



House of Commons
CANADA

Standing Committee on Access to Information, Privacy and Ethics

ETHI • NUMBER 047 • 1st SESSION • 38th PARLIAMENT

EVIDENCE

Tuesday, November 22, 2005

—
Chair

Mr. David Chatters

All parliamentary publications are available on the
"Parliamentary Internet Parlementaire" at the following address:

<http://www.parl.gc.ca>

Standing Committee on Access to Information, Privacy and Ethics

Tuesday, November 22, 2005

•(1105)

[English]

The Acting Chair (Mr. David Tilson (Dufferin—Caledon, CPC)): Good morning, ladies and gentlemen. This is the Standing Committee on Access to Information, Privacy and Ethics. The orders of the day, pursuant to Standing Order 108.(2) and the motion adopted by the committee on Thursday, November 17, 2005, are to study the role of the Public Service Commission of Canada with the Privacy Commissioner's Office.

We have before us today as our guests the representatives from the Public Service Commission of Canada. We have the president, Maria Barrados, and three other individuals.

Ms. Barrados, I'll let you introduce your colleagues to the committee. You have distributed your opening remarks, and I know I don't need to explain the process to you, but I'll do it anyway. The members of the committee may have questions or statements to make, for your reaction. We changed the rules a little at our last meeting. The first round is eight minutes per caucus, followed by five minutes per caucus for the second round and succeeding rounds.

So welcome, and thank you very much for coming. The floor is yours.

Ms. Maria Barrados (President, Public Service Commission of Canada): Thank you, Mr. Chair. It's a pleasure to appear before your committee on our annual report on the work we have done at the Office of the Privacy Commissioner.

I would like to introduce three of my staff members from the Public Service Commission: Mary Clennett, who's the vice-president, audit; Michael Corber, director general, audit; and Dal Hines, director general, delegation directorate in the policy branch.

[Translation]

The Public Service Commission is an independent agency reporting to Parliament. It is responsible for safeguarding the integrity of the staffing system in the federal public service and the political impartiality of public servants—

[English]

The Acting Chair (Mr. David Tilson): I think we have a problem.

You can proceed. Thank you very much. Sorry about that.

[Translation]

Ms. Maria Barrados: I can start over.

[English]

The Acting Chair (Mr. David Tilson): Perhaps you could repeat what you said.

[Translation]

Ms. Maria Barrados: The Public Service Commission is an independent agency reporting to Parliament. It is responsible for safeguarding the integrity of the staffing system in the Federal Public Service and the political impartiality of public servants as well as for recruiting talented Canadians from across the country.

The Public Service Commission has a long tradition of being independent from the direction of ministers, confirmed again in the new Public Service Employment Act to come into force this December. With the new act, the president—

[English]

Mr. Russ Powers (Ancaster—Dundas—Flamborough—Westdale, Lib.): Excuse me. Mine keeps clicking in and out. It's the translation in English, then it reverts to French, then it comes back again, so it's an intermittent translation.

The Acting Chair (Mr. David Tilson): I'm going to ask for a short recess. I apologize very much for this, but we are obviously having technical problems.

Ms. Maria Barrados: I could do it in French and then in English.

The Acting Chair (Mr. David Tilson): Someone will criticize me for allowing that to happen. So perhaps you could just hold off for a minute. I'm sorry about that. We'll recess for a couple of minutes.

•(1110)

The Acting Chair (Mr. David Tilson): Okay, ladies and gentlemen, we'll continue.

I'm sorry, Ms. Barrados. Perhaps you could start again at the beginning of your presentation.

[Translation]

Ms. Maria Barrados: The Public Service Commission, the PSC, is an independent agency reporting to Parliament, responsible for safeguarding the integrity of the staffing system in the federal public service and the political impartiality of public servants as well as for recruiting talented Canadians drawn from across the country.

The PSC has a long tradition of being independent from the direction of ministers, confirmed again in the new Public Service Employment Act to come into force this December. With the new act, the president can only be appointed with the support of Parliament. We will also have the mandate to report directly to Parliament and we will strengthen our external audit function.

[English]

On October 6, we tabled our annual report and released three audit reports and one study.

Mr. Chairman, your committee may be particularly interested in our study of personal favouritism in staffing. We found that while nearly three out of every four federal public servants responding to the survey we conducted indicated they were treated fairly during the recruitment and promotion processes, 16% believed personal favouritism in staffing occurs in their work unit often, and a further 29% believed it occurs some of the time. We are concerned with this perception.

Proven incidents of personal favouritism are small in comparison to the large number of transactions occurring annually. Over the last two years, PSC audits and investigations have identified only a small number of cases of personal favouritism. That was among the problems found in our audit of the Privacy Commissioner in 2003.

The authority to make appointments by legislation resides with the PSC. The PSC delegates those authorities but requires accountability for the actions taken. In July 2003 the PSC removed some delegated authorities and imposed conditions on the remainder. While the OPC could still make most appointments, it was required to consult with and get approval from the PSC for several steps in the appointment process.

Last year we did a follow-up audit to determine whether we could return the full delegation. We concluded in October 2004 that in spite of significant effort, the OPC had not yet finalized, implemented, and communicated its staffing strategy, nor had it put in place the required reporting and control system. We remain concerned that they did not have the necessary capacity and human resources function in place.

• (1115)

[Translation]

We continue to work closely with the OPC. We have recently conducted an assessment and have found that progress continues to be made. We remain concerned, however, about the number of changes in the Human Resources Group, which are among the challenges this group must meet. The Privacy Commissioner is of the opinion that this situation has improved. We intend to work closely with the OPC over the next few months. We expect that these efforts will ensure that a follow-up audit can be commenced shortly, and hopefully result in a return of all the OPC's staffing authorities.

[English]

Mr. Chairman, I would be happy to answer any of the committee's questions about our work in the Public Service Commission or about our recent reports and our work at the OPC.

The Acting Chair (Mr. David Tilson): Thank you, Ms. Barrados. The committee will have some questions for you and your colleagues.

Mr. Lukiwski.

Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC): Thank you very much, Mr. Chair.

Thank you, Ms. Barrados, for being here with your staff today.

We have eight minutes, as the chairman identified, so I'm going to allow you to do most of the talking. I have a few questions globally, and then perhaps you can expand upon your presentation.

The primary reason we've asked you here today is to talk about the situation in the Office of the Privacy Commissioner, particularly as to when they might receive their staffing authority back. I wonder if you could briefly give us an overview of why you had gone into their office to begin with, when that occurred and why, why you are still there—

The Acting Chair (Mr. David Tilson): Sorry, we have more technical problems.

Mr. Odina Desrochers (Lotbinière—Chutes-de-la-Chaudière, BQ): I don't understand, because before, you could hear the translation in French.

I listened a little bit, but—

The Acting Chair (Mr. David Tilson): It's always the chairman's fault, and I apologize.

Just wait one second and hopefully we can solve this.

• (1120)

The Acting Chair (Mr. David Tilson): Okay. Can you summarize your question? You're not getting more time, though, Mr. Lukiwski.

Mr. Tom Lukiwski: I understand.

Could you just give us an overview of why you went into the office to begin with, the status, and if you're still there—which I understand you are—why you are still there?

After you've done that, if there's time left, I would be very interested—we could perhaps get to this in another round—in your comments on the personal favouritism, where you say that many public servants believe there is public favouritism in hiring practices when in fact your audits indicate that perhaps it is not as high as many think it is. But that's a secondary question.

My primary question is to find out exactly what the status is of your people being still in the Office of the Privacy Commissioner. When can we expect them to receive back their full staffing authority?

Ms. Maria Barrados: I'll try to be brief in the interests of getting as many questions dealt with as possible.

As you are aware, the committee on government operations and estimates lost confidence in the performance of the former Privacy Commissioner and asked that two audits be initiated, one by the Auditor General and the other one by the Public Service Commission. The Public Service Commission took the step of removing some of the delegations and executive appointments and putting conditions on the other appointment processes at the time the audit was started.

The audit confirmed that the situation was not acceptable and that the conditions that were imposed were maintained. A year later we went back and we sent the auditors in again. Our intention was to return the delegations, but there were things that we expected. There had been a series of commitments that had been made by the Privacy Commissioner, and we expected those plans to be implemented and that activity put in place.

Through no fault, actually, of the current Privacy Commissioner, who has an enormous challenge and has been working on all fronts with a lot of diligence, the plan was not fully implemented. We were particularly concerned about seeing a complete staffing strategy that laid out how they were going to resolve their problems and move forward. One of the difficulties they had was frequent turnover in their human resource management group. That's not unlike what you're seeing in other departments, so it doesn't speak to the Privacy Commissioner itself, but it speaks to the difficulty of getting the corrective action in place.

Because it wasn't implemented to their own timelines, we kept the conditions in place. We have now gone through a preliminary round of assessment, asking, are they ready? There are some things we think they still have to do. We intend to work with them and we hope to have our next audit completed by the end of this fiscal year. We're quite optimistic that by that time we will be able to return most of those delegations.

Mr. Tom Lukiwski: Can you share with us some of the specific problems they've had? You said they've made some commitments that they have not been able to attain. You also identified that there were specific problems in there, some challenges, I think was the term you used. Can you share with us what some of those challenges are? What are some of the specific problems that need to be corrected?

Ms. Maria Barrados: Well, the audits, both by the Auditor General and the Public Service Commission, showed that there was a lot of use of very unacceptable staffing practices. There was favouritism that was shown in the hiring of particular people. There was no respect for the processes and no respect for the values of access, fairness, and transparency that we promote in the Public Service Commission.

• (1125)

Mr. Tom Lukiwski: I'm sorry to interrupt, Ms. Barrados, but could I ask just for a clarification?

Ms. Maria Barrados: That's fine.

Mr. Tom Lukiwski: Are you saying the problems you've just illuminated here, the favouritism and not following proper processes, were a problem of the previous Privacy Commissioner, or are they continuing to occur in the current Privacy Commissioner's office?

Ms. Maria Barrados: No, that was a problem of the previous Privacy Commissioner.

Mr. Tom Lukiwski: Thank you.

Ms. Maria Barrados: The current Privacy Commissioner is working very diligently at putting in place all the corrective actions. What we are looking for in particular is the fulfilment of, the completion of, their staffing strategy, which they had hoped to have done earlier but which wasn't done when we went in the last time. We were looking to see that they had put that in place and had put their control and monitoring systems in place. Right now, of course, the Public Service Commission acts as the control and monitoring. What we want to do is remove ourselves from that and have the Privacy Commissioner's office do it themselves.

Mr. Tom Lukiwski: Could you just expand upon the staffing strategy a little bit more? I'm not quite sure what you mean by "staffing strategy". Are you talking about controls?

Ms. Maria Barrados: No, I'm talking about those plans that we expect an organization to have, the ones that say how many people they expect to have, the kinds of policies and procedures that they expect to have followed in their organization, the kind of delegation they expect to have, and how they're going to check to see what's going on. That was missing.

Mr. Tom Lukiwski: In your estimation, they haven't reached that point yet of fully developing their staffing strategy. You mentioned that you're working closely with them and that you're confident this can occur sometime in the near future. We've heard the same thing from Ms. Stoddart, but we've heard nothing—at least I haven't heard anything—as far as any kind of definitive timeline is concerned. Do you expect this to be completed by the end of this fiscal year or calendar year? What kind of timeline are we looking at?

Ms. Maria Barrados: I expect it to be completed very shortly, but I'll ask Mary Clennett, who is the head of audit and will be conducting this audit, to lay out the timeline for you.

Ms. Mary Clennett (Vice-President, Audit Branch, Public Service Commission of Canada): Thank you.

We expect to be able to begin the audit shortly after Christmas, and we expect to have it finished by the end of the fiscal year. It takes a couple of months. That may sound like a long time, but there is a process that has to be followed to do an audit, in that you have to make sure you gather sufficient appropriate audit evidence to support your audit findings. We want to allow for the time to do that.

Mr. Tom Lukiwski: So we won't know the status of the Office of the Privacy Commissioner until completion of your audit. Is that a fair statement?

Ms. Maria Barrados: That's correct, but I can tell you that we feel the risk is significantly lower than it was in the past. We would not start another audit if we didn't feel the corrective actions were in place.

Mr. Tom Lukiwski: Okay. Thank you for that.

The Acting Chair (Mr. David Tilson): Thank you.

Monsieur Laframboise.

[Translation]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Thank you, Mr. Chairman.

I am having some difficulty understanding what you are saying. You say that there are still transparency problems. In your report made public in September, 2005, you say that we are no longer seeing this kind of case since the arrival of Ms. Stoddart. In your opinion, this was happening under the old system. Did I understand you correctly?

Ms. Maria Barrados: Yes, that is correct. I was referring to the old system.

Mr. Mario Laframboise: And yet, you say in your report that you analyzed 12 staffing files and have carried out some ten inquiries. It would seem that everything was finished and settled. I do not understand why you feel that problems persist. Try to explain to me what the problem is.

Ms. Maria Barrados: Could you clarify what report you are talking about?

Mr. Mario Laframboise: I am referring here to the response of the Public Service Commission to the recommendations made in the Public Accounts Committee's report.

Ms. Maria Barrados: The report is an update of everything that was done, both by the commissioner and by the PSC itself. In fact, the Standing Committee on Public Accounts made recommendations aimed at both organizations.

• (1130)

Mr. Mario Laframboise: But on the subject of the Privacy Commissioner, I see that there were 12 staffing files, and that management practices had been referred for review. Analyses were done. There is talk about corrective measures that were not constructive. Some senior managers resigned. Finally, the analysis was finished, and it all seems conclusive. You have the report, I hope. You provided it to us.

Ms. Maria Barrados: I have seen it, and members of the committee have copies of the report. That was the last audit. We followed the various stages of the audit. One of the components was the audit of the files. The Public Service Commission is very involved in these issues, of course. We won't have a great deal of difficulty with the specific files. The recommendations made to the commissioner went beyond that. We want corrective measures for the entire management system. Perhaps Michael can add something on that aspect of the work.

Mr. Michael Corber (Director General, Audit Operations Directorate, Public Service Commission of Canada): This report was distributed on September 30th, but you can see that the two aspects that you are pointing out were completed in April 2004 and June 2004.

Mr. Mario Laframboise: Indeed, you say that this has been completed, that it is over. There were nine investigations and a case of fraud was discovered. Today, you are telling us that there are still transparency problems. You seem concerned by certain staffing issues. Either the investigations have been wrapped up or they have not.

Ms. Maria Barrados: I will clarify that. The problems took place under the old system. My comments on the lack of respect for values of transparency refer to the past. This is not a current problem. In order to settle the situation that we had discovered and that the Office of the Auditor General had found, it was very important to put into

place a different way of managing human resources. It is that every stage of this has not yet been implemented. That is why we are keeping certain conditions in place for the delegated authorities. The observations referring to the audits and investigations are the recommendations of the Standing Committee on Public Accounts, which we have had to follow since the 2003 audit.

Mr. Mario Laframboise: I understand, Ms. Barrados. The difficulty I have is that once the investigations have been wrapped up, you have given the commissioner the mandate to do the staffing for employees who were already there beforehand. I assume that these employees of the old system remained on staff, and that these positions had probably been poorly staffed. That was the big issue. Is this indeed the situation?

Ms. Maria Barrados: Not at all.

Mr. Mario Laframboise: The staff must be reassessed and there must be new staffing. I know that because according to the Privacy Commissioner's report, she should have ended her staffing last year. That was not completed, she told us that herself. Today, you tell us that she has yet to implement measures in order to be able to do her staffing. You say that "the OPC had not yet... put in place the required reporting and control system" and that they had not "communicated its staffing strategy." That is what you are telling us, is it not? What is the problem? Does that mean we have employees in positions for which they have been overestimated? What is the problem?

Ms. Maria Barrados: There are two things to consider. In the case of the 12 specific employees, we had to see whether they had been properly chosen for their positions. In that regard, everything was settled. We, along with the commissioner, are confident that these people are capable of doing their jobs. At the same time, an assessment of all job classifications was carried out within the agency and within the PSC. This process has also drawn to a close.

At the moment, the problem is being certain—and this is doable—that the human resources management process at the commissioner's office will be improved, that the management framework is in place and that we have confidence in it. There are issues related to the management framework that remain to be resolved. The commissioner is not at fault. She truly wants to improve the situation. We have done a great deal of work with the commissioner's office, in this case training for people already on staff and for managers. We believe that the situation has improved.

• (1135)

Mr. Mario Laframboise: Nevertheless, you say: "We remain concerned that they did not have the necessary capacity and human resources function in place." This implies that the commissioner had neither the capacity nor the required human resources. Will she be able to get them? Is this what you were monitoring?

Ms. Maria Barrados: You're referring to observations published a year ago within the framework of the follow-up audit. We have seen improvements since. The fact remains that before we settle the delegation issues, we want to make sure that the problems of the past will not be repeated.

Mr. Mario Laframboise: But are you...

[English]

The Acting Chair (Mr. David Tilson): You know you've got the nub of the issue, but I'm afraid we're already three-quarters of a minute over. Your point is well taken, but we'll have to move on.

Mr. Lee.

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Thank you.

I'll say right off the bat, while I have no evidence and I really shouldn't say it quite this way, I just get the sense of sticky fingers in the file. Most of us would like to see the Privacy Commissioner get on with whatever she has to do there.

I realize there are important public interest issues that the Public Service Commission is looking after, but I just get this feeling that once the Public Service Commission was invited to take steps to deal with the problems that were there, the file opened up a whole raft of administrative challenges. It's like having to take your driver's licence test all over again once you're 85 years old.

Let me ask this question, because the principles at stake here perhaps are, on a macro basis, analogous to those of other officers of Parliament. Hypothetically, is the Office of the Privacy Commissioner big enough, and does it have enough employees to warrant having a whole personnel department and a three-ring binder this thick with policies about hiring and firing and what its staffing strategies are? Is it big enough for that?

Would you also do a bit of a sidebar response: what if you walked into the Office of the Information Commissioner, whose office is smaller, or the Office of the Commissioner of Official Languages, whose office is even smaller yet? What kinds of personnel policies and hiring strategies are we going to have in these smaller offices that would comply with all these seeming requirements before the delegation authority is passed over?

Ms. Maria Barrados: I'll try to answer the issues. We are a statutory organization, so there is a piece of legislation that sets out what we're to do. There was a big debate when the legislation was renewed as to whether the staffing authorities should stay with the Public Service Commission or be given to heads of organizations.

The decision was that staffing authorities stay with the Public Service Commission because there was a consensus that staffing authorities should not go near ministers to keep politics away from staffing. That is the regime we have.

The new act encourages delegation, requires audit, and requires reporting back to Parliament, so that I, as the head of the Public Service Commission, give you assurance that staffing is being carried out the way the legislation says. That's the framework we're operating in. Anyone who falls under the Public Service Employment Act falls under that regime whereby they get the delegations and the staffing and there's an expectation of accountability.

• (1140)

Mr. Derek Lee: I understand, yes. Good.

Ms. Maria Barrados: So I don't feel that we're particularly meddling in this.

Mr. Derek Lee: You may have taken it the wrong way. I'm not suggesting that you're meddling. My real question is, could the

Office of the Privacy Commissioner ever be big enough to have the huge policy manual you want to see there before you give them delegation authority again?

Ms. Maria Barrados: In fact, I'm not looking for a big policy manual. I'm looking, actually, for something fairly brief. There is an issue—you're quite right—in terms of the small organizations and their capacity to do some of the things that are required under the new legislation. They are, in fact, working together. But the agents of Parliament are in a unique position. They're fairly small. They don't want to be too involved with the rest of government. And the Auditor General is a separate employer that has a special relationship with the Public Service Commission.

In fact, we as an organization, which is a group with no minister as well, are having discussions about how we may be able to support one another in some of our administrative responsibilities.

Mr. Derek Lee: You say you're a group with no minister?

Ms. Maria Barrados: I have no minister.

Mr. Derek Lee: Good God, this is another agency that's been spun off. So where's your accountability?

Ms. Maria Barrados: We've been around—

Mr. Derek Lee: Don't tell me it's the annual report. You don't have a minister accounting to Parliament for the Public Service Commission?

Ms. Maria Barrados: That's right, and it's been like that—

Mr. Derek Lee: Okay, that's great.

Ms. Maria Barrados: —for over 100 years.

Mr. Derek Lee: That's just great. We've found another one. Okay.

Anyway, this is a bit of an issue for the smaller agency that doesn't have a huge personnel department with the six-part binder.

Ms. Maria Barrados: The new legislation that's coming into force is specifically designed to allow much greater tailoring to meet the needs of the smaller organizations. We don't expect a plan from a small organization that looks anything like a plan for a big organization. Our policy requirements, which were in bigger books, are now down to this. So we are in fact going through that process.

Back to whom I'm accountable to, I'm accountable to Parliament. I can only be appointed with a vote by Parliament.

Mr. Derek Lee: Okay. What's your committee?

Ms. Maria Barrados: The Standing Committee on Government Operations and Estimates.

Mr. Derek Lee: Okay. That's great. That's wonderful.

Are there other offices of Parliament...? I'm not being cynical here. You have to do what you have to do under the statute, and you're doing a great job.

I mentioned the Commissioner of Official Languages. That would be a small office, relatively.

Ms. Maria Barrados: Yes.

Mr. Derek Lee: What's your view of that office? Do they have a personnel manual of sufficient weight and size so you're not concerned about their hiring policies?

Ms. Maria Barrados: We operate on a risk basis; we ask people to come and do an accountability report for us. There has been nothing that to me has flagged that office as an office at risk, so we haven't gone in to look.

Mr. Derek Lee: There's another committee of the House, I guess, looking at the funding of officers of Parliament, and we're kind of running into the same conceptual issues. For all its good reasons, Parliament in the past has spun off the agencies and the functions to commissioners and directorates, etc., and we haven't been doing our housekeeping administratively.

Now we're running into this issue of how much money we should be spending over here. How many personnel should they have? Who's minding the shop? I'm not reflecting on your commission at all, but it's interesting that the personnel function is now appearing to be, in this case, one for which we might want to take a cross-agency, cross-commission look at the costs and compliance on the personnel side.

Ms. Maria Barrados: I would be very happy to have my budget reviewed by Parliament, because frankly, I find it difficult not having a minister who advocates for me. Things happen around cabinet tables or Treasury Board tables and I have no voice there. I usually have to do catch-up and try to nail people and try to correct things that I see are a problem. So I'd be very pleased to go through that kind of process.

• (1145)

Mr. Derek Lee: Thank you, Mr. Chair.

The Acting Chair (Mr. David Tilson): Thank you. That concludes the eight-minute rounds.

I have just one brief question, which follows from what Mr. Laframboise was asking. Public Accounts made a number of comments with respect to your operations and to which you gave responses on September 30 of this year. On page 2, you gave this response:

The PSC plans to make the terms and conditions more explicit in the delegation instruments required to delegate appointment authorities associated with the new Public Service Employment Act (PSEA).

It is in the process of revising its expectations of departments, and specifying the consequences of breach of conditions of delegated authority, and of inadequate staffing management, performance and reporting practices.

The question is, when? When is all this going to happen? That's really the main reason you're here today, because when we had the Privacy Commissioner here before us, we were surprised to find that you were still over there.

Ms. Maria Barrados: There are two different elements to your question.

One is the larger delegation process that we are going through and renewing. We have gone through the exercise of revising all the delegation agreements consistent with the new legislation, and we've sent them all out to departments. We expect them to be signed at the beginning of December. The public accounts committee was particularly concerned that we were not clear enough about sanctions in those delegation agreements, and that's the nature of part of that recommendation. We did put that in the delegation agreements.

Your second question, though, is, when are we going to leave the Privacy Commission alone to operate like other organizations in the

Government of Canada? I am quite optimistic that we'll be able to remove the conditions on the delegation. However, given the nature of who we are and how we have to function, I have to have the auditors go in and do a verification because I don't think it serves anyone's interest if we really don't have a corrective situation in place.

But this is no comment on the current commissioner, who I think is making a very committed and dedicated effort to get this all in place.

The Acting Chair (Mr. David Tilson): Can you give us a date? You've been there a long time.

Ms. Maria Barrados: Our expectation is that we start the audit right after Christmas, that we complete it by March 31, and then we go with what we find. If the audit is saying that things are in place, we will remove those delegations; she gets a new delegation agreement and we go on from there. Then she falls under the same requirements as everyone else in terms of the normal reporting. If there are shortcomings, we will make whatever adjustment we need on those shortcomings.

The Acting Chair (Mr. David Tilson): Monsieur Laframboise.

[*Translation*]

Mr. Mario Laframboise: You told us a little while ago that last year, you informed them that they had to review their human resources service. However, on page 3, you say: "[...] we remain concerned by the number of changes in the human resources group which are among the challenges this group must meet." You therefore realize, as we are discussing this today, that their human resources service is perhaps not exactly what you would wish. Is someone systematically following this? Do you intend to do so only after the holidays?

Ms. Maria Barrados: The audit is to begin after the holidays, but we are involved on a continuing basis. At every stage of a staffing process, there must be a discussion with PSC in order to get the authorization to continue. At the end of the day, it is the commissioner who does the staffing.

Michael may be able to give you more information on the problem of staff turnover at human resources.

Mr. Michael Corber: In June 2003, there was a director of human resources. This director left when Mr. Radwanski did and when Mr. Marleau arrived. Immediately following that, a consultant found someone to fill the director's position on an interim basis. This person was in the position for almost a year. A person was then hired on an indeterminate basis, but once again, this person only remained for a short time before finding another job. There has been a third human resources director in the position since last May.

You can understand that such a staff turnover in a key position poses problems to Ms. Stoddart. Moreover, a long-standing human resources officer has recently left, and that person has only been replaced by a permanent staff member within the last few months.

As Ms. Barrados has indicated, this difficulty exists within every department of the public service, without taking into account the new legislation which really emphasizes staffing. Everyone is looking for competent people.

• (1150)

Mr. Mario Laframboise: I have noticed that when there are positions to fill, you use a jury. If I understand correctly, you are the one who chooses the members. Who are the jury members? Are they consultants?

Ms. Maria Barrados: They are people from the public service.

Mr. Mario Laframboise: Are they from the departments?

Ms. Maria Barrados: Yes, it depends on the level. If it is for positions at the EX level, there must be people from other departments, as well as people from the same department.

Mr. Mario Laframboise: Does the Office of the Privacy Commissioner make use of a jury? Is that a solution you are establishing across the board?

Ms. Maria Barrados: Those are the rules for all competitions. If there is a competition, there is a jury.

Mr. Mario Laframboise: Was this not the case in the past within this organization?

Ms. Maria Barrados: There had been a few, but not many.

Mr. Mario Laframboise: Who made the decision? Was it the commissioner or the former commissioner?

Ms. Maria Barrados: The former commissioner had such a system.

Mr. Mario Laframboise: Does the new commissioner use a jury?

Ms. Maria Barrados: She follows all the rules. I have received no complaints to date.

Mr. Mario Laframboise: Thank you.

[English]

The Acting Chair (Mr. David Tilson): Mr. Lee.

Mr. Derek Lee: I'm going to give you a hard time here, but I do it on a constructive basis, okay? I don't understand. I shouldn't say I don't understand. Perhaps I don't, and perhaps I'm being too naive. It seems to me...and this is the sticky fingers theme of why you're still there at the Office of the Privacy Commissioner. The procedures that you would like to see in place—I assume we're talking about the binder again. You know what those procedures should be. In fact, there ought to be a template in existence about how you hire, how you fire, how you select people, and how you have competitions. We're talking about the binder, the one that's on your bookshelf now, the one that's been on the Internet for any number of years. It's chapters 4, 5, and 6.

You say the Office of the Privacy Commissioner hasn't adopted that. It's been two years. Why don't you just take out and photocopy the sections of the binder and send them over to the Office of the Privacy Commissioner? She can say, "Yes, those are the procedures. I have them, done, we're following this."

That's on the paper trail. Why hasn't that happened? Why did it take two years for them to buy into what you're imposing?

Secondly—

The Acting Chair (Mr. David Tilson): Do you want to try this question first?

Mr. Derek Lee: No, they're related.

The Acting Chair (Mr. David Tilson): You want to get a second one in.

Mr. Derek Lee: I'm a country lawyer here. I have to set up the question.

The Acting Chair (Mr. David Tilson): Okay.

Mr. Derek Lee: The second part of this is that your commission has essentially been in the Office of the Privacy Commissioner for two years, monitoring, supervising, not delegating authority, signing off on the hirings and checking into it all—and that's been the case for two years. All the bad stuff happened prior to two years ago. When you got there, the bad stuff essentially ended—all the bad stuff, if I can put it that way. For two years you've been there supervising the good stuff, your own good stuff, your own people. Now, two years later you say you have to do an audit of what you've been doing—what *you've* been doing—what you've been supervising for two years. All you had to do was send over the binder in the first place so that the procedures would comply. All you had to do was maybe check a year later to make sure they were following what was in the binder.

What's missing in my analysis here? Why are we still dealing with this two years later?

• (1155)

Ms. Maria Barrados: If it were that simple, I would send over the binder, and Madam Stoddart would have said, fine, thank you very much, we're in business.

The whole practice of human resource management is not that simple. If it were a system where you just follow a bunch of procedures and everything will be fine, you would be absolutely correct. But in actual fact, what we've got in human resource management is we have a requirement that managers are involved and make a series of judgments. Those judgments are valued-based; they're in the legislation. What you really are looking for, and what we're looking for, is that we want a change in the culture, if you like.

So what is the culture? It's the values of the people and the managers in terms of how they're relating to their staff. You see evidence of some of those things, whether you're having union-management committees, which they didn't have set up; whether they're monitoring what kinds of processes they have; whether they are addressing the issues of how they renew their personnel and doing it on a longer term; whether they do deal with stuff like, are you going to have competitions or not competitions and under what circumstances do you not have to have a competition; and how do you promote people, how do you assess people, and how do you deal with problems.

We're looking for what I'm calling this cultural change, which is in those values but also in the systems and practices. Clearly, on the actual performance, we'd be looking at ourselves. In instances where there's been a difference of agreement, I've gotten involved to make sure that we solve the problems. We've been working pretty hard at solving the problems. Our motive in this is that we are training the people there, but they tend to change a lot.

Mr. Derek Lee: Okay. So it's not just a matter of going to church on Sunday; it's what you do during the week that counts.

Ms. Maria Barrados: I would say so, yes.

Mr. Derek Lee: If you can take the gist of my remarks, I'm saying to please send them the binder. Show them how to do it, get the heck out, and let that thing develop.

The Office of the Privacy Commissioner has more than doubled in the last while because of the PIPEDA legislation. They're struggling to expand in a huge, exponential way. Your organization is probably very helpful to them in many ways. Maybe they really did like to have you there for a while. My suggestion is to please not overstay your welcome. Wrap up your excellent advisory consulting business there, equip them for their future, and set them free.

The Acting Chair (Mr. David Tilson): Do you know what? They promised they wouldn't go over when we changed the rules, and everybody is going over.

Mr. Epp is next.

Ms. Maria Barrados: Can I—

The Acting Chair (Mr. David Tilson): He may come back to it, but I have to follow the rules somehow.

Ms. Maria Barrados: Okay.

The Acting Chair (Mr. David Tilson): Mr. Epp, please.

Mr. Ken Epp (Edmonton—Sherwood Park, CPC): Thank you.

I want to clarify one thing. When you gave us your report, the words here are relating to your work in the Privacy Commissioner's office and not in the public service generally. Is that accurate?

Ms. Maria Barrados: I want to clarify which report we're talking about. The opening statement—

Mr. Ken Epp: It was your presentation this morning.

Ms. Maria Barrados: A couple of things about that didn't apply to the Privacy Commissioner—specifically, the mandate of the Public Service Commission, the law and how we function, and the study on favouritism.

Mr. Ken Epp: Okay.

On page 2 in the English side of it, right near the top, you talk about a survey you conducted. It's the one that said 16% believe personal favouritism occurs in staffing and that another 29% believe it occurs some of the time. That's 45%. Almost half the people there think personal favouritism is a factor in getting promotions or appointments. Was that survey conducted in the Office of the Privacy Commissioner, or is that in the public service generally?

Ms. Maria Barrados: That is a sample of about 2,500 public servants across the public service.

One of the reasons we did that study, however, was as a result of the hearings and the directions from the public accounts committee on what was going on in staffing. Some of the questions members had around the table were whether the staffing issues were particularly with the Privacy Commissioner or whether there were issues throughout the public service. This was the broader one, the whole public service.

Mr. Ken Epp: So this doesn't apply only to the Office of the Privacy Commissioner.

Ms. Maria Barrados: That's right.

• (1200)

Mr. Ken Epp: Your closing sentence in that paragraph was, "We are concerned with this perception". I guess that's justifiable. When 45% of the people are saying that personal favouritism is a factor here, that is an item of concern.

My question is, what are you going to do about it? What can you do, and what are you going to do about that particular...?

My perception, based on this survey you did, is that it's a reality.

Ms. Maria Barrados: The perception is certainly out there.

We are in a huge transformation, going from the old Public Service Employment Act to the new Public Service Employment Act. It actually is a great opportunity for us to reinforce for public servants what the expectations are and how staffing takes place.

We have had a major undertaking in training people, having sessions on what is expected and how they conduct themselves. That has been going on since the spring. As well, we are having specific sessions about the delegations and what that all means, so we're doing a lot of training. We're doing a lot of awareness raising on what the expectations are. As an organization, we are tightening up the surveillance and the audit capacity. We are clearer about the expectations; there is a reduced number of expectations. We're doing a lot of training, and we're going to be monitoring a lot more closely.

Mr. Ken Epp: My final question is going to be with respect to the delegated authorities. I imagine this is like a memorandum of agreement. Is it binding on them? Do you have the authority legislatively to say you must do this? Can you give us a brief layperson's description of what would be included in that delegated authority?

Ms. Maria Barrados: The authority to staff rests with the Public Service Commission, so if we don't delegate people, the government can't do the staffing. This makes us different from the Auditor General because of the corrective power we have; if we have a finding, we can do something about it in terms of the delegation.

I'll ask Dal Hines to just give you a bit of a summary of what's in the delegation, since he's spent the last year working on these things.

Mr. Dal Hines (Director General, Delegation, Public Service Commission of Canada): The delegated authorities generally lay out all of the terms and conditions of the delegation, the expectations of the commission in the exercising of the delegated authority. It would normally lay out any limitations or conditions the commission has put on those authorities.

Generally speaking, it deals with appointments from both within and outside the public service and entails a variety of different types of appointment authorities at both the executive and non-executive levels, such as terms, casuals, and indeterminate appointments. Generally speaking, it also includes the accountability aspect of the appointment authorities in terms of what it is the departments must report on to the commission as to the exercise of those authorities.

Generally speaking, that's what's in the delegation agreements.

The Acting Chair (Mr. David Tilson): Thank you.

Ms. Jennings.

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Thank you.

I'm going to try to be very brief.

I've been going through both your document for the speech or remarks you made and the photocopies we were given of part of your report tabled on September 30, 2005. There are a few terms I'd just like you to provide a definition for: bureaucratic patronage, personal favouritism, and political impartiality of public servants. If you can, provide your definition of those three terms.

The last thing is on the issue of terms and casuals. Under the new legislation, will your commission have in fact audit authority over the actual staffing of part-timers, definite-term contract employees? The reports I've read in the past have shown that's been a mechanism for the bureaucracy to get around the fact that the Public Service Commission has the authority for staffing. They might not delegate in order to ensure that they bring in who they want to bring in to circumvent certain employment policies the government may have put into place, like equity employment.

● (1205)

Ms. Maria Barrados: "Bureaucratic patronage" was a term that was used by the commission for a number of years when it was trying to express the values it was concerned about. We became a little uneasy about using "bureaucratic patronage" because bureaucratic patronage involves a lot more than staffing. It's contracting, it's any number of things, grants and contributions, you name it; you can put all kinds of things in there.

We've actually shifted away from the use of that term and moved to "personal favouritism". We use that term to talk specifically about personal favouritism in staffing; it gives us a clearer idea of what we are talking about. We went through a process that resulted in one of the studies I released in October, where we tried to get a definition that had a clear consensus around it.

Now, the definition matters because the legislation prohibits the abuse of authority and has a tribunal set up to exercise judgment about abuse of authority. In the definition of "abuse of authority" is "personal favouritism", and people are very concerned about this.

We will look to the tribunal to finally come up with definitions, but we've put forward a definition in our report. I won't read you the whole thing, but what we're focusing on is "inappropriate action or behaviour by a public servant who, by using knowledge, authority or influence, provides an unfair advantage or preferential treatment to a current employee or a candidate" for personal gain and benefit that aren't in the interests of the organization. By that, what we're trying to distinguish is, it's all right if you hire from a network; it's not all right if they're your personal friends and you're solidifying a friendship. We've put that definition out there, and I look to the tribunal to work more on that definition.

Hon. Marlene Jennings: In that case, is it all right, if one has personal, professional knowledge one has acquired, to provide that to a candidate in a staffing process? It could be someone from the outside. You know or know of one of the candidates, for instance, not because you're personal friends and not necessarily because they're in your network, but because that candidate's network may

criss-cross a network of somebody you know, a neighbour, for instance. Your neighbour said, I know someone, blah, blah, blah. You meet them and you provide them with information that normally is public, but chances are that people outside the public service who are applying would not really have access to that information. Would that be personal favouritism? You don't get any personal benefit.

Ms. Maria Barrados: I'm not sure it's personal favouritism, but I think there is a real problem in terms of fairness. We have concerns about abuse of authority and personal favouritism, but we also have fairness, access, and transparency as values. I think you're dealing with a situation that lends itself to problems of fairness rather than personal favouritism.

The Acting Chair (Mr. David Tilson): Thank you.

Mr. Tom Lukiwski.

Mr. Tom Lukiwski: Thank you.

Mr. Chairman, I must say you're getting closer and closer to the correct pronunciation of my name, so I applaud you for that. On the "Tom" part you were dead on.

I just want to go back to pursue this personal favouritism issue a little bit. I see there's a much higher percentage of people within the public service who think there is favouritism going on than what you actually discovered when you did your audit, and I'm wondering why that is. You have given us your definition of favouritism. Would it be fair to say that many of the public servants themselves have a different definition? Do they just think it's a case of a guy being a big suck-up in the department and getting promoted over them, as opposed to there being personal friendship or personal benefit? Why the disparity between what you say you actually found and the perception?

Ms. Maria Barrados: The definition we generated was generated in a lot of work, in that we did a lot of focus groups, we ran surveys, and we got a high concurrence on the definition. We're pretty confident people are using this in the same way.

The thing with a perception is that you can have one case that happened 10 years ago. If somebody asks if there is personal favouritism, they say yes, there is. People are thinking of that one case or that one experience. So there's a question of what happens and the amount we have, because at the same time people are saying yes, the last competition I was in was pretty fair. You have these two things.

The other issue, though, is how you actually find this stuff. This is not something somebody puts in the file: I am hiring my friend here or I am hiring my brother. That's not what gets put in the file. So before you make these kinds of charges, you really do have to do a lot of work to be able to say yes, this is the case. You have thousands and thousands of transactions that go on. We do a very small fraction in the audits and we do a small fraction of inquiries and appeals.

•(1210)

Mr. Tom Lukiwski: There's one thing I just can't get my head around. You mentioned that perhaps there was a case 10 years ago and someone points to that. It appears to me that what you're saying here is this is the current level of perception by public servants, that they still think there's favouritism going on, not 10 years ago but currently. I'd like to know why that is and if there's anything more than just someone with a misguided perception.

Secondly, what are you doing if this in fact is something that should not be happening? I agree with you that it should not be. What control systems are you putting in or what deterrents or what penalties? How do you stop this? Outside of changing the culture, what actual actions can you take to make sure that supervisors and those who are in a position to hire know they should not be doing this, and if they do, they will suffer some consequence or some penalty?

Ms. Maria Barrados: The number that's most worrisome in all of these numbers is the 16% who say it happens a lot. That's just the one case. The 29% are saying some—so this could be one incident that could be a longer time ago—but that 16% is a concern, so I'm not trying to diminish the importance of this.

I'm actually of the school where I don't think we need more controls. Where we have to go is we have to really make our delegation work, so that people understand what is expected. Then there are mechanisms that people can exercise if they feel there is abuse.

The whole thing about human resource management is that it is the largest discretionary expenditure of most public servants. It involves enormous investments, because if you hire someone as a young person and they spend their career in the public service, you're making an investment on the part of the public purse of several millions of dollars. And employees want to be treated properly, so you have active unions and active court involvement. So sometimes it looks procedural, but it's a complex set of things.

I'm not arguing for more controls. I really think we have an opportunity now to make the culture change, and we're putting all our effort behind doing that, but we will be pretty tough and determined if it doesn't happen.

Mr. Tom Lukiwski: Thank you.

I only have a couple of seconds left.

The Acting Chair (Mr. David Tilson): You don't have any seconds left.

Mr. Tom Lukiwski: According to this clock I do.

The Acting Chair (Mr. David Tilson): No, it's wrong.

Mr. Lee.

Mr. Derek Lee: Thank you, Mr. Chairman.

Notwithstanding the aggressive tack of my questions, I think the Public Service Commission is actually doing an excellent job throughout.

But I'm going to be quiet here and give Ms. Barrados an opportunity to reply, if she wants, to my earlier questions relating to

their apparent inability up till now to extricate the PSC from the Office of the Privacy Commissioner.

Ms. Maria Barrados: I spent 18 years in the Office of the Auditor General. What I learned at the Office of the Auditor General is that you can only survive and maintain your credibility by setting out your process, setting out your audit process, and then you follow it, because you have no way of knowing more than you do through your audit process.

In the case of the Privacy Commissioner... I spend a lot of time talking to Madam Stoddart, and I have the highest regard for her, so it's no comment on her at all. At the Office of the Auditor General, I was involved in the audit of the Office of the Privacy Commissioner. It was a very serious management situation in that office. Some of those people are still there; they weren't all implicated, but there was a culture and a way of doing things that were not correct. So I am saying that I am happy to get out of there as long as my auditors are saying the corrective measures are in place. The minute we go through that process, we will remove the delegations, but I think what you're seeing is a reflection of all those years I was at the Auditor General's, when I just wanted to have the process followed—and then we'll do it.

•(1215)

Mr. Derek Lee: Thank you, Mr. Chairman.

The Acting Chair (Mr. David Tilson): Monsieur Laframboise.

[Translation]

Mr. Mario Laframboise: Thank you.

Does the legislation give you, for all departments, the same powers of appointment as those you delegate to the Privacy Commissioner?

Ms. Maria Barrados: All powers of appointment are the responsibility of the PSC. In the past, we delegated these authorities for almost all internal processes. But the PSC has kept responsibility for external processes and for the staffing of senior management positions.

With the new act, we have the intention of delegating these authorities to all of the departments. The overall process will be the same. If there are difficulties, we will try to correct them and we will make suggestions, but if the problems persist, we will bring about changes...

Mr. Mario Laframboise: Of all of the powers that you have delegated in the past, the only ones you withdrew were those of the Privacy Commissioner, is that correct?

Ms. Maria Barrados: We took back a few delegations for senior management, but we imposed conditions on the delegations for the other processes.

Mr. Mario Laframboise: But it is only in the case of the Privacy Commissioner that you withdrew some delegations.

Ms. Maria Barrados: We withdrew delegations in some other departments.

Mr. Mario Laframboise: What departments? May we know?

Ms. Maria Barrados: Michael, which were they?

Mr. Michael Corber: We have just finished an audit of the Military Police Complaints Commission, and we have subjected this organization to the same conditions as we did the Office of the Privacy Commissioner last year. This year, we completed an audit of the RCMP Public Complaints Commission. In this case, despite certain difficulties, we did not put in place the same conditions. However, in order to ensure better oversight, we decided that they would have to report four times a year instead of annually. We use the tools we have at our disposal. The chair has a good range of tools that allow her to ensure proper oversight of the departments.

Mr. Mario Laframboise: Thank you. Are there any others?

Mr. Michael Corber: Those are the only three where there were conditions. Dal, can you think of any others?

Mr. Dal Hines: I believe that is all.

Mr. Mario Laframboise: Using the survey that you had done, can you target any departments or any sections? Does this survey allow you to pinpoint the problem areas?

Ms. Maria Barrados: With the kind of sample we used for this survey, we cannot make that kind of distinction. On the other hand, the investigation that is underway throughout the public service should allow us to do that kind of analysis.

Mr. Mario Laframboise: All right, thank you.

[English]

The Acting Chair (Mr. David Tilson): Mr. Lukiwski.

Mr. Tom Lukiwski: I want to follow up on my last question.

If someone in any department in the public service believes there has been favouritism involved in promoting someone, that was unjust or unfair to the individual, do they have any avenues or mechanisms available within the public service to lodge an official or formal complaint?

• (1220)

Ms. Maria Barrados: Yes—

Mr. Tom Lukiwski: Outside of going to their supervisor to complain.

Ms. Maria Barrados: Well, that's often the most effective way.

If people feel they are not satisfied by dealing with the mechanisms within their department, there is, for many competitions, a right of appeal. This is a formal process where an appeal can be lodged on the grounds of not having properly followed the process. That is run by the Public Service Commission. That process is ending with the current legislation.

As well, at the Public Service Commission we have an investigative arm where individual cases are looked at, so somebody can lodge a concern and ask for an investigation. We would do an investigation, and we do have the power to revoke the position. In fact, we have done some of that.

Mr. Tom Lukiwski: That's good enough, Mr. Chair.

The Acting Chair (Mr. David Tilson): Ms. Jennings.

Hon. Marlene Jennings: Very briefly.

You are, of course, aware of the whistle-blower legislation that the government has brought forward. I have some concerns about the efficacy of that particular piece of legislation, whether or not it will

ensure that situations, as was seen in Public Works with Mr. Alan Cutler, are not seen again.

I would like to know if in your role as president of the Public Service Commission you've had reason, or an opportunity, or even a right, an interest, to look at that piece of legislation. Would it be pertinent for your commission to be looking at the proposed legislation and making recommendations if you felt it was inadequate or could be improved? You might think it's basically good but see definite improvements that could be brought to it. I'd like to hear you on that.

One of the reasons why I'm asking that is because there was an incident in Montreal recently, concerning Canada Post, where an employee of Canada Post a number of years ago had gone public about an illegal practice that was called *PM au noir*, or PM black. Postmen were paying other postmen to do their route, once the second one had finished his or her own route. This woman employee was actually fired for having gone public to denounce the practice. Canada Post said no, it didn't exist, etc. But within the last couple of weeks the police, on good information, were able to get a search warrant and actually went to the home and the chalet of a postman, and apparently two others, and found over 75,000 pieces of mail. Apparently, that so-called illegal practice that Canada Post said did not exist, did in fact exist.

That's why I'm quite interested to know if you've looked at that legislation.

Ms. Maria Barrados: It's a bit of a delicate issue for me. As you may know, the first proposal the government made was that the responsibility should be put in the Public Service Commission. When the committee held hearings, they didn't feel that was an appropriate place to put it, and I'm very respectful of what the committee decided. I didn't really follow the legislation too much after that.

It obviously raises an important area, when we are looking at protections for individuals and taking corrective actions, but I don't really think I have anything more to add about the legislation.

My earlier concern, and one that continues, is that the different investigative bodies don't trip over one another, because many of the whistle-blowing complaints actually relate to staffing. The provisions are still there, so that if there is another organization in place to do particular work or an inquiry, the person responsible for the wrongful disclosure would be using that part of the legislation.

The only other concern I have with the current proposal is a fairly technical one, but it matters to us. The Information Commissioner, John Reid, had asked for an amendment, which meant that if people in his office saw something, as part of their work, their external review audit work, they weren't obliged to report a wrongdoing. It would be something that would be worked into their processes as second parties.

• (1225)

Hon. Marlene Jennings: Would they be obliged?

Ms. Maria Barrados: They would not be obliged.

Hon. Marlene Jennings: They would not be obliged.

Ms. Maria Barrados: Those provisions apply to all the agents of Parliament. I think the same thing should apply to our external audit function, not the other parts of the commission but the external audit and investigations function.

Hon. Marlene Jennings: Do I still have time? This really raises flags for me.

The Acting Chair (Mr. David Tilson): You have time.

Hon. Marlene Jennings: I cannot imagine that we would have legislation that would exempt oversight bodies from having a duty to divulge or disclose information that would tend to show there was wrongdoing in another area.

Ms. Maria Barrados: It's the proposal that was passed, and it's in the Senate.

The Acting Chair (Mr. David Tilson): You've now run out of time.

Hon. Marlene Jennings: Okay.

The Acting Chair (Mr. David Tilson): But if no one else is going to ask a question, you can.

Hon. Marlene Jennings: I can go forward.

The Acting Chair (Mr. David Tilson): I guess it means you have another five minutes.

Hon. Marlene Jennings: I remember there was a major debate in Quebec in the sector of policing, when the Quebec government adopted legislation back in 1990 that abolished the then oversight body, the police commission, to create a whole new civilian oversight and a code of ethics. It was the first jurisdiction in Canada to do so.

At the time, there was a whole debate on who could actually bring a complaint. The chiefs of police wanted to have the authority to file complaints if they uncovered possible violations in the course of their duties. At the time, the commissioner said no. He interpreted the term "any person" to mean anyone who was not in the police services.

Through a reform of that legislation a number of years ago, it has now been changed. There's a duty on the part of police officers or police chiefs who are witnesses or who believe they're witnesses to violations of the code of ethics to bring forth a complaint.

On the federal side, you're telling me the legislation says that in the course of the audit function, for instance, if you uncover evidence that appears to show some kind of wrongdoing in an area that's not related to staffing or human resources, you would be exempt from bringing that forward.

Ms. Maria Barrados: Well, currently, I am not exempt.

Hon. Marlene Jennings: You are currently not exempt, but the legislation would change that.

Ms. Maria Barrados: The legislation will change it for all the traditional five officers of Parliament, and this was advocated by John Reid.

Hon. Marlene Jennings: We won't go there, because I could have a whole lot of comments about that one.

I appreciate the information, and I will definitely raise my voice to the appropriate ministers and authorities on that.

Thank you.

The Acting Chair (Mr. David Tilson): That appears to conclude the questions.

Ms. Barrados, we thank you and your colleagues for coming and putting up with our questions today. Thank you kindly.

Ms. Maria Barrados: My pleasure. Thank you very much.

The Acting Chair (Mr. David Tilson): Before we adjourn, ladies and gentlemen, on the notice of motion of Mr. Lukiwski, Mr. Zed has agreed...and as well, they have amended it slightly. We'll deal with that Thursday. You should all have copies of the amended motion.

Finally, the Mexican delegation has been cancelled.

The meeting is adjourned until Thursday at 11 a.m.

Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

**Also available on the Parliamentary Internet Parlementaire at the following address:
Aussi disponible sur le réseau électronique « Parliamentary Internet Parlementaire » à l'adresse suivante :
<http://www.parl.gc.ca>**

The Speaker of the House hereby grants permission to reproduce this document, in whole or in part, for use in schools and for other purposes such as private study, research, criticism, review or newspaper summary. Any commercial or other use or reproduction of this publication requires the express prior written authorization of the Speaker of the House of Commons.

Le Président de la Chambre des communes accorde, par la présente, l'autorisation de reproduire la totalité ou une partie de ce document à des fins éducatives et à des fins d'étude privée, de recherche, de critique, de compte rendu ou en vue d'en préparer un résumé de journal. Toute reproduction de ce document à des fins commerciales ou autres nécessite l'obtention au préalable d'une autorisation écrite du Président.