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Chair

Ms. Yasmin Ratansi

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• (1530)

[English]

The Chair (Ms. Yasmin Ratansi (Don Valley East, Lib.)): Members, we are studying today the Public Service Commission's 2008-09 audit report. We have before us Madam Barrados, who is the president of the Public Service Commission; Mr. Donald Lemaire, senior vice-president, policy branch; and Monsieur Jean Ste-Marie, acting vice-president, audit and data services.

Before we commence with Madam Barrados' speech, I'd like to make a suggestion to committee members. Over the past two meetings, we have had some concerns about time and fairness and so on. The clerk is responsible for managing the time. If you distract the clerk and he's away from here, I don't have control over the time clock, so if anyone has any urgent issues that they want to see the clerk for, please come to this side so that at least somebody is managing the clock.

If you have questions for the clerk or for the analyst, I'd appreciate it if you would come here. Just raise your hand and come over and see them so that we will not have any issues around time management. We will keep track of the time that everyone utilizes because sometimes the witnesses take a little longer to wrap up.

With that, I'd like Madam Barrados to give us her opening remarks.

[Translation]

Ms. Maria Barrados (President, Public Service Commission of Canada): Thank you, Madam Chair, and honourable members of the Committee.

I would like to thank you for giving me the opportunity to meet with you to discuss the work of the Public Service Commission — the PSC —, more specifically the "2008-2009 Public Service Commission Annual Report" and five audit reports, all of which were tabled in Parliament on October 9.

The annual report covers the third year of operation under the *Public Service Employment Act*, or PSEA. In 2008-2009, the PSEA applied to 82 organizations representing more than 208,000 public servants, casual employees and students. We have seen steady growth in those organizations.

We have also seen a high level of hiring and staffing activity. The high rate is attributable to growth in the Public Service, retirements and a great deal of internal movement.

We concluded from the various monitoring exercises we carried out in 2008-2009 that the fundamental values of merit and impartiality are generally respected across the Public Service.

Still, the PSC is concerned about significant new signs that we need to be more vigilant in order to ensure that in the years ahead, Canadians will continue to be served by a Public Service that is impartial and merit-based.

One of the main expectations regarding the PSEA was a reduction in staffing times. However, we have not realized the expected gains in terms of how fast advertised processes to staff permanent positions are completed. Inefficient staffing has a direct impact on the delivery of quality programs and services to Canadians and encourages managers to hire casual and temporary staff for permanent positions.

It currently takes an average of 23.5 weeks to staff a position. That number can easily be reduced by 30% in the current system if human resources management as a whole is improved.

The PSC shares the concerns raised by the members of your committee regarding the inappropriate use of temporary workers to fill permanent Public Service positions on a long-term basis. We are moving forward on a study to look at the issue and determine how these practices might circumvent the requirements of the PSEA.

• (1535)

[English]

I would now like to turn to employment equity.

We are making progress in the appointment rate of visible minorities into the public service through advertised positions, reaching 18.8% in 2008-09. This rate is greater than the workforce availability of visible minorities. The same holds true for women and aboriginal peoples. However, the public service is not sufficiently attracting persons with disabilities, and their recruitment rate continues to be lower than their workforce availability.

This year the PSC observed new challenges with respect to protecting the value of non-partisanship. We are beginning to see more complex cases that, while individually appropriate, may undermine the overall perception of the political impartiality of the public service. Thousands of new recruits are entering the public service for the first time, and the use of social media technology blurs the line between public and private lives. We believe that increased efforts are required to foster a better understanding of non-partisanship as a core public service value.

Now I will turn to the findings of our recent audits. This year, based on our assessment of risk, we examined five organizations. We undertake our audits as part of our responsibility in our delegated staffing system to identify actions that are required to improve the management of staffing.

Based on our findings as well as the responsiveness of each organization to our recommendations, we have taken the measures that follow.

The Office of the Correctional Investigator has put corrective measures in place, and we have removed all restrictions on their appointment authorities.

The Canada Border Services Agency has already taken a number of initiatives, and they are moving forward. We have asked for detailed plans and will conduct a follow-up audit in two years.

At both Health Canada and Infrastructure Canada, senior management moved quickly to undertake corrective actions in response to our audits and have committed to strengthening their human resources management. They are also required to provide additional reporting to make sure that progress is maintained.

At the Immigration and Refugee Board, we found preferential treatment in staffing processes for some executive appointments and former Governor in Council—GIC—appointees. GICs are appointed by ministers, while public servants are appointed by the PSC, which is independent from ministerial direction. Senior management at IRB disagreed with some of our findings. We will continue to do work at the IRB over the course of the next year.

The PSC will investigate any internal appointment process resulting from the audit, and upon receipt of the investigation report, the IRB has agreed to implement corrective measures. As we deem necessary, the PSC will continue to audit appointments made by the IRB, and the IRB will report to the commission on the implementation of the recommendations in the audit report within six months.

I would now like to update the committee on our progress with respect to our audit concerning the unauthorized possession and use of the PSC's second-language evaluation test. We are implementing the recommendations of this audit, and we have reviewed overall test security and taken appropriate measures.

The 115 students who took the tests following their Nec Plus Ultra training have been given two years in which to be re-tested by the PSC. This re-testing is now under way. The PSC also agreed to review the cases of those students who wanted to bring forward any exceptional circumstances. To date, the PSC has resolved 26 cases.

Issues have been raised by NPU and Ms. Madeleine Rundle's new legal counsel about the manner in which the PSC has treated NPU, about the content of the audit report, and about how the PSC is dealing with public servants who attended NPU for language training. The issues raised reflect an inaccurate interpretation of the facts. I have asked the Department of Justice to commence legal proceedings to recover the costs resulting from this situation.

We are also moving forward with our preparation for the five-year review of the PSEA. We are taking stock of the implementation of the act in terms of whether it has been implemented as intended and

whether it equips the PSC and others to protect merit and non-partisanship in the years ahead.

It is time to consider succession planning for the current commission. I would like to see two new commissioners appointed to start staggering appointments and transition to the new commission.

● (1540)

[*Translation*]

Finally, Parliament has given the Public Service Commission, as an independent agency, a specific mandate to protect the values of merit and impartiality as pillars of a professional and impartial public service. We are committed to fulfilling that important mandate on behalf of Parliament and all Canadians.

Thank you. I would now be glad to take your questions.

[*English*]

The Chair: Thank you, Madam Barrados.

I'd like to thank Madam Barrados for hosting a social evening yesterday. Those of us who attended benefited a lot from discussions with her.

I'd like to remind the committee that 5:15 p.m. is the time at which we will cut off everything, including the closing remarks for Madam Barrados, because we have committee business.

With that, to begin the eight-minute rounds, we will have Ms. Martha Hall Findlay.

[*Translation*]

Ms. Martha Hall Findlay (Willowdale, Lib.): Thank you, Madam President.

I would like to welcome the witnesses.

[*English*]

I'm sorry I was not able to join you at the dinner last night, but I had another commitment. I understand that it was very enjoyable and I look forward to the next opportunity.

I appreciate your opening statement, Madam Barrados, but there's a somewhat different issue I'd like to focus on today, and that's the whole question of what seems to be a very significant creep of partisanship into the public service. I will just quote from a couple of sections that you included in your report itself, the large report that was tabled in the House.

You said: "Non-partisanship is a core value by which public servants are appointed without political influence..."; the commission's mandate is "to protect...non-partisanship in the federal public service..."; and "...non-partisanship is a core value of the public service and that appointments must be free from political influence".

You also said in the report: “A permanent, professional and non-partisan public service is vital to Canada’s system of democracy” and that “Canadians need to be confident that public servants administer, and are perceived as administering, programs and services in a professional and non-partisan manner”.

The Canadian Press learned and, importantly, disclosed that a key program to recruit, as they called it, “the cream of new graduates” suddenly wants to know the applicants’ views on the government’s economic action plan. Did you know about this new requirement to write an essay commenting on the government’s action plan in the applications for these new applicants?

Ms. Maria Barrados: My understanding is that the program being referred to is the accelerated economist training program. It is a program that is operated by the commission, whereby applicants come in to the commission and are given one of our standardized tests. The standardized tests are standardized competency tests.

After that, candidates are referred to the departments, and the departments may ask further questions and do further examination to choose the candidates. I would not think it would be inappropriate to ask a candidate their views on a major government program, if you were looking for economists, in order to see their ability to analyze.

Ms. Martha Hall Findlay: My question was actually a little bit more blunt. It was about whether you knew about this requirement.

Ms. Maria Barrados: I did not. I read about it in the newspaper this morning.

Ms. Martha Hall Findlay: Right. It may seem appropriate to ask somebody applying for a position that has economics as part of its profile, but there are a great number of questions about economics one can be asked that are not in fact related to a current government program which, unless somebody has had their head in the sand, has very clearly been a subject of not insignificant controversy over the last little while.

I will go back to that requirement that “public servants administer, and are perceived as administering, programs in a non-partisan manner”. With respect, right now, the perception in that request suggests a very strong partisan element.

So not having known about it, and given my concerns about the appearance, do you actually agree with the requirement, not that they be asked to comment on economics, but that they be asked to write a short essay specifically on this current government’s economic action plan?

• (1545)

Ms. Maria Barrados: I don’t know whether the story was accurate.

Ms. Martha Hall Findlay: Assuming the story is accurate and that they’ve been asked to write an essay...

Ms. Maria Barrados: I will make sure—I’ve asked my staff, actually, to check—of the accuracy of the story. The Public Service Commission did not ask those questions and does not ask those detailed kinds of questions. We screen on competency, so we’re looking for judgment, for communication skills. These are generic kinds of tests that we set up.

Ms. Martha Hall Findlay: The impression given here is that there’s very much a request for a position on a particular and, as I

said, clearly somewhat contentious policy. I feel bad about putting you on the spot, but if the Public Service Commission has ultimate responsibility for this all-important fact, but also the impression, of non-partisanship, then I think there’s a disconnect here. I do ask, given that you are ultimately responsible, for some assurance that you’re comfortable with this, because we’re not.

Ms. Maria Barrados: I will commit to the committee that I will follow up and try to understand exactly what has occurred.

But as a general principle, when we go through screening to test those competencies and people qualify on the competencies, we’re operating on a delegated model, and it is up to the departments to then do any further screening and examination.

I don’t think it’s illogical to ask about the major programs and economic considerations of the day. I would suggest that I would be more concerned about what the answer should be. If the question is posed and a good answer could be critical of the government’s position, that’s fine. If the answer is supposed to be only supportive—

Ms. Martha Hall Findlay: With respect, what on earth is “a good answer”?

I’m moving into a second question here that relates to this. It is increasingly concerning that there’s a subjectivity going on in the civil service that relates to an increased partisanship.

There are very concerning reports that senior public servants have raised and continue to raise concerns about the politicization of the bureaucracy. Quoted from another report is this: “trampling the...area between partisanship and policy”. More than one said they’ve “never seen anything so blatant as the current use of the office”, and in this case it was for self-promotion of the government. Another quote is from the reporter investigating it: “None would speak on the record... for fear of reprisals...”.

Madam Barrados, that’s one of the most concerning aspects of this: that there would be fear of reprisal so that members of your public service are unwilling to address this and speak publicly. This is also your responsibility.

Certainly, we’ve heard from all sorts of people who have expressed increasing concern over the last while. These are people for whom you are responsible, in the service for which you are responsible. As in your report, this is fundamental to the democratic process of this government. What are you doing about this? Can you tell—

The Chair: Can you wrap it up so that I can give half a minute for an answer?

Ms. Martha Hall Findlay: What is it that you are doing to address this increasing problem within your own public service?

Ms. Maria Barrados: I am concerned about non-partisanship in the public service, hence the emphasis I have put on it. I have also raised in the report issues about what non-partisanship means in today's public service. I'm not speaking about the government in power; I'm talking about government that relies on technologies and is operating in a different environment. So yes, I do very much have those concerns.

I do commit to you and the members of this committee that if I have a specific concern or allegation made to me, we investigate it and take corrective actions, and we have. I have a separate report that carries examples of this.

I can't deal with something vague. I do the best I can, given the Privacy Act, to protect the individuals who may come forward.

• (1550)

The Chair: Thank you, Madam Barrados.

Madam Bourgeois, *huit minutes*.

[*Translation*]

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Thank you, Madam Chair.

Good afternoon, Ms. Barrados. Welcome to the Committee. It is always a pleasure to see you here.

I want to congratulate you. You have done a lot of work. The documents can be heavy to carry. They are heavy in terms of weight, but also in terms of content.

I am going to pick up where my colleague left off. My understanding is that in the various departments where you went to check for compliance with the *Public Service Employment Act*, you realized that appointments were not being made on the basis of merit. At the Immigration and Refugee Board in particular, there is preferential treatment. Unadvertised appointment processes are common in almost every department and especially in the department responsible for infrastructures.

The merit principle was also not respected. At Health Canada, there are many cases of non-compliance with the Public Service Employment Act. There are irregularities in appointments and related decisions. There is also evidence that human resources plans are lacking in some places, are not very appropriate, are not updated in other departments and finally that there is a lack of consistency in human resources plans in the Public Service. That is not a stellar performance, I have to tell you.

Fortunately, however, you are there and are capable of shedding light on what is happening. Your documents show that you have identified new challenges for protecting the value of impartiality. I would like to know what those challenges are. At the risk of asking you to repeat yourself, I would like to know what you are going to do to solve the problems.

Ms. Maria Barrados: Thank you for your comments about our work.

It's true. We have seen new challenges.

I plan to ask my colleague, Mr. Lemaire, to add his comments, because he is responsible for policy.

First, there is the question of interpretation of Part 7 of the Act, which deals with a non-partisan public service. Is it broad enough to address all of the concerns we might see? There are cases where it was impossible to tell if there would be a negative impact on the Public Service, but the definition in the Act leads to restrictions. That is the first challenge: interpretation of the current Act, especially if we are in the process of evaluating the Act. It provides an opportunity to make changes, if necessary.

Second, there is the new order with the advent of Facebook and technologies. People do not understand that information which used to be private is now public. That is another reality.

The third aspect stems from the Supreme Court decision stating that public servants can engage in political activities but the Public Service as a whole has to be respected. It's a question of balance. Where is that balance?

We have these challenges. We are currently setting up coordinating groups throughout the country with experts to obtain their input. We have to give our opinion, not just on staffing issues, but also on relations with ministers and deputy ministers. There are also relations between the people who work for a minister, the staff, and the Public Service. In one of our audits, we looked at Governor-in-Council appointees.

It's a big job, and at this point I do not have many good answers.

• (1555)

Ms. Diane Bourgeois: I want to get back to the issue of staffing. I know that over the past three years, you have worked very hard to help public servants acquire the proper staffing authority. When I read these documents, I get a sense that there have not been many substantial changes, that these people have not done much to apply what you showed them, what you asked them to do. I also get the impression, despite the fact that there is a Web site where people can register if they want to work in the Public Service, that a lot of jobs are still going to temporary, casual employees, people the managers know.

For that reason, I think it is important to ask you if you believe the work you have done over the past three years has really been productive. Are public servants able to do staffing? Do they use the famous site that costs us millions of dollars to run and contains a directory of potential public servants? Finally, have you established a connection between the number of calls or names obtained through that site and the number of employees hired, who may be groupies brought in by the band?

Ms. Maria Barrados: The new Act has been in force for three full years now, and I think we have made progress. We have seen improvements in planning processes and policy frameworks. We have also found that the Deputy Minister is more involved in the human resources management process.

On the other hand, there are areas where we could make more headway. I have spoken at length about the staffing process, which in my opinion is not necessary. It is due to a lack of attention on the part of managers. We have an electronic system in some locations, but to my mind, it is not being used enough. We have to make more of an effort to train people how to use the system.

Finally, I have the same concerns as you regarding the use of temporary staffing networks. Our study is under way.

[English]

The Chair: Thank you very much.

We'll now go to Monsieur Gourde for eight minutes.

[Translation]

Mr. Jacques Gourde (Lotbinière—Chutes-de-la-Chaudière, CPC): Thank you, Madam President.

I am going to ask you two short questions and hand the rest of my time over to my colleague, Steven Blaney, because he has to leave.

Ms. Barrados the Public Service is currently facing enormous challenges. People are retiring in large numbers, there are many positions available internally, employees are changing positions and sectors. Sometimes people are appointed to a position but accept another one after eight months or a year. They learn the skills but do not get to use them for long.

Is the need to replace these people a serious problem?

Ms. Maria Barrados: Last year, we conducted a study of movement within the Public Service. I believe there is too much movement. The fact that so many people are retiring has consequences. There are promotions and other factors as well. I think the situation is going to get a bit better. We are now seeing a drop in the number of positions requiring a staffing process. I hope there will be a decrease in movement because movement hinders the work of the Public Service.

• (1600)

Mr. Jacques Gourde: There is also a big challenge in recruitment. Of course, there is a lot of focus on young people, but are we also giving opportunities to people between the ages of 40 and 55? Are we being impartial and enabling them to join the Public Service? Some people might be able to work for the government and contribute to society for another couple of decades yet.

Ms. Maria Barrados: We realized that in the Public Service, we needed not only recruits fresh out of school, but also people who have more experience. However, the average age of people entering the Public Service as permanent employees is 35 to 36. That means there are some people with a lot of experience and others who are young.

Mr. Jacques Gourde: Thank you.

Mr. Blaney.

Mr. Steven Blaney (Lévis—Bellechasse, CPC): Thank you very much, Mr. Parliamentary Secretary Gourde.

My questions, too, will be about recruitment.

Before I begin, I would like to say to you, Ms. Barrados and the witnesses who are here with us, that I am new to this committee; I am only here for a while. Nevertheless, I extend my greetings and welcome you.

I normally sit on the Standing Committee on Official Languages. The last study dealt specifically with recruitment and the significant needs of the federal public service, particularly in terms of bilingual employees. In fact, that analogy that was used was that we needed as

many employees as it takes to run a GM plant for a year. Mr. Gravelle took part in many of the proceedings on that issue. I think the need is several thousand employees each year. We know that young people are entering the Public Service, where there are bilingual jobs, but universities have not always prepared them well.

I would like to know if you have been proactive in this regard with post-secondary institutions considering the fact that you are Canada's biggest employer.

Ms. Maria Barrados: My colleague Mr Lemaire has experience working with universities. Perhaps he can answer your question.

Mr. Donald Lemaire (Senior Vice-President, Policy Branch, Public Service Commission of Canada): We actually did that with the people at Sainte-Anne University. We worked with them and tested students in order to show them the level of bilingualism required by the federal public service. Following that pilot project, the School of Public Service signed an agreement with 11 universities to adopt the same type of approach and make students aware of bilingualism. There were all sorts of myths and misconceptions.

Mr. Steven Blaney: Is Sainte-Anne University bilingual or Anglophone.

Mr. Donald Lemaire: There was a group of French teachers who trained people in their second language.

Mr. Steven Blaney: Are the 11 universities you have signed agreements with big universities? Is one of them Toronto, for example?

Mr. Donald Lemaire: I would have to check with the School of Public Service. I do not have the list of universities. I can tell you, however, that the same type of agreement has been signed with Glendon College in southern Ontario.

Mr. Steven Blaney: Between you and me, you realized that you were not necessarily being proactive and that after hiring unilingual staff, once those people were employed in the federal public service, you had to spend money so they would meet the standards. The cost therefore doubled. When you hire an engineer, he has his professional engineering certificate and the requisite skills. That is surely something you surely have to think long and hard about.

I have another question. In your report, you calculated, for example, the ratio of public servants in the regions versus those in the headquarters area? You also calculated the number of federal employees who are assigned to front-line services compared with the number assigned to management and internal management positions.

There is a desire for efficiency and review in our institutions. I find that there is often a need for front-line services, but sometimes there is a long process to get there. Has that been considered at all?

Ms. Maria Barrados: We conducted an analysis to find out where we should go to look for people and where we should be recruiting. Overall, 40% of public servants are in the National Capital Region and 60% are elsewhere. The staffing ratio is almost the same: 40% versus 60%.

•(1605)

Mr. Steven Blaney: So that means that in the end, the farther we go, the more people there will be on the Hill and the fewer people there will be in the regions, all the ratios staying the same.

Ms. Maria Barrados: The issue for us is where the positions and departments are located.

This is how it works. It's up to the government, or the employer, and the department to decide where the work goes. The employer determines the type and level of work. We are the ones in charge of the process.

Mr. Steven Blaney: You are in charge of staffing, but in the end, it is the department that determines where the position is, that is, whether or not it is in a region.

I worked in a region, in Quebec City, for the Department of Indian and Northern Affairs. We were in main offices. It was something I always wondered about. I saw a difference between the approach used for an office in a region and the approach used for an office on the Hill. The approach is different in terms of front-line services.

[English]

The Chair: Leave some time so that she can answer, please.

[Translation]

Mr. Steven Blaney: How much time do I have left?

[English]

The Chair: You have 30 seconds left.

[Translation]

Mr. Steven Blaney: Thank you. I think that's it, the issue.

Has any thought been given to the evaluation of front-line services?

[English]

The Chair: You have time for a very brief response.

[Translation]

Ms. Maria Barrados: I am sure that someone in government is doing it, but it is not us.

Mr. Steven Blaney: Okay, thank you.

Thank you, Madam Chair.

[English]

The Chair: Thank you very much.

We'll now go to Mr. Gravelle for eight minutes.

Mr. Claude Gravelle (Nickel Belt, NDP): Thank you.

Welcome.

In your report, under "Stakeholder Communication" on page 147, you recommend that to improve communications between the PSC and public service bargaining agents, "the PSC will meet with union leaders on a biannual basis".

What unions have you approached about these future meetings? What has been the reception of your request?

Ms. Maria Barrados: Your question is posed in the context of a review of our oversight activities. That report did consult with union

leaders on their views of how we were doing our work because they represent a large part of the public service. In the view of the union leaders, we were trying hard but weren't tough enough. I'm summarizing, but that was basically the view they represented.

We have commenced this process of dialoguing with them. I spent a fair bit time with Michèle Demers before she passed away, and I've had a meeting with John Gordon. I have a meeting with him next week on this very thing.

Mr. Claude Gravelle: Are you getting a good response from him?

Ms. Maria Barrados: Our relationships with the bargaining agents are quite good, but there are some areas that we don't agree on. We have those discussions.

Mr. Claude Gravelle: Thank you.

The Chair: Mr. Gravelle, is that it? You have more time.

All right. I'd like to ask something. You do not have to respond here. You can send your response to us. You talked about critical analysis and skills required. You talked about impartiality, and I reflected on how I jealously guard the demarcation between parliamentarians and the public service, because that's the crux of civil society. There is a problem in third-world countries because that doesn't happen.

How do you maintain integrity in the public service without having political interference? Whatever government it is, how do you maintain it? How do you police it?

There are five minutes for Madam Foote.

Ms. Maria Barrados: Can I answer that briefly before we carry on?

The Chair: No. You can answer that later. Thank you.

Ms. Judy Foote (Random—Burin—St. George's, Lib.): I won't ask that one, Madam Chair.

Thank you for being here today as witnesses. I recall that when you were here before, we talked about temporary workers and casual employees. We had a discussion about positions that could go unadvertised and how it was a serious issue within the public service. You said that any position could essentially go unadvertised and that the commission was objecting to that. It was insisting that there be a policy and a rigorous set of requirements.

Have you made any headway on that initiative?

•(1610)

Ms. Maria Barrados: I think we have. We've done two things. It's part of the big package. First, we've looked at how departments were giving us those numbers on unadvertised positions. I'm a strong believer in managing to numbers, but then I worry about whether they're sound or not, and we actually don't have a very good number on how many unadvertised positions there are, because it's very manual. We are making moves to think of ways in which we can automate this better so that we can have more confidence in our numbers

Given my worries about the numbers, though, we've seen some drop-off in the number of unadvertised positions, particularly from into the public service. Where we still have a very large number of unadvertised is for the longer acting appointments, and this actually gives public servants a lot of concern, because if you get named in an unadvertised manner to an acting position, your chances of getting that position—if it's a promotion—go from about 6% to 40%. That's an area where public servants are unhappy, because they feel they don't have the same opportunities as others. I still see a lot of usage.

Ms. Judy Foote: When you say that you don't have a lot of confidence in the numbers you're getting from the departments, why is that?

Ms. Maria Barrados: Because the systems in place to collect the data are not very good. We looked at four departments. There was one that had it fully automated. You could get a number and it would come from their automated system. The others actually did it manually. We would ask for a quarterly report and they would go back and look at all their posters and processes and have somebody count them. Well, that sets up all kinds of errors.

Ms. Judy Foote: Whose responsibility is it, then, to make sure that the system is better organized and able to respond to the concerns you're expressing and that are being recognized?

Ms. Maria Barrados: It's a multiple set of responsibilities. Our responsibility is to set out what the framework is, but it is on the side of the employer and the Treasury Board Secretariat to provide that leadership and guidance on actual systems and tools.

There are some parts of human resource management in which we are actually making tools available, such as for the application processes. We are continuing to work on that, but the management systems in a department really fall under the Treasury Board Secretariat.

Ms. Judy Foote: Are you getting pushback from Treasury Board in terms of trying to improve the systems?

Ms. Maria Barrados: I think there's a pretty clear recognition that the Government of Canada has lagged in investing in systems and in bringing what's generally termed "back office processes" up to standard.

The Prime Minister has set up an advisory group of experts. In one of its reports, this advisory group in fact said how important it was to be investing in these major systems.

Ms. Judy Foote: Are these reports available or are they confidential?

Ms. Maria Barrados: They're available.

Ms. Judy Foote: Okay.

You talked about the PSC observing new challenges this year with respect to protecting the value of non-partisanship. Could you give some examples, please, of the challenges?

Ms. Maria Barrados: We actually gave examples of a couple of cases.

In one case, an individual was an executive assistant to the Clerk of the Privy Council, working in the Privy Council Office and supporting the clerk, who is the deputy to the Prime Minister. This

individual decided to take a job in the Office of the Leader of the Opposition. Is this appropriate? Is it non-partisan behaviour or not?

We investigated that case and concluded that it was not a problem of improper partisan behaviour; the individual was looking for another job. But it raised all kinds of other problems in terms of conflict of interest and how many people you can have in the public service who go and work for political offices?

I cited the case of the individual going to work for the Leader of the Opposition, but I could also cite you cases of public servants working for ministers—so working in a political function—and coming back into the public service.

My question is, how much of this can we have and what kinds of fences should be put around it?

• (1615)

[Translation]

The Chair: Mr. Dorion, you have five minutes.

Mr. Jean Dorion (Longueuil—Pierre-Boucher, BQ): Thank you.

Ms. Barrados, Mr. Ste-Marie, Mr. Lemaire, thank you for being here.

I read this document on the career paths of employees in the Public Service of Canada. My understanding is that when public servants are recruited, 21.9% of those whose first language is English are bilingual, which is slightly more than a fifth of the people recruited. Is that correct?

Ms. Maria Barrados: I have two numbers and am going to ask my colleague to complete my answer.

That number applies only to that sample for that study. If memory serves, the percentage of bilingual employees recruited into the Public Service is a bit higher than the percentage of bilingual employees in the country as a whole.

Mr. Jean Dorion: We are talking about people who...

Ms. Maria Barrados: It's farther down. Based on that sample.

Mr. Jean Dorion: Page 9 of that document states that 21.9% of employees whose first official language is English are bilingual. There is no mention of a specific sample. That seems to cover all employees recruited into the Public Service.

Ms. Maria Barrados: Last year, the number was around 30%, I am going to check. My colleague may have the answer.

Mr. Jean Dorion: Let's try to stick to your document, because otherwise we may go off in all different directions.

Among those whose first official language is French, 84% were bilingual at the time of their recruitment. If I go by your document, there is an extremely significant difference between Anglophones and Francophones as far as bilingualism is concerned. People might think that because of that, in the long run, Francophones appear to be favoured, that it is easier for them to move up in a bilingual system. However, on page 9 of your document, you state that the permanent start-up ratio for people whose first official language English was 31.3%, compared with 25% among Francophones. That does not look like a system that does much for Francophones in terms of career advancement.

The following page states:

Among bilingual employees, the English start-ups advanced more rapidly than their French counterparts by 3.6%. Among unilingual employees, the English start-ups advanced more rapidly than their French counterparts by 2.3%. The combined effect of first official language and bilingualism on career progression remained statistically significant for 49 out of the 62 groups and levels studied.

It seems that being bilingual or not makes no difference: in both cases, Francophones advance more slowly in their career than Anglophones.

Should we not conclude from all this that Canada's system of bilingualism, which in theory affirms the equality of the two languages, is in practice a denial of that equality? We say there are two official languages: English and simultaneous translation. In principle, the two languages are equal.

[English]

The Chair: Monsieur Dorion, please wrap up.

• (1620)

[Translation]

Mr. Jean Dorion: Could it not be said that one language is actually more equal than the other?

Thank you.

[English]

The Chair: Give a short response if you can, please.

[Translation]

Ms. Maria Barrados: I am going to ask my colleague to respond.

Mr. Jean Ste-Marie (Acting Vice-President, Audit and Data Services, Public Service Commission of Canada): That is exactly what the document says. You will note that the sample is over a period of 18 years, from 1990 to 2008. If you look only at today's numbers, you will see that they are different.

Mr. Jean Dorion: Are they in your report?

Mr. Jean Ste-Marie: There are in a table on page 29 of the annual report. The numbers are certainly higher. You have to look at the numbers in the study over 18 years. In the early 1990s, the results were probably different than they are today. That is what the table shows.

The Chair: Thank you.

[English]

Mr. Warkentin, for five minutes.

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

Thank you, Madam Barrados, for coming here this afternoon. We appreciate not only your attendance here but also our time last night. It was informative, and those of us who attended got good value for the time we spent together.

Today I'm going to follow up on the direction Ms. Martha Hall Findlay was moving in some time ago in terms of the non-partisanship of our civil servants. Last night we talked a little about the necessity of ensuring that at least the upper echelon within the civil service has a guard around how much partisan activity they undertake while still serving in that capacity.

Today I read something interesting. I was reading through *Quorum* and came across a story by Greg Weston, who cited a diplomat who has a Facebook page that mentioned certain political thoughts he has. He has unfortunately probably compromised his negotiating capacity through that Facebook page, as it relates to his responsibility within the foreign service.

I'm sure the advent of the Facebook page has really complicated your life, because it's one opportunity in which, although we think we're engaging in private conversations, we're in fact broadcasting a lot of personal information that may compromise our non-partisanship if we are trying to be non-partisan. Could you talk a little bit about the Facebook reality and how that challenge is changing the way you do your job?

I'd also ask that you talk about any situation in which you've had to speak to departments about making it clear as to the necessity of watching what people put on their Facebook pages as they enter certain levels within the public service.

Ms. Maria Barrados: We in fact have talked to departments. There was actually another case in the PCO. A young recruit who came into the PCO had a Facebook page.... This is in the context of a Supreme Court decision you'll remember, which said that public servants do have political rights and do have the right to express political views, but they must do it in such a way so as not to compromise the non-partisan nature of the public service.

So you have a young individual who has political views coming into the public service, and he tells the people who hire him. They tell him nothing. They say nothing to him. They don't caution him or warn him. He puts up his Facebook page. He makes all kinds of political statements. He sends it to a friend. The friend sends it to a friend, and that friend sends it to someone who is not a friend, and it becomes a big political issue. The individual was embarrassed beyond belief.

My criticism in this case was not so much of the young individual, the new recruit, but very much of the department. When they were bringing this person in and when he said he was politically active, they didn't take him aside to say, "Do you realize the kinds of restrictions you have in the public service?" They didn't say that he has rights, but that he must never exercise them in such a way that it will compromise the public service. At the end of the day, a public servant must be able to serve any political party, and the political party must have confidence in the public service.

Mr. Chris Warkentin: Are you creating a guideline or any type of provision for the departments that relates to new media such as social networking sites and Facebook?

My sense is that every department is going to have to face some type of protocol that relates to these social networking sites, especially for those who are in more sensitive roles. Has that been something you have felt the necessity to undertake or that you have encouraged the departments to consider?

•(1625)

Ms. Maria Barrados: We are, actually. This process is under way. We do have an Internet site. We do have a network of people in the departments whom we speak to all the time, and we are updating our material.

Mr. Chris Warkentin: I appreciate that.

How much...?

The Chair: You have about 30 seconds.

Mr. Chris Warkentin: I'm going to move to my next time slot, after Mr. Anders' time slot.

The Chair: Do you want to pose a question and leave it, and then bring it to your next time slot?

Mr. Chris Warkentin: My question may take longer than 30 seconds, but thank you. I appreciate that.

The Chair: That's fine.

Then we will go to Madam Hall Findlay for five minutes.

Ms. Martha Hall Findlay: Thank you very much.

There are two directions of conversation here. I understand, Madam Barrados, the concerns you have raised about partisanship in the public service that relate to public servants who want to participate or who do participate in political activity.

My concern is about those public servants who actually do not want to participate in partisan activity, but who, because of the pressures now being exerted upon them, somehow either feel obliged to participate in it or feel they are being subjected to it.

I was quite struck by your comment about the need for public servants to be seen as impartial by the people they work for because they need to be seen as being able to serve any political party. I understand why you said that, but it struck me, because my impression is that the public service is there to actually serve the Canadian public. I will go back to the earlier comment, quoted from your own report, that "Canadians need to be confident that public servants administer, and are perceived as administering, programs and services in a professional and non-partisan manner".

I really want to focus back—and again, not on those who want to participate in political activity and need to know where those lines are—on those who don't want to but are feeling pressured to participate in partisan activities and programs. We in this committee have had a very hard time getting information, particularly information on government spending. My concern is that public servants have a number of responsibilities to fulfill in their jobs in compliance with government policies and rules, not political ones. In some cases, such as that of accounting officers, the Accountability

Act specifically provides that they're accountable to the appropriate committees of the Senate and House of Commons.

Recently we were refused the participation of certain public servants without the presence of the minister in question. We actually asked the public servants to stay longer, but we were denied that opportunity. They granted us an extra 20 minutes or half an hour, but that was only if the minister also stayed.

We had a very hard time getting information and we continue to have a very hard time getting information. We had representatives from the PCO here just recently, as well as those from Treasury Board, and the overwhelming impression we have is that there's a significant level of discomfort.

To the extent that you have public servants who have an obligation to the Canadian public and to us in terms of our roles as parliamentarians and being on this committee, is that ultimately not putting them in a very difficult position? Does that not go back, ultimately, to your responsibility for them and for their jobs?

When you said earlier that you would look at corrective actions to deal with specific situations, what kind of corrective action can you actually engage in for a situation that appears to be increasingly politicized, with people who are either serving at the pleasure of the Prime Minister or appointed based on the recommendation of the Prime Minister? What kind of corrective action would you recommend given the concerns I've now raised?

Ms. Maria Barrados: It is a complicated area. By that, I don't mean to dodge all the issues that you've raised, which are important ones.

Public servants have an obligation and a duty to be loyal to their minister. That's the nature of this system.

So it would be inappropriate—and I'm speaking hypothetically—for a minister to ask a public servant to undertake partisan activity, and it is inappropriate for a public servant to undertake partisan activities unless there are certain circumstances that have gone through some kind of review and regulatory process. That's the grand theory. Then we have to get to the practical reality of a big system having to operate.

But it is a balance between a duty of loyalty to a minister and protecting the status of the non-partisan public service. It puts people like me in a very different position, because I don't have a duty of loyalty to a minister, which means that I have a different kind of role to play and am in a different position. I have a different kind—

•(1630)

Ms. Martha Hall Findlay: Is your loyalty not ultimately to the Canadian public, then?

Ms. Maria Barrados: My duty of loyalty is absolutely to Parliament. You're the people—

Ms. Martha Hall Findlay: Which represents the Canadian public.

Ms. Maria Barrados: That's right. You hire me—I can only be named with your support—and you can fire me, so I'm pretty clear on who my boss is.

The Public Service Commission is not responsible for the Governor in Council appointments, the order in council appointments. We are responsible for assistant deputy ministers and below.

If there is a specific case that we investigate—we need to have specific allegations and circumstances—we can take corrective measures that include removing the person from the public service.

The Chair: We'll now go to Mr. Anders and Mr. Warkentin.

Mr. Rob Anders (Calgary West, CPC): Thank you very much.

I note that you've given us some interesting testimony and quotes about some of the issues and efficiencies on the part of the federal civil service and what have you. I wonder whether you might be able to comment with regard to unionization and unions, or the environment created by them, and the challenges that provides, and what you think should be done or what ways there are of navigating that.

I imagine that there sometimes may be some difficulties with regard to somebody who you may want to let go or whatever, but there are various protections built in and that type of thing. I wonder if you could comment on some of those issues and give us your thoughts on that.

Ms. Maria Barrados: We made a decision in the Government of Canada to unionize or allow for unions in the 1960s, and my experience working with the unions has been pretty good. They are sometimes frustrated with me and I'm sometimes frustrated with them, but that's the way it is, because they have a different point of view. I have not viewed it as one of those big problems that we have to deal with, from my perspective, and I'm talking about my perspective.

The case that was brought to the Supreme Court and defined the political activities and made this world so complicated was brought by the unions. So that's their perspective on this, and the Supreme Court ruled, so that's the direction in which we are going.

As any manager would tell you, you have to be careful and mindful of the employees in your organizations. I think unions play a role in representing those interests and in reminding you of your obligations. I know that it is difficult to dismiss people who are not performing, but it can be done. I think people just have to set about doing it, if that's what they feel they have to do. It isn't easier in a non-unionized environment, either.

Mr. Rob Anders: Thank you.

I'm going to pass the rest of my time on to Mr. Warkentin.

Mr. Chris Warkentin: Thank you very much, Madam Chair.

I just want to talk a little bit about partisan activity. I know we've talked a lot about it today, but I think it's important that we define exactly what would constitute partisan activity, because I'm getting the sense that Ms. Hall Findlay is concerned about the implementation of certain government programs.

When my party was in opposition, I disagreed with many programs that were brought forward, but I recognized that the civil

servants had a duty to perform what was being asked of them by the government of the day in terms of implementing certain policies.

What defines a partisan activity? What things are limited? What is the difference between somebody who's being asked to, say, attend a fundraiser or put up campaign signs, and somebody who's asked to implement a program that the government of the day has legislated or regulated?

Ms. Maria Barrados: The difference is actually embedded in the legislation and I'm not sure whether it's too restrictive. The legislation says, “in support of...a political party”, so it's activity that I would differentiate in terms of being in support of the party, as opposed to a properly taken government policy. So if there's a government policy and direction, there is an obligation on the part of the public servant to be implementing and carrying that out.

• (1635)

Mr. Chris Warkentin: Okay. That gets a little bit fuzzy, only to relate to Ms. Hall Findlay, inasmuch as there being a government policy that may indirectly, because it's a popular policy if implemented, benefit a political party. Just because the party of the day is implementing something that's perceived to be a good thing, it has an effect on the party that the government is part of. Do you view that as a complication?

Ms. Maria Barrados: It is complicated, but in my dealings with ministers—and I've met many over the years—they have a pretty clear understanding of what their roles and responsibilities are, of what's political, and of what's their administrative responsibility. There can sometimes be temptations to cross those lines, but people tend to understand them.

Mr. Chris Warkentin: Are you concerned right now that there's a crossing over? When Martha asked the question, she seemed to have a sense that there was a systemic problem in that crossover that was different from how it may have been in the past.

Ms. Maria Barrados: That's a very interesting question. I have told people, the government, and anyone who has had this discussion with me that if they had specific instances and issues that involved public servants, I would take a close look at them.

Mr. Chris Warkentin: I appreciate that. Thank you.

The Chair: Is that it?

Mr. Chris Warkentin: Am I finished?

The Chair: Yes, but I'll give you 15 seconds.

Mr. Chris Warkentin: I don't have examples. I hear innuendo sometimes in the media, but never specific examples, so I understand your challenge. I think if Ms. Hall Findlay has examples she'll present them as well.

The Chair: Madam Bourgeois.

[Translation]

Ms. Diane Bourgeois: Thank you, Madam Chair.

Ms. Barrados, I am going to come back to a question I asked you earlier during a conversation. You mentioned the subject in your opening statement today. You said you hoped very much to reduce staffing times. As I stated earlier, you have worked very hard on that front. However, you said that you have realized the expected gains in performance in terms of how fast processes are completed.

First, I would like to know who you went digging for the reasons why staffing takes so long. Is it because jobs were being slashed in order to save money? Is it because employees are overworked? I would like to know why.

Second, when employees are not replaced, there is a very negative impact on the remaining employees in the unit. This creates the potential for mistakes, an excessive workload and stress. As you say, it can encourage managers to start hiring temporary casual staff. It also has the indirect effect of putting some people ahead of others.

Do you have the authority to conduct a study of working conditions that are deteriorating specifically because of the staffing time, which seems to be getting longer? Part of your mission — which I read carefully — is to protect the integrity of the system. Do you also have to check whether the intergrity human beings as employees is also being preserved?

Finally, my last question is this. You say that you are engaged in succession planning for the Commission. You would like two new commissioners to be appointed so that you can begin staggering appointments and start making the transition to the new commission. I am perfectly willing to help you. Do you need a motion from the Committee that would help you find the extra staff you need to continue this fine work?

• (1640)

Ms. Maria Barrados: Thank you. The Committee's efforts have always been useful. However, the appointment of new commissioners is the responsibility of the Governor-in-Council.

Ms. Diane Bourgeois: I see, okay.

Ms. Maria Barrados: As a result of the way the new Act was implemented, the term of all Commission members ends at the same time, that is, in May 2011. I think it would be far better to start appointing new members so that there is a transition period.

Ms. Diane Bourgeois: Does that mean their term cannot be renewed?

Ms. Maria Barrados: They can serve another seven-year term. Personally, I think that I have done my share and that it is time for me to hand the reins over to some else. The other commissioners share that sentiment: we are prepared to work harder for a while, but not for another term. There was to be a smooth transition.

Regarding your question about staffing times, it really is a priority for managers, I think. In departments where there is a good planning system — we did that analysis in our report —, a better, more organized system for monitoring staffing, staffing is completed 30% faster than average and they have a better management system. We have also had pilot projects in which we showed that a staffing process can be completed in 45 days with the current system.

Your other question was whether we have the authority to study the consequences of delays. I think so. We can do it when we analyse

the time it takes to staff positions. We can always ask for the results, the consequences, the impact. It is harder for us to begin with a study of the impact on staff in the workplace and then study staffing. We have to start with staffing and then look at the impact.

[*English*]

The Chair: Thank you, Madam Barrados.

[*Translation*]

Mr. Gravelle, you have a question?

Mr. Claude Gravelle: [*English*]

A while ago we talked about temporary workers. Do you know the percentage of temporary workers who are public servants and why?

Ms. Maria Barrados: The permanent staff of the public service is about 86%. The temporary workforce is about 14%. That does not include contractors.

A number of the questions that Madam Bourgeois has had in other discussions have been related to temporary workers who are not captured as people who fall under the Public Service Employment Act. If you bring in somebody by contract, they're not counted, so there's a large number of people who come in by contract as well.

This occurs because public servants are trying to get the job done. My big preoccupation is that this is an inappropriate way to staff the permanent public service. If there's a need for temporary workers and people do temporary work, that's fine, but if it's a way to recruit into the public service, I have a problem with it.

Mr. Claude Gravelle: You said that a large number of contractors are not counted in this category of temporary workers. Approximately how large is that number?

• (1645)

Ms. Maria Barrados: The last number I saw on the public accounts was about \$300 million. Most of that is in the national capital area.

Mr. Claude Gravelle: Somebody on this side of the table—I'm not sure who—said a while ago that public servants couldn't speak to a committee unless a minister was present. Wouldn't that be considered some form of intimidation?

Ms. Maria Barrados: The minister is the boss.

Mr. Claude Gravelle: I realize that, but it's still intimidation.

Ms. Maria Barrados: I come with my employees, but you'll notice they let me speak the most.

A voice: We have no choice.

Some hon. members: Oh, oh!

The Chair: Madam Barrados, perhaps you can answer that question. Under the Accountability Act, the deputy ministers are accountable, not the ministers, so I think that is a very valid question. If you can give your impression of this, it will help the committee make up its mind.

Ms. Maria Barrados: The minister is fully responsible for the management of the department, with the exception of the new legislation that has designated the deputy minister as the accounting officer.

It's the deputy minister who answers to parliamentary committees on administrative matters in the department under their responsibility, with the exception of human resources and staffing, which I have delegated but actually ends up back at the commission.

But overall in our system of government, it is the minister who is responsible for the department.

The Chair: Do you have any further questions, Mr. Gravelle?

Mr. Warkentin, for five minutes.

Mr. Chris Warkentin: Thank you. I appreciate having the final question here. I think this will be the last one we get an opportunity to ask.

I'm going to shift things a little bit, just because I think we've probably exhausted many of the issues that you've reported on and the other things of interest.

You talked about the Prime Minister's commission on efficiencies; I believe David Emerson is a co-chair on that. They outlined a number of things related to the back office, to the systems and the rest of this. I know that this comes outside of your main responsibilities, but I know that you have a lot of information as it relates to your responsibilities and the relationship between systems within the government.

Because our committee is very interested in this, can you give recommendations as to how we might be able to make government more efficient while still maintaining the services that Canadians have come to expect from their federal government? By having a discussion about those systems and the improvement of those systems, I think that as a committee we might be able to recommend something that would be helpful to the government.

Could you give us your perspective as to who would be good for us to speak with in relation to creating efficiencies? I'm not asking you to judge the right way to do it or the wrong way to do it. I'm just asking about people who are doing it, people who are trying to create efficiencies. It could be other countries or other jurisdictions here in this country. Do you have any suggestions that the committee might be able to consider moving forward as we look at this issue?

Ms. Maria Barrados: I don't want to be so presumptuous as to tell the committee what they might find useful, but I'll tell you what I find useful, and the committee can take that any way they like.

The Prime Minister's advisory group is actually doing interesting work. It's a cast from across the country. There are interesting issues that are raised. Not all of their recommendations are really implemented, so it's an area that is of interest.

I have found the experience in the Netherlands particularly interesting, because there has been a move there that is being run by public servants, at the direction of the government, to reduce government, to make the investments in the right place, and to improve the back office. There is a colleague there to whom I have been speaking, Roel Bekker, who gave one of the addresses at the IPAC conference this summer in New Brunswick.

The Australians are also very interesting, because Australia at this point is going through a major review of its public service. I don't know what the outcome of that is going to be, but they have a new government and they're undertaking a broad-based review. There's a lot of interest here in Canada because Australia has many parallels to Canada in size and governance.

There are a number of interesting things being done in some of the provinces, too. I hesitate to do this, because of course if I don't mention all provinces, that presents difficulties. There are interesting things being done in Quebec. We deal with colleagues in Ontario as well as British Columbia. In different sectors, there's quite a network. We meet regularly and we exchange practice. I'd be happy to share with the committee any of that kind of material if somebody wants to review it and see if there's anything you might find interesting.

• (1650)

Mr. Chris Warkentin: I appreciate that. Thank you.

The Chair: Thank you, Mr. Warkentin.

Madam Foote, you have five minutes.

Ms. Judy Foote: Thank you, Madam Chair.

I want to go back to something you just said. Correct me if I'm wrong. Did you say that deputy ministers are accountable to Parliament for the administration of the departments?

Ms. Maria Barrados: Deputy ministers are accountable for administrative matters in their departments through the legislation of the Accountability Act because they're designated accounting officers.

Ms. Judy Foote: Okay. I raise this because we are obviously having an issue with getting the information we've been trying to get, particularly on the stimulus program.

I'm just wondering about it from your perspective. When a deputy minister appears before this parliamentary committee, is that type of information of which we should be able to avail ourselves from that particular public servant?

Ms. Maria Barrados: My colleague has pointed out that I should be more careful in my utilization of language: it's "answerable", not "accountable". The minister is accountable and the deputy ministers are answerable. So they're answerable on the administration of their programs.

I don't understand the specific circumstance or what exactly has occurred, so it would probably be inappropriate for me to comment.

Ms. Judy Foote: What circumstance could there be where a deputy minister would not be able to provide this committee with the information we need with respect to the stimulus program, for instance, and the amount of money that's been spent?

Ms. Maria Barrados: All deputy ministers should be in a position to answer for their budgets and what has occurred with their budgets in their areas of budgetary responsibility.

In this specific circumstance, I don't know whether you are talking about budgets that were the deputy minister's responsibility or not, or how moneys flowed. But deputy ministers should be able to tell you about their budgets.

Ms. Judy Foote: My understanding, of course, is that the funding for the stimulus package rests with a number of departments. I would expect that in any department the deputy minister would be responsible for the administration of the funding that flows out of their department to the various provinces.

Ms. Maria Barrados: I don't really understand enough about how that program is structured and how the money flows.

Ms. Judy Foote: All right.

I just want to talk briefly about the Immigration and Refugee Board, where you state that you found "preferential treatment in staffing processes for some executive appointments and former Governor-in-Council (GIC) appointees". What kind of preferential treatment was it?

Ms. Maria Barrados: When the auditors went in and looked at the actual processes that were run in that department, there were a number of them where we really couldn't see how the candidates were chosen, how they were assessed, and how they ended up in their jobs.

As the auditors did further work, they concluded from the material they saw in the files that determinations had been made that particular individuals would be the right people for the jobs, and those people had then been moved into the jobs through processes that we felt were flawed. So the conclusion was that preferential treatment had occurred.

Ms. Judy Foote: Was it preferential treatment in the sense that they weren't qualified or just in the way the process worked and how they ended up being hired?

Ms. Maria Barrados: There was preferential treatment in the way the process worked.

So the next question is, are they really qualified to do the job? That was my comment about how we are continuing to do work there and we run a process that we call investigations, because that has to follow due process and legal fairness, where everybody gets a chance to be fully heard in the process. We will assess whether these people are in fact qualified for the jobs.

•(1655)

Ms. Judy Foote: Do you have a number on how many people would be involved in that?

Ms. Maria Barrados: I can give you the number in a minute. I have a big sheet with a lot of numbers and I don't want to give you the wrong number.

Ms. Judy Foote: You also say that the Immigration and Refugee Board disagreed with some of your findings. Is that what they disagreed with and is that why you're doing further investigations?

Ms. Maria Barrados: To answer your first question, we had problems with 33 of the processes from a sample of 54. There are 33

processes that we are looking at to see if we need to do further examination.

We made a number of observations in that audit, including observations about inappropriate and poor planning and failure to provide enough HR support, and we said that improvements were needed in some of the monitoring. The IRB accepted those recommendations. They did not accept our conclusion that there was preferential treatment in the appointments of some of the people, particularly the EXs and the former GICs.

The Chair: Thank you very much.

I've just asked the Conservative bench if they want to ask questions and they don't.

So, Monsieur Dorion, you wanted to ask a brief question, is that right?

[*Translation*]

Mr. Jean Dorion: Yes, I would be delighted.

Ms. Barrados, on page 34 of your annual report is a table titled "Number of employees exempted under the Public Service Official Languages Exclusion Approval Order". My understanding is that a large number of positions are opened each year but require the incumbent to be bilingual. However, even in respect of those positions for which bilingualism is required, an order is applied so that some of the people recruited can be exempted from the requirement to know the other language. I have every reason to believe that the vast majority of these people who do not know the other language are Anglophones. We saw a short while ago that approximately 85% of Francophone recruits are bilingual, compared with only 22% of Anglophones.

In the four years you discuss in that report, that is, 2005 to 2009, the number of exemptions granted was a bit higher each year. It went from 14.1% to 15.4% the next year, then 15.6% and finally 18.7%. There is absolutely nothing spectacular about the growth from one year to the next. However, the rise from 14.1% to 18.7% is quite significant. You state in your report that exempted employees have two years to learn the other language, usually French. You also state that as a result of this increase, you have taken measures to ensure compliance with the order. From what I can see, it means that at the end of those two years, the people have to show that they have learned French. There may be some Francophones in the opposite situation, but there cannot be many of them.

Is there not a big difference between someone who speaks his or her second language at the time of hiring and someone who is going to learn because he or she is being forced to do so, who has two years to do it and who will probably succeed by taking a test? A person who is bilingual when he or she is hired may have life experience that made it possible to learn and appreciate the other language. On the other hand, a person who does not know the other language, French in this instance, when he or she is hired may be content doing what it takes to pass the test and may never utter another word of French.

With that in mind, does increasing the number of exemptions entail a significant risk?

Ms. Maria Barrados: I am going to try to answer all those questions.

You have to read the two columns together. The second one, which is titled "Non-imperative appointments (% of bilingual positions)", shows a decrease in the proportion of non-imperative appointments. Previously, it was 11% and it is now 7%.

• (1700)

Mr. Jean Dorion: There are not very many non-imperative positions. For example, last year, there were 2,160 out of 30,000 positions.

Ms. Maria Barrados: We are talking here about employees who do not meet the requirements at the time of appointment. That is the proportion of non-imperative appointments. There are fewer non-imperative appointments, but among those people, there are more who do not meet the language requirements. There are people who hold non-imperative positions but meet the language requirements. The other table shows that the proportion meeting the language requirements in non-imperative appointments has improved.

Mr. Jean Dorion: Theoretically, in other words after two years, the people meet the requirements.

The Chair: Your time is up. Thank you.

Ms. Maria Barrados: They meet the requirements of the test, but as far as knowing whether they are ready to use the other language, that's a different story. It bears noting that some Francophones also have trouble with English.

The Chair: Thank you very much.

[English]

Thank you, witnesses, for being here.

We have a proud tradition in Canada of a public service that is independent, has integrity, and is generally non-partisan. Our concern has been this political creep that's coming in while we have been teaching the world what the divisions are between public servants and parliamentarians. A lot of countries don't have it and that leads to a lot of unpleasant stuff happening.

We appreciate the work you are doing. We would like you to be more vigilant so that reports in the media about people being asked to do analytical work that is really more partisan than analytical do not come through.

With that, I would like to give you an opportunity to make your closing remarks. Then we will suspend the meeting for a few seconds.

Thank you.

Please go ahead, Madam Barrados.

Ms. Maria Barrados: Thank you very much for the opportunity to appear before the committee.

I took careful note of the questions on non-partisanship. It is an area in which I have some preoccupations, and we are carrying out further investigations to try to make recommendations specifically on what should be done.

We do have guidance that we give to public servants.

Our main protection is still the hiring and making sure that hiring is non-partisan.

We regulate the process whereby public servants can be active politically and we continue to do that.

The area where I see the greatest risk—and I am having difficulty defining it—is the area of appropriate conduct. I can assure the committee that we would look very closely at any specific instances that involve public servants.

I'd like to thank the members for their questions.

Merci beaucoup.

The Chair: Thank you.

Committee members, the meeting is suspended for about 30 seconds.

• (1700)

_____ (Pause) _____

• (1705)

The Chair: I have distributed the steering committee report to you. Your steering committee met and discussed future business, so that is the report. It is just for information purposes.

You also have before you the notice of motion that was presented by Ms. Hall Findlay on Tuesday, November 3.

Ms. Hall Findlay, would you like to speak to the motion?

Ms. Martha Hall Findlay: I don't know that I need to speak for a long time. I think it speaks for itself.

It refers to information that the minister said he had provided to the Parliamentary Budget Office in hard copy. Acting on the basis that the hard copy has to be printed from an electronic format, we asked to have the information in electronic format.

The Chair: Is there any discussion?

Go ahead, Mr. Warkentin.

Mr. Chris Warkentin: Chair, I'll just bring forward a friendly amendment.

Just for the information of members, it doesn't all originate from electronic copies. Some of these are photocopies. That's specifically what brings me to my friendly amendment, which I hope will be a friendly amendment. Following the wording "November 9, 2009, a copy of all documents", the amendment would add "while respecting all applicable provisions outlined in the Privacy Act...".

Simply put, we recommend to the minister that yes, everything come to this committee, with the exception of that information on those documents that should be whited out, such as the small-town mayors' phone numbers. In some cases, they actually have put in their own home phone numbers. They were told that this information would be kept in confidence.

There's also the other provision as it relates to confidential commercial information that may have been included in those documents. These are applications that include a lot of private information, including signatures, names, and addresses—those types of things that really are of no interest to us as a committee. It's outlined within the Privacy Act that this information should not be distributed.

So I just make that amendment there because actually the budget officer receives all of the information with it intact, but I think that once it comes to our committee we can't be assured of the same type of confidentiality just because it's distributed to all our offices and our office staff see all of that.

The Chair: I just want to correct you, Mr. Warkentin. I was talking to Madam Barrados about this and it has been communicated to me that the Privacy Act does not apply to the committee. The parliamentary committee has the right to get every bit of information without having it expunged or removed.

Mr. Chris Warkentin: I understand that. Then we'd have to figure out a system by which it would stay within the committee and not be distributed to our offices.

The Chair: As procedural stuff, that is a responsibility of each parliamentarian. You have taken an oath and you need to ensure that you maintain it, that you do not ever divulge that information. So that really is in the confines of the committee.

Since I have told you what the process is for privacy, I'll go to Madam Martha Hall Findlay, then Madam Bourgeois, and then Mr. Duncan.

• (1710)

Mr. Chris Warkentin: Could I just make one last comment? I actually don't want to extend this. If we get a sense that we're going to fail, we actually have flights that are leaving, the snow is starting to fall, and people have concerns as it relates to getting onto the flights, so I don't want to start an argument—

The Chair: Let's have an intelligent discussion.

Mr. Chris Warkentin: If it's not going to pass, we'll just vote on it and proceed.

Ms. Martha Hall Findlay: If I can assure Mr. Warkentin, one, we are entitled to that information, as this is a parliamentary committee and we are parliamentarians, understanding, however, the importance of this information being kept confidential. Because a commitment was made to those people, we as parliamentarians also owe that obligation to the people involved. It is our obligation.

I would insist on the motion being the way it is. We want the information the way it was provided to the PBO, but for the record, we understand our obligations to keep confidential information confidential.

The Chair: Thank you.

Madam Bourgeois.

[*Translation*]

Ms. Diane Bourgeois: Madam President, I wonder about there being confidential information. I imagine everyone operates the same way. There are forms that have to be filled out and there are city directors general. We have their contact information. I my

opinion, if 2% of the information in all these documents is confidential, that is very good.

I am prepared to go to a vote. I call the vote.

[*English*]

The Chair: Mr. Duncan, and then Mr. Warkentin.

Mr. John Duncan (Vancouver Island North, CPC): I would just like to say that I've been dealing with an individual who was with the Canadian Forces in Somalia. During the course of his service there, we had a bunch of records released that compromised his social security number. I think there's a parallel here, because his life has been made very complicated, up to and including the current time, because that kind of information was released through a process not unlike what we're talking about right now.

I think the risk is too great. I don't see what the big deal is about taking people's personal confidential information out of what is released to the committee. I think it's a very appropriate safeguard.

The Chair: Mr. Warkentin, and then Ms. Hall Findlay.

Mr. Chris Warkentin: I don't want to get into an argument. No one has a sinister plot to withhold information that would be pertinent or helpful to committee members. All that is being suggested is that we remove the information that is protected and which, if released, one of us would have to take responsibility for.

Having said that, could I suggest that we have Martha Hall Findlay respond and then move to a vote on my amendment?

The Chair: Madam Hall Findlay.

Ms. Martha Hall Findlay: I will repeat that we understand the value and the importance of this information to individuals. I can't speak to the circumstance that Mr. Duncan is referring to, Madam Chair, but if it's a suggestion that there's a lack of confidence in parliamentarians to keep confidential information confidential, I actually take some exception to that.

We are parliamentarians. Our job is to keep this information confidential. I appreciate the importance. I actually stressed our understanding of that importance in my earlier comments. I want to stress it again. Apparently, I need to do that.

I would actually now call for a vote, please.

The Chair: Okay. So that I know totally what I'm talking about, there's been an amendment moved by Mr. Warkentin that a sentence be inserted in the motion so that it would read: "...November 2009, a copy of all documents while respecting all applicable provisions outlined in the Privacy Act...".

Those in favour of the amendment, please raise your hands. Those against?

I break the tie. The amendment is not carried.

(Amendment negated)

The Chair: Mr. Warkentin, just to let you know, I've done these studies in camera—the only thing we can do when we're studying this amount of material. It has to be in camera.

Mr. Chris Warkentin: Okay. Could I just have your assurance, then, Madam Chair, that the information is going to be kept in our committee and in camera?

The Chair: Oh, no. Parliamentarians have a right to receive it. You will receive your copy marked “private and confidential”. Let your staff know. Because you are parliamentarians; that's your job.

• (1715)

Mr. Chris Warkentin: Well, while Parliament is supreme, committees aren't. Our former chair made that absolutely clear to us.

The Chair: But we have been told parliamentary committees receive this information. You can receive it...

Give me one second.

Mr. Chris Warkentin: Yes, I think we want some clarity on this.

The Chair: Mr. Warkentin, the clerk will be receiving it and will be distributing it to you in committee. You then become responsible.

The Clerk of the Committee (Mr. Marc-Olivier Girard): Do you want numbered copies?

The Chair: Yes, I think we will number the copies.

The Clerk: And then after a meeting, would I collect all the documents or...? But if it's 4,000 pages, it might be—

Ms. Martha Hall Findlay: But it's electronic.

The Chair: It's electronic so what happens is that it will be—

Mr. Chris Warkentin: It is not electronic. That's the motion, so—

The Chair: The motion says “electronic”, so can we...?

A voice: [*Inaudible—Editor*]...scan every hard copy.

The Chair: Ladies and gentlemen, I think there are people who have to fly.

The motion before us is: “That Infrastructure Canada be ordered to provide, in electronic format”—because that's what we were told—“to the Clerk of the Committee and no later than Monday, November 9, 2009...”. I'm not reading the motion again.

Those in favour of the motion? Those opposed?

The chair votes in favour of the motion.

(Motion agreed to)

The Chair: Is there any other business?

The Clerk: Was this fourth report adopted?

The Chair: Yes, the fourth report, for those who attended.... Mr. Anders, you attended the meeting, as did Madam Hall Findlay. Everything appears to be in order. Can I have a motion that it be adopted?

Thank you.

(Motion agreed to [See *Minutes of Proceedings*])

The Chair: Madam Bourgeois.

[*Translation*]

Ms. Diane Bourgeois: Madam President, I wish we had invited Ms. Auray back. When she appeared before our committee this week, she did not discuss that with us. I think that is an affront to the Committee and I would like for us to be able to question her about it.

[*English*]

The Chair: Madam Bourgeois, can I suggest that you give it to the clerk? We are going to be meeting at the steering committee on November 17. Meanwhile, over the break week, they will look at where we can slot it into our schedule.

[*Translation*]

Ms. Diane Bourgeois: Okay, we will look at that during the management committee meeting.

[*English*]

The Chair: Thank you very much.

The meeting is adjourned. Enjoy your week off, everybody.

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