



Public Prosecution
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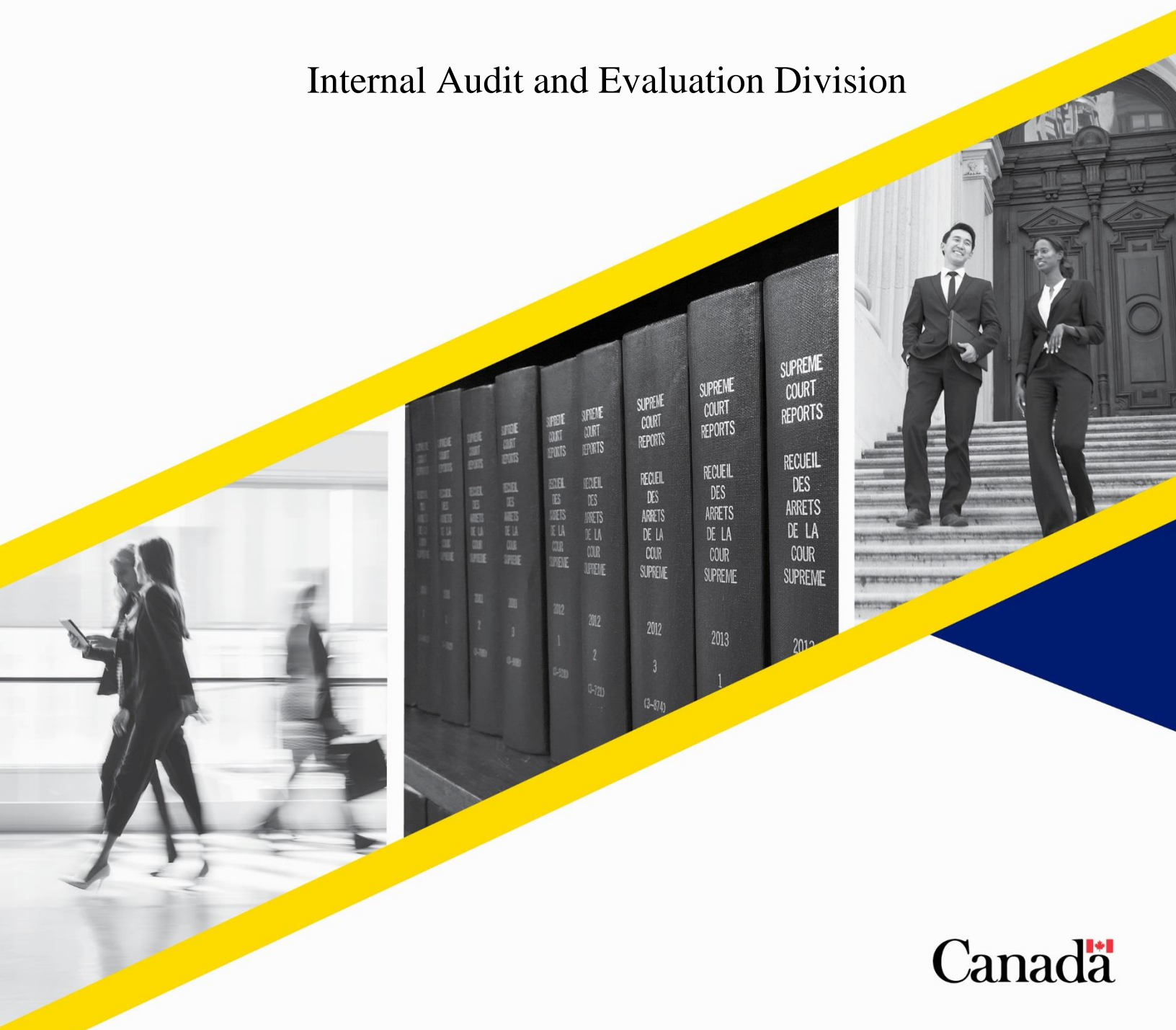
Service des poursuites
pénales du Canada

AUDIT OF THE MANITOBA REGIONAL OFFICE

FINAL AUDIT REPORT

DECEMBER 2021

Internal Audit and Evaluation Division



As recommended by the Departmental Audit Committee, subject to approval by the Director of Public Prosecutions, on July 5, 2021.

Approved by the Director of Public Prosecutions on December 21, 2021.

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1.0 EXECUTIVE SUMMARY

1.1 OBJECTIVES AND SCOPE

The objective of this audit was to assess the adequacy and effectiveness of the management control framework in the Manitoba Regional Office (MRO) in support of the Public Prosecution Service of Canada's (PPSC) mandate, mission, and values. The audit also assessed the efficiency of operational processes in the office.

The audit focused on the operations of the MRO, including interactions with selected headquarters' functional areas that provide support to the regional office.

A review of prosecution files was excluded from the scope as, due to COVID-19 travel restrictions, the audit team could not travel to Manitoba.

The planning and examination phases of the audit were conducted between January and April 2021.

1.2 AUDIT CONCLUSION

The Internal Audit and Evaluation Division (IAED) assessed the adequacy and effectiveness of the MRO's management control framework against pre-established audit criteria based on Treasury Board of Canada (TB) policies and directives, PPSC policies, directives, protocols and procedures, as well as general best practices. Overall, the region's management control framework was adequate. However, improvements should be made to strengthen compliance with financial transactions, provide more clarity to role responsibility and expectation, as well as improve workplace wellness.

1.3 SUMMARY OF RECOMMENDATIONS

The IAED found that the MRO is committed to improving the overall operations and promotional opportunities in the office by undergoing a re-organization, based on recommendations from a report developed by the Office Operations Committee in 2018 for this purpose. At the time of this audit, the re-organization was still ongoing and so its potential impact on improving office operations was not fully determined.

The report contains the following recommendations:

- The Chief Federal Prosecutor (CFP) should:
 - ensure that acquisition card transactions follow established directives and procedures.
 - address the behaviour and culture in the office and ensure more soft skill training is provided for those in supervisory positions to better support employees in interpersonal conflict needs.

1.4 STATEMENT OF ASSURANCE

In my professional judgment as the PPSC's Chief Audit and Evaluation Executive, sufficient and appropriate audit procedures have been conducted and evidence gathered to support the accuracy of the conclusion provided and contained in this report. The audit findings and conclusion are based on a comparison of the conditions, as they existed at the time of the audit, against pre-established and

approved audit criteria that were agreed upon with the PPSC's management. The findings and conclusion are applicable only to the entity examined. The audit was conducted in accordance with the Internal Auditing Standards for the Government of Canada.

I appreciate the cooperation and assistance provided to the audit team by PPSC staff in the MRO and headquarters.

Cathy Rodrigue
Chief Audit and Evaluation Executive

2.0 INTRODUCTION

2.1 BACKGROUND

Based in Winnipeg, Manitoba, the MRO prosecutes offences under federal jurisdiction throughout the province. Prosecutions include those involving drugs, organized crime, regulatory and economic crime, and national security. MRO counsel travel to 80 provincial circuit court points, many of which are in isolated indigenous communities in northern Manitoba.

In 2018, the MRO put together an Office Operations Committee tasked with reviewing and reflecting on the operations of the regional office. The expected outcome was to focus on the efficient use of resources and make recommendations to improve the effectiveness and fairness of counsel and support staff assignments. The committee developed a report with various recommendations for changing the office structure and other elements found lacking. Implementation is ongoing, including a re-organization that is underway at the time of this audit.

In the last two years, there has been significant turnover in the region with senior and experienced counsel being called to the bench or leaving the PPSC. In addition, the region has lost an important amount of support staff in the last year. Furthermore, the MRO senior management has completely changed with the new appointments of both the CFP and General Counsel Legal Operations (GCLO).

The COVID-19 pandemic has changed how the region operates. While employees are encouraged to telework, given the paper-based nature of their work, they often go to the office a few days a week for file transfers, filing, and printing. Secondly, courts in Manitoba have largely shut down since November 2020 for trials. Bail and in-custody hearings are currently over the phone.

2.2 OBJECTIVES AND SCOPE

The objective of this audit was to assess the adequacy and effectiveness of the management control framework in the MRO in support of the PPSC's mandate, mission, and values. The audit also assessed the efficiency of some operational processes in the office.

The audit focused on the operations of the MRO, including interactions with selected headquarters functional areas that provide support to the regional office for the fiscal years 2019-2020 and 2020-2021.

A review of prosecution files was excluded from the scope, as the audit team could not travel to Manitoba due to COVID-19 travel restrictions.

The planning and examination phases of the audit were conducted between January and April 2021.

2.3 METHODOLOGY

The audit complied with generally accepted auditing practices and was conducted in accordance with the TB Policy on Internal Audit.

The audit methodology included:

- interviews with staff and management from the MRO and headquarters;
- a review and analysis of documented policies, practices, and procedures, and related corporate documents; and
- analysis of financial and human resource system data.

3.0 OBSERVATIONS AND RECOMMENDATIONS

3.1 EFFECTIVE MANAGEMENT CONTROLS AND COMMUNICATION

The region is on its way to developing a structure that provides and supports effective and appropriate management controls and communication. However, there are opportunities to address workplace wellness, provide further soft skill training resources to management in the area of conflict management and provide a personal touch to communications.

We expected that the MRO had an organizational structure that provided and supported effective and appropriate management controls, as well as appropriate communication and information to employees to perform their work.

Re-organization, roles and responsibilities

We found that the MRO is currently undergoing a re-organization based on some of the recommendations from the 2018 Office Operations Committee report developed in the regional office. In August 2020, the CFP shared a re-organization document with employees that included responsibilities and expectations for administrative and support staff in each work unit and these were in line with the work descriptions for each classification. We found that while general duties may be similar, some classification levels lacked detailed descriptions and had combined responsibilities and expectations in the re-organization document. Further details and distinction on these expectations could provide further clarity to support and administrative staff.

We found that when courts were open prior to COVID-19, some Legal Assistants were expected to attend to support counsel in the bail triage courtroom, though this was not reflected in their work descriptions; this requirement is included in the Paralegal work description. Concerns were raised regarding impacts on their time, the need to dress differently than when just working in the office, and that this didn't apply to all Legal Assistants. Though it could be viewed as an additional burden, it could also provide advantages when it came to promotions that not all Legal Assistants were provided with. Unclear work descriptions could cause confusion and frustration for employees and management, impact operational performance, and overall workplace morale.

Training

The MRO is currently undergoing a significant amount of change due to turnover and new management. Generally, the Team Leaders, the GCLO and the CFP noted that they have been provided with sufficient training opportunities through the Canada School of Public Service, external training, regional training days, and Learn at Lunch sessions. However, some Team Leaders noted that further training in soft skills, such as handling employees who may be emotional, having difficult conversations, and addressing conflict, could be beneficial.

In reviewing PeopleSoft training data, we found that training was not always requested through the platform as required. Using the platform is important for the Department to track learning activities.

Workplace Wellness

We reviewed the results of the 2019 Public Service Employee Survey (PSES) as well as the dashboards on workplace wellness and workload stress developed by the Human Resources Directorate. A significant amount of employees noted, in the survey, that they had directly witnessed harassment on the job in the last 12 months. In the dashboards, we also noted a decline in the following areas:¹

- respect of individual differences;
- pay or other compensation issues;
- every individual is accepted as an equal member of the team;
- satisfaction with how interpersonal issues are resolved; and
- I know where to go for help when facing dilemma/conflict.

We found that, while management was aware of the results of the PSES, there was no action plan in place to specifically address the results of the survey and elements of the dashboard. Management confirmed that these have been issues for several years. We found that the region was relying on the ongoing re-organization to help address the concerns that were noted as part of the Office Operations Committee report in 2018.

We found there was a collaborative approach by regional management to address and discuss conflict and interpersonal issues between employees. However, it was noted that employees may not want any action taken by management, and when they do, there may be a perception by some that there is no action taken to correct the situation especially as management, due to privacy reasons, cannot share actions taken to address complaints.

We found the changes being implemented through the re-organization and with the new management structure could have a positive impact on addressing some of the interpersonal, conflict and mental health issues identified in the office. However, demonstrating clear and decisive actions, while maintaining the privacy of those involved, could help show employees a commitment to improving the situation.

Communication

The audit team reviewed communication documents provided by the CFP and GCLO, such as emails and meeting invitations. Generally, we found that the range of topics covered in the communication was varied and addressed general office operations, such as:

- the re-organization;
- staffing updates;
- prosecution-related matters;
- COVID-19 updates;

¹ It should be noted that results from the 2020 PSES available at the time of publication of this report show an improvement in the following areas: respect of individual differences, every individual accepted as an equal member of the team and I know where to go for help when facing dilemma/conflict.

- staff meetings; and
- general office functioning.

Management disseminated information to employees primarily by email and employees noted that in-person communication could add a more personal touch, for example, when the subject has a more personal impact on an individual.

Generally, employees deemed that the frequency and nature of staff meetings were sufficient. However, the meetings were often sent by email rather than calendar invitations with the latter providing a more efficient way of reserving a time and place in employees calendars, as well as providing a reminder to employees to attend.

Recommendations

The CFP should develop, implement, and communicate an action plan to address ongoing issues identified in the PSES or raised by employees. This plan should foster an environment conducive to better workplace wellness, allow employees to bring concerns forward without barriers, and further communicate actions taken by management to address issues while maintaining necessary privacy.

The CFP should identify additional soft skill training for supervisory positions including conflict management, in order to better support employees. This training should be mandatory and opportunities provided for the training to be completed.

3.2 FINANCIAL MANAGEMENT

Generally, acquisition card and travel transactions were compliant with the *Financial Administration Act* (FAA) and the National Joint Council (NJC) Travel Directive. However, management could improve compliance in some areas.

We expected the MRO to have effective and efficient processes for the appropriate approval of financial transactions to ensure compliance with relevant Acts, directives and standards.

Acquisition cards

We reviewed a sample of acquisition card transactions and found that, in general, transactions were compliant with the PPSC's Directive on Acquisition Cards as well as s.32 and s.34 of the FAA. However, we found two important instances of non-compliance. The first was contrary to appropriate actions regarding leased premises and could have had labour relation implications. The second was in paying for a service readily available in the community free of charge. Regardless of the good intentions behind the actions, neither were permitted.

In addition, we noted instances of non-compliance with established procedures for commitment authority pursuant to s.32 of the FAA. Improper use of acquisition cards and unclear understanding of procedures could impact the proper stewardship of funds.

Travel Transactions

We reviewed a sample of travel transactions and found that, in general, transactions were compliant with the NJC Travel Directive, the PPSC's relevant policy instruments, including s.32 and s.34 of the FAA.

Delegation of Authority

We reviewed the delegations currently active in the MRO and found that there is no on-demand delegation of authority for replacement of the CFP. However, there are department-wide plans to transition the GCLO role to one of Deputy Chief Federal Prosecutor, which has the responsibility to act as CFP in their absence. Required delegation training is currently underway. This change should allow for proper business continuity and efficient functioning of the office should the CFP be absent for a prolonged period of time.

Recommendation

The CFP should ensure that financial transactions follow established directives and procedures.

4.0 CONCLUSION

The IAED assessed the adequacy and effectiveness of the MRO's control framework against predetermined audit criteria based on the Office of the Comptroller General of Canada's Core Management Controls, TB policies and directives, PPSC policies, directives and procedures, as well as general best practices.

Overall, the region's management control framework is appropriate. However, improvements could be made to ensure that travel and acquisition card expenses meet relevant policies, directives and procedures. Providing further clarity for responsibilities and expectations, as documented in the re-organization document, will provide clarification for employees and align work with expectations. Training, as well as the previously mentioned actions, should support improvements to workplace wellness.

5.0 Management action plans

RECOMMENDATION	MANAGEMENT RESPONSE AND ACTION PLAN	OFFICE OF PRIMARY INTEREST	TARGET DATE
<p>1. The CFP should develop, implement, and communicate an action plan to address ongoing issues identified in the PSES or raised by employees. This plan should foster an environment conducive to better workplace wellness, allow employees to bring concerns forward without barriers, and further communicate actions taken by management to address issues while maintaining necessary privacy.</p> <p><i>Risk: Medium</i></p>	<p>Management agrees with the recommendation and recognizes that the PSES is a valuable source of information about staff concerns and their wellbeing.</p> <p>Immediately following the release of the annual PSES MRO results the CFP will circulate the results to all staff for review and will convene a staff meeting within 45 days to discuss the results.</p> <p>Following this staff meeting, management will develop and implement an action plan addressing specific areas of concern and circulate the draft action plan to staff by email for comment. This plan will specifically include measures to address dissatisfaction with how interpersonal conflict is resolved, as this has been identified as an ongoing concern.</p> <p>Once the plan is finalized, it will be sent by email to all staff. The CFP will prepare and circulate to all staff a quarterly progress report.</p>	<p>MRO CFP</p>	<p>July 30, 2021 to obtain 2020 PSES results and convene a staff meeting.</p> <p>September 30, 2021 to finalize the action plan.</p> <p>December 31, 2021 for the release of the first quarterly report.</p>

RECOMMENDATION	MANAGEMENT RESPONSE AND ACTION PLAN	OFFICE OF PRIMARY INTEREST	TARGET DATE
<p>2. The CFP should identify additional soft skill training for supervisory positions including conflict management, in order to better support employees. This training should be mandatory and opportunities provided for the training to be completed.</p> <p><i>Risk: High</i></p>	<p>Management agrees with this recommendation. Such training is essential to ensure that all managers are equipped to manage workplace conflicts and support and guide employees with empathy and concern.</p> <p>The CFP will identify appropriate training for all supervisory positions in the region and ensure that all supervisors are given the time to complete this training.</p> <p>The required training will be reflected in the supervisor's annual Performance Management Agreement.</p>	MRO CFP	<p>June 30, 2021 for the identification of appropriate training resources.</p> <p>March 31, 2022 for the completion of assigned training.</p>
<p>3. The CFP should ensure that financial transactions follow established directives and procedures.</p> <p><i>Risk: Medium</i></p>	<p>Management agrees with this recommendation. Adherence to policies and directives helps to ensure the integrity of financial transactions.</p> <p>The CFP, DCFP, and Regional Business Manager will review existing policies and directives available on the PPSC intranet.</p>	MRO CFP	June 30, 2021

APPENDIX A – AUDIT CRITERIA

Audit Criteria

1. Management provides appropriate communication and information to employees in the regional office to both inform them and provide them with what they require to perform their work.
2. The regional office has an organizational structure that provides and supports effective and appropriate management controls.
3. Effective and efficient processes for the appropriate approval of financial transactions in the regional office ensure compliance with relevant Acts, directives and standards.

APPENDIX B - LIST OF ACRONYMS/ABBREVIATIONS

CFP	Chief Federal Prosecutor
FAA	Financial Administration Act
GCLO	General Counsel, Legal Operations
IAED	Internal Audit and Evaluation Division
MRO	Manitoba Regional Office
NJC	National Joint Council
PPSC	Public Prosecution Service of Canada
PSES	Public Service Employee Survey
TB	Treasury Board of Canada