets. I know there have been structural changes. There used to be something called the parliamentary panel that was responsible for dealing with matters of financial administration of agents of Parliament.

With respect to independence, it is essential to what we do in our office. I won't speak on behalf of other agents of Parliament, but I am very confident in being able to presume their unquestioning agreement with me with respect to the overriding importance of our independence.

As I said, as commissioner for the last month I haven't had the opportunity yet to explore the challenges that may or may not be posed by existing structures, but it is something that I am extremely finely attuned to. One of my core responsibilities, of course, is protecting the independence of the functioning of our office, which to date has been, in my view, unqualified.

Hon. Gerry Byrne: It would appear that the league of agents of Parliament—the group—would also share your concerns, or at least they did share your concerns back in the spring and fall of 2011. The letter has never been replied to. There has been no communication or discussion amongst parliamentary oversight committees with agents of Parliament, either with the Auditor General or with the Office of the Public Sector Integrity Commissioner, about strengthening that independence and that function.

Would you see it as pertinent and valuable, or would you request that the letter—the spirit of that letter, the contents of that letter—be revisited, and that such a discussion with parliamentary committees occur?

Mr. Joe Friday: I don't have the letter in front of me, and I wasn't a signatory to the letter, but generally speaking, any efforts that can be taken to underscore the essential importance of the independence of agents of Parliament is something that I would be supportive of.

It's also essential to achieve certain of the priorities I mentioned—for example, increased awareness of and confidence among public servants to come forward. That is one of the core reasons we were created in 2007, to be independent. So yes, independence is of utmost importance to me.

Hon. Gerry Byrne: When you assumed this particular office some short while ago, you received no information, in terms of your

briefing, that this was still an ongoing request or still a topic of discussion amongst agents of Parliament?

Mr. Joe Friday: I am certainly aware of the letter and of that letter having been written. I have not been briefed, or haven't been briefed yet, on the current status of discussions or negotiations. When we agents of Parliament meet, which is regularly, we certainly discuss shared issues of concern. Independence is the glue that binds us together, in fact—regardless of the fact that we are independent from each other and can of course investigate each other.

Hon. Gerry Byrne: Understood.

With that in mind, is there anything you'd like to bring to the table as the agent of Parliament serving as the Public Sector Integrity Commissioner? Is there anything you'd like to raise to this committee as a concern about your office's independence?

• (1135)

Mr. Joe Friday: To date, I can say with confidence that our independence has been respected, acknowledged. I would also say that the moment I felt our independence was being compromised in any way, I would have no hesitation in coming forward to the appropriate committee, or in the appropriate forum, as a member of a group of agents of Parliament or on my own. For example, under our act, I have the authority to table a special report to Parliament if on any issue I feel it is necessary and wise to do so.

The tools are certainly there to ensure that any concerns about independence are addressed.

The Chair: Thank you, Mr. Friday. Thank you, Mr. Byrne.

That's a good note on which to wrap up that round.

Next, for the Conservatives, five minutes for Brad Butt.

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

Mr. Friday, Ms. Fraser, thank you for joining us today.

What was your caseload like in the last fiscal year? How many cases were you working on? I realize that some of these will roll over perhaps several fiscal years if they're complicated, but generally speaking, what was the caseload like in 2014-15?

Mr. Joe Friday: Subject to a final verification—we're in the process of doing that as we prepare to issue our annual report in June—we had 90 disclosures of wrongdoing brought to our office last year. That was a slight increase from the previous year, which was 84. We had 28 reprisal cases. That was a decrease of one from the previous year, which was 29. We had a total of 118 new cases. We launched 16 investigations. We currently have 16 investigations, as of this morning, active and under way.

Over the last three years, there has been some stability in that regard, with disclosures at between 80 or 90 and 100, and reprisals between 25 and 35. That seems to have stabilized over the last three years.

Mr. Brad Butt: Okay.

Some of the cases you get involved with probably get quite complicated. There could be lawyers involved and perhaps also the unions because they're representing a member who has been accused of wrongdoing. In any of these cases, do you have any cost recovery mechanisms at all? Or within your allocated budget do you just provide the services? For example, you have to provide lawyers, investigators, etc., regardless of the outcome of the case. If an individual is found to have committed wrongdoing, and perhaps then is let go from the public service because of the seriousness of their actions, is there a cost recovery mechanism to be able to go after that individual if you've incurred costs to take on a case like that, or is that just not part of the mandate at all?

Mr. Joe Friday: Yes, that isn't part of the mandate. Our costs for all our investigative work are funded from our budget.

On the issue of lawyers' fees, I would like to also point out that our act specifically allows us to provide funding to people involved in a file, regardless of what side they might be on, to get legal advice with respect to either making a disclosure or being involved in an investigation. We have set up a grants and contributions programs with Treasury Board to us to fund people coming forward. We are budgeted this year for \$40,000 to support that.

Mr. Brad Butt: For an individual who works for the public service or one of the crown corporations and has been accused of this wrongdoing, that person has access to funding through your office so they can retain their own counsel, or advisor, or someone that they can work with—

Mr. Joe Friday: That's correct.

Mr. Brad Butt: —who will give them the appropriate advice on what they should do because, of course, in our system everybody is innocent until proven guilty, right? Everybody has the right to representation. So within your funding there's some money there that can be accessed by the individual that's been accused to be able to retain some expert advice for their side?

Mr. Joe Friday: Yes, and not only the person accused, but also the person making the allegation or the person making a reprisal complaint. Any party involved has access to this fund. There are conditions that apply to it under the legislation, with one of the most important being that they have to satisfy us they do not otherwise have access to free legal advice.

• (1140)

Mr. Brad Butt: Okay.

Mr. Joe Friday: It's administered by our legal services unit. We have a legal services group of four lawyers. They administer this program for us, do the analysis of every request, and then it's presented to me for approval.

Mr. Brad Butt: Can anyone make a complaint to your office, any Canadian, or does it have to be internally done, like someone that sees wrongdoing being done by a fellow employee in the department? Can absolutely anybody make a complaint about anyone working in the public service anywhere?

Mr. Joe Friday: As long as the wrongdoing is in or related to the public service, the regime is open to be used, if I can put it that way, by a public servant who makes a disclosure according to a specific structure within the act. They can go internally to their own manager, internally to a special senior officer appointed under the legislation

internally, or they can come externally to us. A member of the public can also come to our office with information that they believe has demonstrated that a wrong doing, as defined in or related to the public sector, has taken place. We get disclosures from members of the public. They aren't the majority of our disclosures, but, yes, Canadians can disclose wrongdoing to us.

The Chair: Thank you. Thank you, Mr. Butt. That concludes your five minutes.

We'll go to the second round of questioning, which will be Mr. Denis Blanchette, for the NDP.

[*Translation*]

Mr. Denis Blanchette: Thank you, Mr. Chair.

You have nine internal services, but eight employees. That is already a challenge. Correct me if I'm wrong, but looking at all your services and the number of employees you have, I assume you often have to outsource work to meet your organization's needs.

In your internal budget, what portion of the entire budget envelope do contracts account for?

Mr. Joe Friday: I will ask Ms. Fraser to clarify.

Ms. Patricia Fraser: I think the amount is \$800,000 for the staff. As for the rest, most of the contracts are with the Canadian Human Rights Commission.

Mr. Joe Friday: Most of the external spending goes to human resources services, information and computer resources, and financial services. We actually have to buy those services.

Mr. Denis Blanchette: Ms. Fraser can answer in English, since we have a simultaneous interpretation service.

[*English*]

Ms. Patricia Fraser: Merci.

For CHRC, for example, we spend approximately \$325,000 on finance, compensation, and IT services. With PWGSC we spend \$150,000 for human resources and the use of a human resource information system. Those would be the two largest contracts we have externally in internal services.

We also outsource our audit and evaluation. If we have internal audits done, we will contract those out because we don't have in-house internal auditors. As well, we have the cost of having an audit and evaluation committee. That is also considered part of our internal service costs.

The legal costs, when it's litigation, can be up to \$100,000.

[*Translation*]

Mr. Denis Blanchette: Thank you very much.

Mr. Friday, are you able, with those 20 people, to process current cases and manage an increased case load? I am very impressed by the fact that your budget will not go up by a penny for three years, especially when you say you will be able to do everything—meet the need, even with inflation and whatnot. I would first like to know whether, with the 20 individuals, you can really meet all of your organization's challenges.

• (1145)

Mr. Joe Friday: I hope so, Mr. Chair.

I am very proud to say that our processes are becoming increasingly effective. We have service standards we always comply with. We currently have 25 employees, but we are very sensitive to potential changes and have some flexibility. As a result, we can change the way we use certain financial resources.

Mr. Denis Blanchette: Thank you very much.

Mr. Joe Friday: We have to remain very flexible.

Mr. Denis Blanchette: Okay.

I have one last quick question. You said that you currently have 25 employees. Your target retention rate is 85% annually, or basically one person per year. You now have three. How do you plan to reach that level given the office's track record?

Mr. Joe Friday: I'm very proud of having an 85% retention rate. We invest in our staff. We have to remain sensitive to the demands and interests of all staff. I am proud to tell you that our team is integrated—it is strong and proud—but that requires an investment in terms of time, spirit and resources.

Mr. Denis Blanchette: Thank you very much.

[*English*]

The Chair: Thank you, Mr. Blanchette.

Thank you, Mr. Friday.

Next, for the Conservatives, we have Ms. Wai Young. You have five minutes, please, Ms. Young.

Ms. Wai Young (Vancouver South, CPC): Thank you again for being here today.

I wanted to ask you, because you made some very interesting responses, how you know when a case is successfully resolved. Is it when someone loses or wins or when you feel as if you have gotten to the bottom of the matter?

Mr. Joe Friday: There are many ways to measure success, a large one being that we feel we have dealt with all matters in a fair and just way.

Perhaps this is an opportunity for me to underscore the fact that we do not represent one party or another in any investigation but we represent the public interest. So we remain neutral and objective.

From a purely operational perspective, we are very careful to ensure that our evidence gathering is complete and that it meets the legal standard to prove that wrongdoing has or has not taken place, or, in the case of a reprisal, that there are reasonable grounds to believe it has taken place.

We also have a process whereby we share preliminary investigation reports with affected parties to get a second round of

information to clarify and confirm, and then to reassess all of the evidence that we have, recognizing, of course, that not only is it extraordinarily difficult in many cases for someone to come forward to our office in the first place—it takes a lot of courage to step forward—but also that the results of one of our investigations, the consequences, can be very serious.

For example, for the 10 case reports we've had today, five of the alleged wrongdoers resigned during the course of the investigation; two were terminated; and for one a judicial inquiry with respect to their ability to keep their job was triggered. The other two were more organizational in nature. So recognizing the impact of not only a finding but also even just our presence in an office.... If we don't find that wrongdoing has occurred, which the numbers indicate happens in the majority of cases, we still have to be extraordinarily sensitive to the impact of an office such as ours, an external agent of Parliament with an investigative mandate, being in an organization.

Ms. Wai Young: Could you share with us, and I know you just did a little bit, the range of possible outcomes from an investigation? Obviously there's termination, etc., but do you actually go beyond that to charge people? Do people go to jail?

Maybe we should just start with that.

• (1150)

Mr. Joe Friday: Under the legislation, we have the authority to make a report to Parliament. We have the obligation to make a report to Parliament, a public report, on every founded case of wrongdoing. We make recommendations for corrective action.

One of the very delicate issues is that we don't step into the shoes of the chief executive of that organization, recognizing that our job is ultimately to hold that chief executive publicly accountable for making a decision to respond to what we find, to respond to a recommendation. To date, all chief executives have responded fully to our recommendations, and in the two cases of termination I mentioned, it was the chief executives' decision, following our finding of wrongdoing, to take what they thought was the appropriate action.

Ms. Wai Young: Would you say the responses are timely?

Mr. Joe Friday: Yes. We have the authority under our legislation to follow up on recommendations and actually come back to Parliament to present any issues we observe or encounter in the implementation of recommendations or findings. To date, I can say that chief executives have taken our presence and our findings very seriously and have responded.

Ms. Wai Young: How are these cases documented? In the case, for example, of an employee, are their records expunged? Does it even appear in their records or can they move to another part of the country, apply under a different arm of government and presumably start working again within the federal public service?

Mr. Joe Friday: Our involvement ends with the tabling of a public case report, which is a matter of public record. In the case of reprisal investigations, we would refer those to a specially constituted tribunal that has all the power of a court to order remedial action and also order disciplinary action. Those orders are enforceable as court orders in the cases of reprisal.

People who are found to have committed wrongdoing certainly go back into society, if you will. These aren't criminal charges, and we don't have any criminal authority. As I said earlier, we refer criminal matters elsewhere, to the appropriate police force, but there is a public record of our finding that remains a permanent Parliamentary record and a permanent record of our office.

The Chair: Thank you, Mr. Friday. Thank you, Ms. Young. That concludes your five minutes.

We have time for two more rounds—just barely. I'm going to suggest that we reduce the rounds to four minutes each instead of five, so we can get them both in.

Next on the list is Tarik Brahmai, for the NDP.

[Translation]

Mr. Tarik Brahmai: Thank you, Mr. Chair.

Mr. Friday, I will continue in the same vein as Mr. Butt. You told him that some disclosures, although not a majority of them, come from outside the public service.

When you appeared on March 26, you said that, in addition to disclosures, evidence could also potentially come from outside the public service in the future. You also said you were working on implementing that system.

What financial implications could that have over the next few years? If you managed to quickly implement the new provision that would enable you to use evidence from outside the public service, do you think your case load would increase? Do you have any budget estimates for the next three years?

Mr. Joe Friday: We have the capacity to accept disclosures from members of the public. I honestly don't think that using evidence from outside the public sector will have a major impact. We have identification processes, as well as processes for gathering and analyzing the necessary evidence to determine whether or not a wrongdoing took place.

• (1155)

Mr. Tarik Brahmai: Okay.

Mr. Joe Friday: I must say that it is possible.

Mr. Tarik Brahmai: Last, I will look at the risk assessment you carried out while developing your three-year strategic plan. What are the most significant risks you identified through the assessment?

Mr. Joe Friday: The most significant one is raising awareness, and that is a permanent challenge.

Information management, the electronic process and information security also play a part. We are now actually enhancing our internal processes for protecting information. For instance, we access files and check all the cases on an ongoing basis. We have to use all available tools to protect the confidentiality of the information, our files and all the documentation.

Mr. Tarik Brahmai: Are the increasing prices of external computer services among the risks you identified?

Mr. Joe Friday: That's a risk we are willing to take. After looking into the issue, we concluded that it was not too serious.

Mr. Tarik Brahmai: Thank you, Mr. Chair.

[English]

The Chair: Thank you, Mr. Brahmai, and Mr. Friday. That concludes your time.

Finally, we have a very special guest with us today. We're honoured to have the chair of the Standing Committee on Citizenship and Immigration, Mr. Tilson.

Mr. David Tilson (Dufferin—Caledon, CPC): Thank you, Mr. Chairman.

When I was a young boy, one of my favourite TV shows was *Dragnet*. The star was Jack Webb, who played a guy named Joe Friday.

Mr. Joe Friday: He did, indeed.

Mr. David Tilson: Are you named after Joe Friday?

Mr. Joe Friday: I am named after my grandfather, Joseph Friday. The name is actually Belgian in origin, and it was anglicized to "Friday" from "*Vendredi*".

As I always say, my grandfather, after whom I'm named, had the good sense to die before the *Dragnet* TV show came on, so he didn't have to face a lifetime of jokes. But if my cellphone were to ring right now, you would hear the *Dragnet* theme song, so it's something I have a great deal of fun with.

Some voices: Oh, oh!

Mr. David Tilson: I think his favourite line was, "Just the facts ma'am", which gets me to a question after I've already used up most of my time.

Whether it's a member of the public or it's a member of the public service who has a complaint, I'm interested in the process. Presumably someone reviews it as to whether or not it's a frivolous claim or a legitimate claim. Once that's established, is there then a hearing? How does that hearing work? If the person that's complaining or the defendant, or opposing person, objects is there an appeal?

Mr. Joe Friday: I will quickly speak to the process, which we have built over a period of time and for which we have restructured our organization around the needs that we have identified as we have processed cases.

We have an initial case. The first decision-making point is after disclosure or a complaint comes in. It goes to a trained case analyst who looks at the information—only the information provided by the discloser or the complainant—and analyzes that against the requirements of the law. There's always a lawyer assigned to every file from the beginning to the end. A decision then comes to me to either investigate it or not. If my decision is to investigate it, then it goes into the hands of an investigator who then goes out and does the external evidence gathering and identifying who the witnesses are. It goes into the department and we give notice to the deputy minister or the chief executive. Until that time, it's all internal and private. When someone comes to us, we don't broadcast immediately that we've had a disclosure, only if we're going to investigate. Then the rules of natural justice and procedural fairness kick into place and we have to give notice to the affected parties. We advise them of their ability to be accompanied by a representative of their choice, legal or otherwise.

At the end of the evidence gathering, a preliminary investigation report is provided to all of the parties in the case. The act specifically says that a hearing is not necessary, but everybody who could be adversely affected by a finding must be given a chance to respond to the case.

We do this on a preliminary basis. If there's any more information, or any different perspectives to be brought to bear, that is taken into account, again with the assistance of our legal services group. Then a final investigation report is provided to me with a recommendation as to whether there was a founded case of wrongdoing. If I agree, we then report it to Parliament. If I don't, the case is closed.

The focus on the procedural fairness and natural justice rights of all parties is something that we take extraordinarily seriously in addressing the issue that I believe you have raised with respect to whether there is a hearing and when people get a chance to go forward.

• (1200)

Mr. David Tilson: Thank you, Mr. Chair.

The Chair: Thank you, Mr. Tilson.

That does conclude the time we have set aside for Mr. Friday, the Public Service Integrity Commissioner. We thank you for your time, speaking to your main estimates and your reports on plans and priorities.

We're going to allow you time to excuse yourself and welcome our next witnesses.

I'll suspend the meeting briefly.

• (1200)

_____ (Pause) _____

• (1205)

The Chair: Good afternoon, ladies and gentlemen.

We'll reconvene our meeting of the Standing Committee on Government Operations and Estimates. As our witnesses and our guests today we have the Office of the Public Service Commission and the acting commissioner, Ms. Christine Donoghue, to speak to her main estimates and report on plans and priorities.

We will give the floor to Ms. Donoghue, and you can introduce the rest of your delegation if you like.

[*Translation*]

Ms. Christine Donoghue (Acting President, Public Service Commission of Canada): Thank you, Mr. Chair.

[*English*]

First of all, I'm happy to be here to talk to you about this important subject. We're very pleased with the work that we're doing.

I want to introduce my colleagues, Gerry Thom, the acting senior vice-president for policy, and Phil Morton, our chief financial officer, who will be here to go through the numbers with you.

As you're eating, I will speak slowly so it'll give you a longer lunch.

The Chair: That's very considerate of you.

Ms. Christine Donoghue: Again, thanks for having us. I'd like to take this opportunity of meeting with you today to discuss our main estimates, as we are required to do, and our reports on plans and priorities.

The Public Service Commission is responsible for safeguarding merit-based appointments and making sure that appointments are free from political influence and, in collaboration with other stakeholders within our system, to protect the non-partisan nature of the public service. As you may know, we report independently to Parliament for our mandate, and we also administer programs on behalf of departments and agencies in order to recruit qualified Canadians from across the country.

Under the delegated staffing system that we manage, it is set out under the Public Service Employment Act. The Public Service Commission fulfills its mandate by providing policy guidance and expertise, conducting effective oversight, and delivering innovative staffing and assessment services.

[*Translation*]

Now, I would like to turn to our strategic priorities for this year.

Our first priority is to provide independent oversight on the health of the staffing system and protect merit-based staffing and the non-partisan nature of the public service. Those are our main principles. The commission oversees the staffing system through regular monitoring, and conducting audits and investigations, where needed. Based on these oversight feedback mechanisms, we are able to assess the management of staffing and identify areas for improvement.

Throughout the year, we will continue to provide policy guidance and advice, and work collaboratively with organizations to enhance our support to address not only issues detected through our oversight, but also to promote innovation in all aspects.

We are adapting our approach to auditing small and micro-sized organizations, which have significantly fewer staffing activities. That means we are distancing ourselves from the standardized approach—the one-size-fits-all approach—and adapting our mechanisms to the organizations' needs and structure.

[*English*]

As for political impartiality, we will continue to engage with stakeholders on issues related to merit-based staffing and non-partisan public service.

The Public Service Commission has developed a number of tools available on our website to inform public servants on both their legal rights and their responsibilities related to political activities. These tools are redistributed across a number of departments. For instance, we have an online tool to help public servants self-assess their own particular circumstances in order to make an informed decision about whether to engage in a political activity. We also launched a video to inform public servants of the process involved should they wish to become a candidate in a federal, provincial, or municipal election, and we are working on other tools presently for other portions of our mandate.

Our latest staffing survey found that employees' awareness continued to increase. Over 75% of respondents were aware of their rights and their responsibilities with respect to political activities, which is up from 72% in a previous survey.

• (1210)

[*Translation*]

Our second priority is to enhance our policy and oversight frameworks to ensure that they are fully integrated, thus improving the staffing process across the public service. It is important for us to be consistent in the actions we take with our partners, the departments.

We have more than 10 years of experience with full delegation of staffing authorities to deputy heads. Our staffing system is mature and works well. Organizations now have in place strong internal capacities to monitor their own staffing processes. The operational realities and staffing needs of organizations have evolved.

As a result, we are currently reviewing our policies and associated guidance with a stronger focus on our role of providing expert advice and support to enable deputy heads to exercise their delegated authorities.

As part of our focus on integration and modernization, we are also adapting our oversight mechanisms to a risk-based approach, while providing support through outreach activities and training sessions for organizations and stakeholders.

[*English*]

Our third priority is to offer support and expertise in staffing assessment to delegated organizations and stakeholders. We are modernizing our processes, systems, and tools in close collaboration with stakeholders, based on a single-window approach. We continue to modernize our services, to expand the use of technology, and to make it more user-friendly.

Over the years, we have made significant progress in moving from paper-and-pencil testing to online testing. Approximately 70% of PSC's tests are now administered online. This means reduced operational costs, better security features, faster scoring, and quicker communications. The results are now available within 24 hours, as compared to 15 days, which was the case prior to online testing.

For the post-secondary recruitment campaign, the use of paper-and-pencil exams was reduced by more than 90%. We went from 33,000 exams in 2010-11 down to 2,600 in 2014-15. Operating costs were reduced by over 29%, from \$736,000 in 2010-11 down to \$500,000 in 2014-15. We saw similar efficiencies in our second-language evaluation testing. More than 92% of them are administered online.

We also support departments with their own online testing, which are on our testing platform, by hosting their standardized online tests. We currently host 14 standardized department tests on our platform. For fiscal year 2014-15, we estimate that these tests will be administered to more than 20,000 candidates.

Other key innovations include unsupervised Internet testing. This allows organizations to identify candidates early in the hiring process who are more likely to succeed in subsequent supervised testing.

This type of pre-screening reduces costs and time to staff, while increasing the quality of hires. We estimate that, during the fiscal year 2014-15, unsupervised Internet tests were used in 35 recruitment processes. We believe that the use of unsupervised Internet testing for those processes reduced the cost of testing by over \$500,000 for hiring departments.

This type of testing has two other important advantages. First, it increases access to public service jobs by allowing applicants to take the test at the location of their choosing, no matter where they live in Canada. Second, it provides greater accessibility by removing testing barriers for persons with disabilities, who can now use their own adaptive technology at home to do their exams.

We will continue to look for ways to innovate, to improve user experience and expand access to opportunities in the public service.

• (1215)

[*Translation*]

Staffing and recruitment are an important part of the commission's role. Last year, we reported an increase in hiring and staffing activities for the first time in nearly four years. While student hiring was up by 8.6%, permanent hiring of new graduates was down.

We are concerned that the portion of employees under the age of 35 is also down. Those trends have implications for the renewal and future composition of the public service, and we continue to look for the best mechanisms to attract and recruit graduates.

Our post-secondary recruitment campaign is one of the tools that we use to recruit graduates. Last fall, the commission, in collaboration with departments and agencies, participated in more than 20 career fairs in all regions of Canada.

[*English*]

This year we have also focused on preparations for the implementation of the Veterans Hiring Act, which received royal assent on March 31. We are continuing those preparations in order to move to full implementation of the legislation. Once it comes into force, this act will change different mechanisms that support the hiring of veterans and current members of the Canadian Armed Forces into the federal public service.

We have been working very closely with our colleagues at Veterans Affairs and the Department of National Defence, and are ready to implement these changes. The draft regulations are now close to completion.

Given our responsibility for administering the priority entitlements within the federal public service, we want to make sure that the entitlements of the medically released Canadian Armed Forces members are fully respected. We are considering additional initiatives to support veterans as well as current Canadian Armed Forces members in bringing their valuable experience and skills to the federal public service. For instance, the commission itself is looking to hire veterans to help Canadian Armed Forces members and other veterans to navigate the Canadian public service staffing system. We're also working right now to finalize training modules and to help human resources advisers and are hiring managers to apply these changes in the system.

[Translation]

Finally, I would like to speak to you about our financial situation. In our main estimates for 2015-2016, the commission is authorized to spend \$83.6 million. In addition, it has an authority to recover up to \$14 million of the costs of our counselling and assessment products and services provided to federal organizations. We have sufficient resources to deliver on our mandate, and we will only spend what is needed.

For the commission, the most serious risk would be not being able to fully respond in a timely manner to government-wide transformation initiatives and to realize efficiencies. However, we continue to closely monitor all possible scenarios in our planning.

[English]

Mr. Chair, we recognize that our responsibilities form but one of the many elements of the overall framework for people management in the public service. In order for that whole to remain modern, effective, and responsive, we continue to explore ways in which we can better perform our roles with respect to the merit and non-partisanship of our system.

We look forward to working with departments and agencies to achieve the priorities that we have set out. We will continue to foster strong collaboration and relationships with parliamentarians, bargaining agents, and other stakeholders, so that Canadians will continue to benefit from a professional and non-partisan public service.

Thank you very much. We're ready to take your questions.

• (1220)

The Chair: Thank you, Ms. Donoghue. That's very helpful.

We'll go immediately to questioning with five-minute rounds.

We have Mr. Denis Blanchette for the NDP.

[Translation]

Mr. Denis Blanchette: Thank you, Mr. Chair.

My thanks to our guests.

My first question is about your overall budget. You just said that you have the resources you need. However, your budget for this year will be about \$1 million lower than it has been over the past two years. How will you manage to deliver on your mandate while absorbing that additional cut?

Ms. Christine Donoghue: Thank you very much for the question.

I want to point out that, so far, the commission has not spent all the money from its budget because it is evaluating new work methods to help it achieve economies of scale. The commission can become more efficient by using new technologies and by better integrating the way it develops its policies and oversight tools.

The commission is planning to manage its activities next year and over the coming years based on the spending requirements that are absolutely necessary. That is why it has managed to achieve economies of scale. Faced with any unplanned changes, the office would be able to react and use previously unused funds. So far, we have not spent all the money from our budget.

Mr. Denis Blanchette: Your report on plans and priorities indicates that you are worried about being unable to adjust to changes. I'm trying to express the idea properly. You mention that the processes are mature. After all, your organization has a lot of history behind it. So the practices have been established for several generations, if I may say so.

How will this make you transform your services and the way your budgets are spent? Of course, some things are taken for granted, such as your relations with departments. You also want to transform your organization in order to adapt to the new realities you are facing.

I would like to know what the organizational and budgetary implications of the transformation are.

Ms. Christine Donoghue: We did not take the transformation lightly. We did not decide on our own to undertake a transformation. This is a transformation we have been working on for a year, in very close consultation with the people who are delegated under the legislation.

The consultations are ongoing. Given the system's maturity, we have to acknowledge that it is time to let those people do the work, let them assume their responsibilities, and be there as partners to balance out the commission's involvement.

Mr. Denis Blanchette: How will that change your budgets, based on your three programs, in the upcoming years? It will definitely have an impact.

Ms. Christine Donoghue: We are basically foreseeing a change in the way we work. We do not really anticipate major budget cuts, as our roles will change. Before we can determine how our budgets will be affected, we need a number of practices.

As you can see in the report we submitted, our budgets will remain relatively stable over the next three years. Of course, we are rethinking our work methods as we move forward. We will assess the potential financial impact.

Did you want to add anything?

• (1225)

[English]

The Chair: Unfortunately, we'll have to leave it at that for this round. We're going to keep this quite tight, and perhaps you'll have an opportunity in the context of other questioning to expand on that, Mr. Thom.

Mr. Warkentin, five minutes, please.

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

Thanks so much for being here. We appreciate your coming here to testify. Obviously, we're reviewing the estimates.

I'm generally comfortable with your explanation and thank you for bringing all of those details forward, but one thing that stood out for me that I'd like to talk a bit about is the issue of recruiting young people.

It seems as though there's a challenge for young people to get that first experience, that first job in their area of expertise. We hear concerns about that being the case, and definitely in the private sector. My concern is that it doesn't seem as though the Government of Canada is much different in allowing for that first opportunity, that first job.

Having been a manager, I can certainly understand why managers are looking for people with experience. There's an incredible wealth that can be brought to the table by somebody who has had experience in the job or in the material they have been dealing with.

Have you done any assessments as to why or what could be done to transform the way hiring is done, to allow for that first experience, perhaps through co-op programs or different things? Have you done any studies in that area?

Ms. Christine Donoghue: First of all, on the reasons that we've seen a decrease in the hiring of youth or the entrance of youth, recruiting youth is not actually difficult. They are applying for the jobs or to the processes that we have for student hires. Attracting youth is not what is difficult. What is difficult, especially in the past two years because of budget reviews and stuff like that, is that the hiring level has gone down and a lot of departments favoured hiring people with more experience.

We've now entered into discussion with the system as a whole and gone back to the importance of recruiting young professionals for the public service, because representation of all factions of Canadians is important within the public service. We have been doing a lot of work. The most important work is internally, in convincing departments that they need to hire these young potential public servants.

We can attract over 12,000 young people to apply for jobs; we can qualify 6,000 of them. The problem is that only 112 are offered positions, so we are changing the approach and how we're thinking. We continue to work with our partners within the system to see what the issue is and why we are not hiring youth. As I said, part of it is because of some of the cuts in the past, but the system is picking up slowly.

Gerry has been responsible for putting forward some of the recruitment strategy, so I'll let him add to this.

Mr. Gerry Thom (Acting Senior Vice-President, Policy Branch, Public Service Commission of Canada): Thank you.

To the point that young Canadians need jobs, we're working with departments at different levels. We're working at the deputy minister level, doing presentations. We're working with different communities, like the young professionals network, the middle managers network, and so on. We're trying to work with them to bring people into the government.

Let's say that we have the jobs identified and so on. What we need to do, and what we've been doing over the last couple of years, is more outreach. We've been going to job fairs—over 20 job fairs in the fiscal year we just finished—which is good because there are expenses that come with it and so on. This time we are doing it in a more informed way. Before we go to the school, we check to see who is going, so there is more convergence with the other departments. We're not doing it all ourselves.

All of the deputy ministers are champions of a university somewhere in Canada. We weren't working very closely with them before; now we are. Before we go to the school that they are championing, we get a briefing from them. We give them a briefing. When they go, they tell us, and when we come back from the career fair, we do a little survey and we send that to them. We say that when we went there, about 500 people came and so on.

What's interesting is that there is interest, as mentioned by the chair. We have one big campaign during the fall, the post-secondary recruitment. This is a big campaign to recruit from outside. There are roughly 18,000 applications, roughly 13,000 individual applicants, and they go through the tests and so on. We give them a little survey and we ask them questions.

It is interesting that a lot of younger Canadians think that the jobs are all in Ottawa. If they don't want to come to Ottawa, that is one thing. However, it is not true, as 60% of the jobs are in the regions and roughly 40% in the NCR. They think that the jobs are all bilingual, which is not the fact either. They think that the jobs are all at entry level. When we do those campaigns, they think it's for entry level and that, for instance, there are administrative jobs only, which is not the fact. There are all kinds of scientist jobs, engineers, nurses, psychologists and so on.

To wrap it up, we're trying to do better outreach and to build a relationship with all those schools and the community. We can't go everywhere. The communities are kind of our ambassadors at the same time.

• (1230)

The Chair: Thank you, Mr. Thom and Mr. Warkentin. We'll have to stop it there. Thank you very much.

We'll go to the NDP, Tarik Brahmi.

[Translation]

Mr. Tarik Brahmi: Thank you, Mr. Chair.

Ms. Donoghue, in terms of recruitment, you mostly talked about skills, but it is my feeling that the integrity of the individuals you recruit is also very important.

From your presentation, I gathered that you have to ensure that public service employees, as representatives of the state, do not participate in activities that are inconsistent with their position. Moreover, when someone from the outside joins the public service, you must ensure that their appointment was not unduly influenced by a political process.

In practice, what tools do you use to ensure that a candidate from the outside—even if their resumé and their background are very good—did not get an opportunity to apply for a job at the highest level thanks to political influence?

Ms. Christine Donoghue: Thank you very much.

One of the office's fundamental principles is to ensure the non-partisanship of public servants. We use our oversight systems to ensure the absence of political influence. All departments have a representative within their organization who has the information and works very closely with our office to monitor political activities.

Mr. Tarik Brahmi: I will interrupt you for a moment. I would like a clarification. When you say “all departments”, does that include organizations like the Canada Revenue Agency?

Ms. Christine Donoghue: It includes the departments covered by the Public Service Employment Act.

Mr. Tarik Brahmi: Okay.

Ms. Christine Donoghue: However, we work with other organizations that need guidance and advice. Their regimes are still relatively similar to what we apply in the departments covered by the legislation.

As I was saying, we provide a lot of information on employees' rights and obligations. When concerns or doubts arise regarding potential political influence, our office is the only body that can investigate. We generally launch an investigation based on a complaint submitted by an individual involved in the process, an employee who has noticed something or the deputy minister himself, who felt some sort of pressure in the context. Under those conditions, and based on the complaint submitted, we can get involved, do audits and conduct a formal investigation.

Our audits are another way to proceed when doubts are raised regarding activities deemed to be inappropriate. We conduct audits within departments, be it concerning an entity or based on information provided to us. We have the authority to carry out an audit, and when we do so, we sometimes receive information through cases. We can then investigate the retained information.

•(1235)

Mr. Tarik Brahmi: You talked about deputy ministers and various senior officials, but do you include in the process employee representatives—bargaining agents, the Public Service Alliance, and so on?

Ms. Christine Donoghue: When we investigate, we include the parties the investigation concerns. For instance, if the union has not been called upon, it will generally not be included in the

investigation process. It is a different matter when the employee concerned gets their union involved.

[*English*]

The Chair: There is a little bit of time left there.

[*Translation*]

Mr. Tarik Brahmi: I would like to know what the difference is between the oversight of integrity in staffing and of non-partisanship program and the staffing system integrity and political impartiality program.

Ms. Christine Donoghue: I'm not sure I understand.

Mr. Tarik Brahmi: Those are two terms I saw. They are expressed differently. I wanted to know what distinguishes one from the other. I will come back to that.

[*English*]

The Chair: Maybe some clarity will come to that in subsequent questions, Mr. Brahmi. Thank you.

Brad Butt for five minutes, please.

Mr. Brad Butt: Thank you, Mr. Chair.

Thank you, ladies and gentlemen, for being here today.

From time to time, I will have a constituent who has applied for a job within the public service come into my office. They often are very frustrated with the process. I realize that we have to have a formalized, systematic approach to these things not only to maintain fairness, but also because we are getting thousands of applications a year from people applying to work in various departments and ministries. The constituents will often say to me that they find the process very frustrating. They find that the status of their application is not communicated to them. They are not informed that the job has been filled by somebody else, and they are waiting, or they go onto the website and see that the job is still open and yet they have heard nothing.

What process are we using to improve our level of communication with people who are applying for work? They want to work for the Government of Canada. That's wonderful; we need good people. Can you explain how the system works, from the time I go to apply to the time I either get the job or I am informed that I didn't get it? Then, what happens to my file? Does it stay in the system because something else might come up? How is all of that handled?

Ms. Christine Donoghue: One of the improvements that we made very recently, as of April 1, was to create a single window for all applicants, which is the PSRS. There used to be dual systems. That is one of the improvements that we've put forward very recently so that you have a single window and can follow everything that's happening.

We share a lot of the frustration that you've mentioned as well, recognizing that not all of the processes are within the control of the commission. The time it takes to staff positions is probably one of the biggest irritants for everybody: for hiring managers, for HR advisors, and for candidates and applicants. That is part of what we're trying to address in the context of better integrating our policies and basically asking hiring managers to start embracing their accountability when it comes to people management in order to reduce the time to staff, so that it can actually be a better experience for candidates.

We are doing more and more training as well and trying to create and bring forward the flexibilities that are provided in the PSEA so that there are better means to do assessments.

One of the things the commission is doing is working on a number of different assessment tools. We have a psychology centre that generates a whole bunch of new tools to try to help in the pre-selection and pre-qualification. Sometimes in these new processes, it leads to the creation of pools. Instead of going on a one-by-one job process, we try to create pre-qualified pools so that staffing time would be reduced because a hiring manager can go to a pool. That pool has been pre-qualified based on essential qualifications, and then what they have to measure is the right fit and whatever else they need for the purpose of their own operations.

Those tools are intended to accelerate the hiring process, and hopefully we will continue to look at being creative and more modern in the way we do that, but also considering that it's important as well that we continue to provide access. There are some processes that are longer because of the number of applicants. We do not want to lose the important side of being able to measure the merit criteria for applicants. We are looking at every means that we can to increase....

I don't know, Gerry, if you saw anything that you wanted to add, but it is definitely a preoccupation beyond candidates.

• (1240)

Mr. Gerry Thom: I'll just add one thing, if I may.

When you go back to when people actually apply, it's a shared responsibility when it comes to staffing, so all the 80-some departments have to use our system. The system is cumbersome, and we get the same kind of feedback. We do have a budget and we do make enhancements to the system on a regular basis, continuously, to make it more user-friendly and all that. Once we get all those applications—it doesn't matter if there are ten applications or a thousand—they are sent to the department, and that's where they take on the responsibility for the competition. That's where there might be some issues with communicating back to their candidates and so on, and we do not have control of that. We control the front end where people apply. While that's within our system, we're trying to make the communications a lot more user-friendly. We're getting there.

One thing that we've put in place is to get feedback from all those users. We're talking over 200,000 applications a year. We've got a kind of automatic survey when people apply for jobs. They can write back, and we try to take that feedback and do something with it.

The Chair: I'm afraid that burns up your time, but thank you, Brad.

Mr. Brad Butt: Oh, well. Those were good answers, though.

The Chair: They were—quality.

We're going then to the Liberal party. Five minutes for Gerry Byrne.

Hon. Gerry Byrne: I believe the federal public service has always been deemed and considered to be an employer of choice amongst Canadians. I understand there is empirical evidence to back up that statement. Is that still the case? Do we have evidence that suggests that the federal public service is a priority employer of choice or has that ranking diminished?

Ms. Christine Donoghue: I can't tell you at this point that I have that evidence in hand, but when we talk across the system, there is definitely a sense that we may have had an impact on that latter statement. A lot of it has been because of program reviews, and the fact that the public service wasn't hiring as much as it was, and so maybe people turned their attention elsewhere. There is a lot of competition for talent in the overall hiring system. We have recognized, as we said earlier, that we need to reposition ourselves to start attracting that talent.

As I was saying, the problem is not necessarily attracting the talent; it's actually delivering on the people who are interested. That's probably one of the biggest concerns we have right now. Why are we not reaching out to this talent that is coming, that is applying?

We are continuing to look at it, and we recognize that we need to be conscious about the brand we're putting out there, and delivering on the brand we're putting out there. If we put out a lot of advertisements, attract a lot of people, and yet we don't hire—especially youth—we may be hurting ourselves. We've been putting a lot of time in and paying a lot of attention to this. We've been talking to deputy heads. We've been seizing the senior public service to this effect, in order to try to think about how we strategically do this so that we can continue to attract the talent but also deliver on some of the job promises we have.

Hon. Gerry Byrne: Has the Public Service Commission of Canada conducted any analysis or sought out evidence that issues of remuneration and, more specifically within that package, benefits are an issue in whether or not we can attract some of the best talent available? Specifically I'll refer to the ongoing situation of public negotiation about sick benefits within the public service. Do you have any evidence available to you that suggests those kinds of discussions, those public discussions, may be having a negative impact upon recruitment to the public service?

Ms. Christine Donoghue: Actually, at this point in time, the evidence, if there were such evidence, would be lying within the Treasury Board Secretariat. It would not be within the compounds of the commission.

There are a lot of anecdotes to that effect. Whether or not that has been proven or demonstrated, it has not to my awareness.

• (1245)

Hon. Gerry Byrne: Could you elaborate on the anecdotes?

Ms. Christine Donoghue: Well, we always saw the public service as being able to attract people because of a lot of the benefits and because it provides a longer term perspective for people in their careers, because the private sector can fire somebody more easily than the public service can. Although the pay may sometimes not be completely comparable to that in the private sector, the benefits provided actually compensate people as well. A lot of it is basically just that sometimes, as an employer, these are things that we think are being used to attract. However, at this point, we don't necessarily use this in the context of advertising, so I can't say that is fundamentally why people would want to come to the public service.

Hon. Gerry Byrne: Would it be part of the role or mandate of the Public Service Commission of Canada to conduct those kinds of analyses?

Ms. Christine Donoghue: The public service could contribute to it as the system manager, but it would not be the sole person nor necessarily the lead. It would probably be within the Treasury Board Secretariat, or what we would call the chief human resources office to conduct these types of studies. We are often the source of data, or a source of different types of evidence or information that we may find through our systems.

Hon. Gerry Byrne: Are you suggesting to the committee that you have provided such data?

Ms. Christine Donoghue: We provide a lot of data. Now, to what effect? I am not aware that the Treasury Board Secretariat is conducting such research. Any data that we may have provided could have been used, but I have no evidence to that effect and there is no indication that we have been asked specifically on that matter.

The Chair: Mr. Byrne, your five minutes is up. Thank you very much.

For our next and last questioner, for the Conservatives, Ms. Wai Young. I would ask people to keep in mind we do need five or ten minutes at the end of the meeting to go in camera for planning purposes.

Ms. Young, for five minutes, please.

Ms. Wai Young: Thank you so much for your time and for being here today.

I had a question around the fact that you are, in essence, the human resources department of the Government of Canada. As such, how long do you keep records for? We heard earlier from the Integrity Commissioner, and the fact that should situations unfortunately happen, people are let go, etc. Can you tell me that once something is on record, how is that record assessed? Can people apply elsewhere from different departments, or are they kept on a permanent file somewhere? How is that whole process captured and managed?

Ms. Christine Donoghue: As I indicated earlier, we are but one component of the HR system in government. So we are pretty much the program area or the systems area per se. The human resources as a whole is definitely within Treasury Board Secretariat, with the Office of the Chief Human Resources Officer.

We do have information. Because of the types of programs that we run for recruitment, etc., we do have access to a lot of personal information, which we manage in a very high security environment.

Now exactly how we do it, Phil, do you specifically know?

This may be something that I would like to come back to you on, and send the committee a more specific response, because I wouldn't be able to tell you exactly the means by which we protect that information. I know that we do have a system in place to do so and we take that extremely seriously because we do hold a lot of personal information, but I would like to give you a more specific and correct answer as to exactly how we manage it.

Ms. Wai Young: Could you also, if you're going to come back to us with this information, provide information on both sides. First, of course, we want to protect the privacy of individuals. That's a given. But second, how do we share this information—or is it shared ever with departments that wish to hire this individual, particularly if there have been issues? Do you see what I mean?

Ms. Christine Donoghue: Yes.

Ms. Wai Young: I was on the status of women committee, where we learned that when sexual harassment complaints are filed and proven, that in fact those records are expunged from somebody's record within 18 months or some such period of time. That concerned the committee quite a bit because instead of that record following that individual, we heard that the individuals weren't let go but tended to get shifted from department to department and would just perpetuate their sexual harassment activities. Their records would be expunged and it would be new all over again.

In short, what protections do departments or victims have within the public sector for that sort of thing? How are you protecting the public sector and ensuring that those standards are met and that that is not happening within the whole system, because I think that the different departments do look to you as setting the standards and having that level of expertise, if I may say.

Ms. Christine Donoghue: The standards would actually be set by Treasury Board and not by the commission. The commission would only have access to information on the employability of an individual, when it comes to essential qualifications, or if a person is part of the priority system that we administer. But when it comes to the HR file of an individual with all of the personal information or whatever, if there were victims of situations, or if there were management issues pertaining to the individual, the commission would not even have access to that information.

So it is very much within the scope of the Treasury Board.

Ms. Wai Young: Earlier I think we heard from the integrity commissioner that if it were proven that somebody had done something and they had to leave or were fired from the civil service, basically that would not follow them. If they moved to another part of the country, they could reapply and they'd be starting all over again. Is that what you're trying to say?

•(1250)

Ms. Christine Donoghue: It's hard to answer that question. The only information we have is when there's actually a complaint within the scope and the responsibility of the commission, and when we actually assess a situation for wrongdoing. But it's always in the context of a hiring process or a *processus d'embauche*, a staffing process. We hold that information, or if somebody made a complaint, then we would actually through our *pouvoir d'enquête* and be able to acquire information.

Based on that information, commissioners make a decision on whether or not corrective action should be taken. That information is within the scope of the commission. What we often do through our corrective action is to prevent people from applying again within the public service, because they were found responsible for fraud, such as cheating on an exam or falsifying documentation. That's why I was saying that the information that we hold is very much linked to their employability. By being able to direct that information to the

deputy heads, we have the means to inform them that there are specific conditions put on the future employability of a person.

But anything else is within the scope of the deputy heads or the Treasury Board.

The Chair: I'm going to have to stop you there.

Thank you, Ms. Young.

I also want to thank the acting public service commissioner, Ms Donoghue, and your colleagues for being with us here today.

We're going to suspend the meeting briefly while you excuse yourselves, and then we'll go to an in camera planning meeting for a few moments.

Ms. Christine Donoghue: Thank you.

The Chair: Thank you.

[*Proceedings continue in camera*]

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