



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

# **Standing Committee on Government Operations and Estimates**

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OGGO • NUMBER 162 • 1st SESSION • 42nd PARLIAMENT

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**EVIDENCE**

**Monday, February 25, 2019**

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**Chair**

**Mr. Tom Lukiwski**



## Standing Committee on Government Operations and Estimates

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• (1530)

[English]

**The Chair (Mr. Tom Lukiwski (Moose Jaw—Lake Centre—Lanigan, CPC)):** I have a couple of points before we commence.

I have spoken with Mr. Shea on this matter; I have not spoken with Mr. Borbey. If the committee is willing to have the comments of both the Privy Council Office and the Public Service Commission taken as read and appended to the evidence, that would allow us to go directly into questions. All of the opening comments would still be part of the official record. It would just save us about 10 or 20 minutes of opening time. Is there a willingness from the committee to do so?

**Some hon. members:** Agreed.

[See appendix—Remarks by Matthew Shea]

[See appendix—Remarks by Patrick Borbey]

**The Chair:** Thank you very much.

The second comment will be a personal one, colleagues, more than anything else. We have, as you can see, representatives from the Privy Council Office before us today. Unless anyone on this committee has been deaf, dumb and blind, you will know that the Clerk of the Privy Council, Mr. Wernick, made a very public appearance before the justice committee last week. There are probably many questions that members would like to ask Mr. Wernick and perhaps officials of the Privy Council Office, but I would remind all members that we are here to discuss the estimates. I would appreciate it if all committee members recognize that and keep their comments to the officials based on the estimates that have been provided.

There will be, I'm sure, infinite opportunities to ask questions of other officials from the Privy Council Office on separate matters on separate dates and times. For the purposes of this meeting, I would ask you to please confine your comments to the issue at hand.

With that, since we seem to have a consensus, we will go directly into questions.

We will start with Monsieur Drouin for seven minutes, please.

**Mr. Francis Drouin (Glengarry—Prescott—Russell, Lib.):** Thank you, Mr. Chair.

I had hoped to have the witnesses read their comments, but I have them here, so I shall read them as we go along.

My first question is actually for Mr. Borbey. As you know, I always ask about millennials and access to public service jobs.

I'm not going to ask you a question. I'm just going to comment on an issue that is very apparent. I have the email here. It's with regard to criteria and how folks apply for jobs. One issue that arises from this is that if you forget, for instance, to mention in your application that you have a college degree, a high school diploma or a university degree, you will automatically be disqualified. I won't mention the agency or department concerned, but departments will say "I'm sorry, but too bad, so sad. You must now re-apply, but by the way, it's not open so we'll have to take your application into consideration" even though it may not be the truthful application that's standing. It's just been an honest mistake by the proponent.

That particular issue is one of the things you may want to look up and consult on with your colleagues. It's just a comment. I'm not going to be hard on millennials; you've known my lines of questioning for a long time.

My first question will be for the PCO. I know that the PCO provides non-partisan advice to the Prime Minister's Office and also consults with departments. I'm wondering about some of the issues that have been coming up and how PCO has been able to provide this non-partisan advice. How do you ensure there is a separate gate between PCO and PMO? How do you provide that confidence? Does it date back a long time ago in since your existence? How do you assure Canadians that yes, there is a separate body that does provide non-partisan advice from PCO to PMO?

**Mrs. Marian Campbell Jarvis (Assistant Secretary to the Cabinet, Social Development Policy, Privy Council Office):** With respect to non-partisan advice, the gate is very much there. In fact, I think it's in part because there is the Privy Council Office and there is the Prime Minister's Office. Our role at the Privy Council Office is to coordinate across government departments to ensure, for example, that we have that broad policy evidence base—whether it's scientific evidence based or economic evidence based—or that a full gender-based analysis has been undertaken. We do legal analysis when that's appropriate. It's about pulling together all of that information together, including from Statistics Canada, and the evidence base from program evaluation, legislation, etc. All of that comes together, and that is reflective of the public policy advice that the public service provides through the Privy Council Office.

As for the Prime Minister's Office, it has its perspective and provides advice from the evidence it gathers.

There are very much two gates, personified through the Clerk of the Privy Council, who has three roles: head of the public service, secretary to the cabinet, and deputy minister to the Prime Minister. It's through him that our advice is provided to the prime minister.

• (1535)

**Mr. Francis Drouin:** Okay, in that same line of questioning, on page 10 of the 2017-18 DRR, there is a statement that the PCO provided procedural support to make six Senate appointments. What does that look like?

**Mr. Matthew Shea (Chief Financial Officer and Assistant Deputy Minister, Corporate Services, Privy Council Office):** Our role in the Senate appointments is really administrative. We help to pull together the nominees and bring them to the decision-makers. Ultimately, we're just playing an administrative role in the Senate appointment process. We're not exercising any type of political role.

The one thing that I'd point you to and that I'd add to my colleague's response is the Values and Ethics Code for the Public Sector. This is really the playbook by which all public servants work, and that's absolutely the case at the PCO. This is something that you hear very often. You talk about the line between political and non-partisan advice. We provide fearless advice, and then we faithfully implement whatever decision the government of the day makes. Whether that's the current government or the previous government, that's always been the approach that the public service has taken.

If you look in the Values and Ethics Code for the Public Sector, there are avenues for resolution. If people ever don't feel that that's being done in their organization, there are avenues that they can turn to in that type of situation.

**Mr. Francis Drouin:** Again—just to ensure that appointments are done in a fair and non-partisan way—what type of advice does the PCO give? I know we've gone through about 10,000 applications, but we'd say 10% of GIC appointments were done in 2017-18. What advice does the PCO give to elected officials or government in terms of those applications?

**Mr. Matthew Shea:** There are different types of GIC appointments, whether it's the Senate or the leadership positions, so it really varies. I mentioned the Senate where we really have more of an administrative function, kind of bringing things together, helping with onboarding and that sort of thing.

When it comes to the other types of leadership positions, we actually do take more of an active role, so we'll work with individual departments. Depending on the position being staffed, there are other ministers who are ultimately responsible, so it's not uncommon that there would be members of the PCO, the other department, and also the Prime Minister's Office or the minister's office of that other department who are part of the selection board. We give our non-partisan advice, but ultimately, decisions are made by those who have that authority. In many cases, that's ministers of individual departments.

**Mr. Francis Drouin:** That's great, thank you.

I thought, Mr. Borbey, I wouldn't fall on you, but you are here today.

**The Chair:** Unfortunately, although he may be here—

**Mr. Francis Drouin:** Am I already out of time?

**The Chair:**—you are completely out of time.

**Mr. Francis Drouin:** Time is on your side, my friend.

**The Chair:** Time is precious, Mr. Drouin.

Mr. McCauley, you have seven minutes, please.

**Mr. Kelly McCauley (Edmonton West, CPC):** Welcome back to almost everyone, I guess.

Mr. Shea, I just want to start with you. The last time you were with us, I think we were talking about some of the vote 40 funds, particularly around the leadership debate. There are a couple of things that I want to ask you about that.

There is \$438,000 allocated so far, and about \$300,000 withheld. What has the \$438,000 gone toward? Why the withheld amount?

Here's the second part of the question. I saw in a report today that the government has announced, I guess, a director for the leadership debates. It's \$200,000 a year when you add in the benefits and everything. I think \$5.5 million was the overall budget. When are we actually going to see a breakdown of what we're getting for that \$5.5 million? I'll be honest—and I'm not looking at you specifically, but I will ask if you have a breakdown. I'm aghast, and I think the average taxpayer would be aghast and find it very difficult that we are spending \$5.5 million to do two debates when we're not providing the cameras and we're not providing this and that. I'm just trying to figure out when we're going to see what makes up that \$5.5 million. What have you spent so far? Why is \$300,000 withheld?

• (1540)

**Mr. Matthew Shea:** Thanks for your question, Mr. McCauley. I'm always pleased to answer as best as I can.

This is a unique situation for me, in that I'm not the chief financial officer for the Leaders' Debates Commission. The way it was formed, as you know, is that we did the Treasury Board submission to bring the funding in. It is Minister Gould who is actually the minister accountable to Parliament. However, it's an independent department. It was created that way to ensure its independence.

**Mr. Kelly McCauley:** The vote 40 lies in your department, though.

**Mr. Matthew Shea:** For the vote 40 piece, however—the supplementary estimates that were just tabled—the \$438,000 was for a new department. The deputy head is actually the debates commissioner, so he is the best person to ask these questions.

Having said that, I have worked with him in anticipation that there may be questions, and I'm happy to give you a bit of a breakdown. As I told the procedure and House Affairs committee last week... I appeared with Minister Gould and we did talk about the expenditures, because PROC is the committee that is overseeing that.

About \$900,000 of the total spending of the \$5.5 million will be for salaries, and the remainder will be for operational expenditures, divided up between communication services, advertising, and professional services. It's anticipated there will be some type of contract to put on the two debates.

**Mr. Kelly McCauley:** The \$438,000 that has been spent so far, allocated to vote 40, that's under your department, is it not?

**Mr. Matthew Shea:** The \$400,000 that was already allocated was spent at PCO at the direction of the Debates Commission. Just from a timing perspective, the department had not been created. Those are start-up costs and informatics costs. Those are accommodation costs to actually set-up an office.

As I mentioned to the committee last week, the debates commissioner has made it a point to try to minimize costs. Consequently, from an accommodation perspective, we showed him existing space and he tried to minimize the costs, but there are start-up costs, as there were for the National Inquiry into Missing and Murdered Indigenous Women and Girls.

**Mr. Kelly McCauley:** Do you know why \$300,000 of the vote 40 money that had been approved has been withheld?

**Mr. Matthew Shea:** Because it's under cost. We're spending less than was anticipated this fiscal year. I would suggest that's a good news story.

**Mr. Kelly McCauley:** I want to get back to what we spoke about last time you were here, about the mandate tracker. I think it's under PCO's control, so to speak. It's actually in your departmental results that PCO will continue with the Prime Minister and cabinet to track the status of mandate letter commitments in communicating results through the mandate tracker.

There are six different levels: completed, fully met, completed modified, actions taken, etc. Who's deciding what goes where on the mandate tracker?

**Mr. Rodney Ghali (Assistant Secretary, Impact and Innovation Unit, Privy Council Office):** I'll handle that question. In terms of how the mandate tracker is evaluating progress across the 430-something mandate letter commitments, that's done in consultation with the relevant departments, the minister, and officials who feed into the overall government picture.

**Mr. Kelly McCauley:** Let me ask a specific question. We brought this up before about the budget, that supposedly the mandate commits to "balance this year". It says, "underway with challenges". It's obviously been abandoned, and this is fact-based, as it's not under way with challenges. It's not going to get done.

Who decides to put it as "underway with challenges", as opposed to not being pursued, like electoral reform?

**Mr. Rodney Ghali:** As I mentioned, that's a decision taken at the departmental level with the officials and the relevant ministers.

**Mr. Kelly McCauley:** Would it be—

**Mr. Rodney Ghali:** That would be the finance minister.

**Mr. Kelly McCauley:** Would that be the finance minister saying to your department, put it here?

**Mr. Rodney Ghali:** It's always in consultation with the departments and agencies that feed in as we aggregate all that information, so we're not—

**Mr. Kelly McCauley:** Who would have the final decision on where it goes?

**Mr. Rodney Ghali:** That's the accountable minister and department.

**Mr. Kelly McCauley:** Let me ask you another question. There are several other commitments here: ensure that the Armed Forces have equipment they need; infrastructure bank support; building new rental housing. The government is clearly not doing that.

PCO is responsible. Do you not feel a bit awkward when you're representing information that clearly is not correct, or not truthful in the mandate tracker?

**Mr. Rodney Ghali:** Our position, as I mentioned the last time I was here, is that the information is verified through the departments and officials and the responsible minister. Our role, within that entire process, is to represent the views and opinions of the departments and their ministers.

**Mr. Kelly McCauley:** I'm not sure who would answer this. How many Senate appointments were made last year?

**Mr. Matthew Shea:** We'll get that number for you.

**Mr. Kelly McCauley:** Are we still maintaining the same amount of support services for the Senate selection process, as we did last year, or does it ebb and flow depending on how many Senate openings we have?

• (1545)

**Mr. Matthew Shea:** I would suggest that it ebbs and flows. It's a large unit that does all the different types of appointments, so obviously, it has to be nimble.

**Mr. Kelly McCauley:** I'm talking more specifically about administrative support, because we've had some order papers come in that it was like \$1 million for the secretarial and administrative supports for the selection committee.

**Mr. Matthew Shea:** Sorry, Mr. McCauley, I'm just trying to find the Senate piece. I don't have it broken out here. Perhaps I can give you that later. I don't want to waste time while I find it.

**Mr. Kelly McCauley:** Sure. I suspect we're pretty much out of time anyway, so maybe you can have that for the next round.

Thanks.

**The Chair:** Before I go to Mr. Blaikie, I will say that I have noticed a number of committee members and some of our guests half squinting. We tried to find a dimmer switch to lower the level of intensity of the lights. This committee room doesn't seem to have one, so we're stuck with what we have. I hope it doesn't make anybody too uncomfortable or the glare off of.... Oh, I won't go there.

**Voices:** Oh, oh!

**The Chair:** Mr. Blaikie, you're on for seven minutes, please.

**Mr. Daniel Blaikie (Elmwood—Transcona, NDP):** I'd first like to come back briefly to the discussion Mr. Shea was having with Mr. McCauley about the vote 40 money that was allocated to the new Leaders' Debate Commission. I'm trying to understand the process. I think it's good we see that a certain amount of money has been withheld and that the money exceeds what appears to be allocated to the Leaders' Debate Commission under the supplementary estimates. How does that process unfold? What is the discussion like?

I mean, you guys were the ones entitled to that money under vote 40. Is it understood that the money is being withheld because it will be transferred to the Leaders' Debate Commission? What exactly does that accounting conversation look like when the decision gets made to withhold that money? How obvious and how documented is it that the withholding is meant to create space to allocate funds to the new entity?

**Mr. Matthew Shea:** First, maybe I can just close the loop with Mr. McCauley. We made 16 appointments last fiscal year and 49 in total under the current government.

To your question, as I explained before, the process was in the federal budget. Money was set aside. There was TB vote 40, which we have spoken of before. That's an "up to" amount. Ultimately, that money is in the fiscal framework, available for the departments when we talk about the \$5.5 million. Ultimately, as we worked on the estimates for this, we found that it could be done for a lower price, working with the debates commission and that's the reason they're not accessing the full amount that was available to them.

Mr. McCauley alluded to the fact that we spent around \$400,000 at PCO in set-up costs. For personnel and those types of expenditures, this year it will be a little under \$300,000 for the commission itself. Next year they're looking at spending around \$4.6 million. That's their best estimate. If they spend under that amount, obviously that would be returned to the fiscal framework.

One thing I'd like to address, because I think it's been alluded to a couple of times, is the opportunity to challenge the plan. I would suggest that every department has to come forth with a departmental plan. I mentioned that they were created as a department, so just like PCO, in the coming months there will be a departmental plan and there will be an opportunity for parliamentary committees to actually bring witnesses to talk about those plans. That would be an opportunity for PROC, as an example, or this committee, to call the debates commissioner and ask those questions. I know that his office has indicated he would be pleased to answer questions on the way in which they're going to spend money.

I am hesitant to answer too deeply about their spending, because we're trying to maintain an arm's-length relationship. In terms of a role, we have an MOU with them to provide administrative services.

**Mr. Daniel Blaikie:** Fair enough. Just to be clear, that's why the target of my question is more about how the money moves to the new entity and less about what the new entity is doing. That's what I'm trying to understand. For instance, in the supplementary estimates, there is an item with a voted amount of \$257,000, roughly.

**Mr. Matthew Shea:** Yes.

**Mr. Daniel Blaikie:** It doesn't say in there that this is coming from the vote 40 allocation that was under the PCO rubric, and therefore the amount that's being withheld on your vote—or a sub vote, as the case may be, within vote 40—is actually about \$300,000. It's not clear in the estimates that those are proxies. I can see that they are similar numbers and that what the new organization is getting approximates what's being withheld from you. I don't think that's really clear enough.

• (1550)

**Mr. Matthew Shea:** Okay.

**Mr. Daniel Blaikie:** Was it more clear internally in terms of how that went? Was there a discussion that we're going to withhold this much at PCO because that money, under the budget implementation vote, was designated for this new entity, and now that it's up and running, that money is being allocated there and it's being withheld here? A big part of our discussion has been about how you follow the money under vote 40. I don't think we're seeing it clearly enough, for my purposes, in the estimates document.

I'm wondering what the internal decision-making process and documentation was like. If what was going on or what was happening was clear to you, perhaps you could tell us. Secondly, tell us what that process looked like.

**Mr. Matthew Shea:** What's clear to me is that on TB vote 40, actually Treasury Board Secretariat had that. Of that amount, PCO accessed the \$438,000 I referenced. For every expenditure we took, there was a sign-off from the debates commissioner. We made sure that, even though they didn't exist as a department, we were trying to do our best to be a proxy of a department. Everything was charged to our accounts; however, it was approved by them. We were doing spending on their behalf. There was no managerial oversight from PCO's perspective, to ensure that independence.

That \$287,000, including the statutory piece that I refer to, is transferred effectively from the Treasury Board vote into a separate vote for the newly created department for the debates commissioner. Next year, in their main estimates, they will have the remaining amount voted directly to them as an independent department that has its own deputy minister.

The only role we will have is the administrative support, because they chose to get administrative support through us. They had the option to go to any department. The debates commissioner felt that, after meeting with us, they liked the services we could offer. They choose what we do and what we don't do, and we ensure that it's as arm's-length as possible.

**Mr. Daniel Blaikie:** Indeed, and I'm not calling that into question today. I just wonder about the extent to which it was very clear and obvious that a certain amount was going to be withheld from what was designated a PCO vote, for all the reasons you've just elucidated, and that this would effectively be the amount that was then going to appear in a supplementary estimate.

The reason I'm concerned and the reason I want to know is that I don't think it's as obvious as it ought to be in the estimates document. I would hope that it's at least more clear to people in government.

I'm just curious as to the nature of the conversations that were had and any documentation that went along with those conversations.

**Mr. Matthew Shea:** I can assure you that it's clear internally. I feel that it's clear, and I think the debates commissioner would say that he thinks it's clear, although you're free to ask him.

**Mr. Daniel Blaikie:** Thank you.

**The Chair:** You have less than 30 seconds.

**Mr. Daniel Blaikie:** I probably don't have enough time to get into anything else, so thank you.

**The Chair:** Thank you very much.

Mr. Jowhari, you have seven minutes, please.

**Mr. Majid Jowhari (Richmond Hill, Lib.):** Thank you, Mr. Chair; and thank you to both departments for your submissions.

I'm going to start with the PCO and Mr. Shea.

As background, so that I can ask my question, I'm going to read into the record a portion of the statement made, specifically:

As 2019 is a legislated election year, PCO will continue to provide non-partisan advice and support to the Minister of Democratic Institutions on advancing policy to improve, strengthen and protect Canada's democratic institutions, including protecting the integrity of the 2019 election.

Can you shed some light on the advice and support your department is providing and on whether there is actually any funding allocated to it as part of the estimates?

**Mr. Matthew Shea:** Are you talking about the estimates for next year, our interim estimates?

**Mr. Majid Jowhari:** Yes.

**Mr. Matthew Shea:** We have a certain amount of funding set aside for our governance area, which is machinery of government and other pieces related to democratic institutions that support Minister Gould.

We also have funding for the national security and intelligence adviser to the Prime Minister, who provides advice not only to the Prime Minister, but to cabinet, and provides that whole-of-government approach.

In keeping with that, as a government, there have been a number of steps taken. They're not PCO per se, but there is a coordination role that we play.

We know that the CSE prepared a report last year and will prepare another one this year, talking about the threats or potential threats to elections. There's monitoring that's going to go on.

On January 30, Minister Gould announced additional steps to protect the integrity of democratic institutions in the electoral process. That included a critical election incident public protocol that lays out exactly how, during an election, if there was seen to be some type of interference, the government would approach that, the way it would communicate it with political parties, with the public and with the Chief Electoral Officer. That work is being done.

The report from CSE talked about some of the challenges that exist when it comes to social media. I believe the minister said at a recent appearance that she has spoken with some of the social media companies to discuss that. Obviously, briefings are taking place with political parties to ensure that they are adequately protecting themselves.

When you look at the overall government approach, there are four themes. There's enhancing citizen preparedness. There's a big push for the better we educate the electorate on the challenges, the better for democracy.

There is improving organizational readiness, working through all government institutions to make sure they're actively monitoring threats, working with Elections Canada.

Obviously, there's combatting foreign interference. This is something our intelligence agencies are seized with.

We're also expecting social media platforms to act. This is part of that social conscience that social media needs to have, and they have a role in ensuring that the electorate has accurate information and knows where that information is coming from.

We at PCO didn't necessarily get new funding. This is part of an overall government approach. We do know that the government created the cyber centre. There was funding announced for that within the Communications Security Establishment. As well, we do know that other departments are allocating funding to ensure that this work is done.

● (1555)

**Mr. Majid Jowhari:** Okay. Thank you.

Going to Mr. Borbey, I'm going to read another piece of the submission and then ask my question.

In your submission, you had indicated that, "In 2017-18 the total number of hiring activities increased by 11.4% ", with 53,000-plus hires and then about 13,000 student hires. This is an increase for the fifth consecutive year. In your previous appearance here, there was a discussion around the length of time it's taking to do the processing. I'm very happy to see the number has increased, but can you give us an update on where the pendulum has moved on the length of time? I recall it was nearly 300 days. Where are we now?

**An hon. member:** It's 197.

**Mr. Majid Jowhari:** Sorry, 197.

**Mr. Patrick Borbey (President, Public Service Commission):** Not quite.

It is too lengthy, I admit. The baseline we established, which I shared with the committee, was 197 days for an externally advertised process. Again, that is one type of selection process, but we also have an internally advertised process. I think the baseline was established at 180 days. We've already seen slight improvements in the last year, with 193.5 days as the new result for last year for the externally advertised.

Working with departments, we have taken a number of measures to simplify their approach to staffing and to remind them, of course, that there are alternatives to fully advertised external processes, such things as using pools. Hiring a former student is a very simple process and takes a fraction of that time.

At this point, maybe just looking at the numbers recently, six months into the year we were averaging about 169 days for an externally advertised process, as compared to the 197, and for the internal, we were around 175 days on average, as compared to with the 180. These are partial results. We're going to monitor them and see what the year-end numbers are, but I think we're headed in the right direction.

I'm also seeing lots of evidence of departments taking action to be able to cut back on that time. We've done a number of speed staffing events with universities in Quebec and Atlantic Canada and recently at York University, which again allows the connection between hiring managers and highly qualified students, even before they graduate.

**Mr. Majid Jowhari:** I have about 30 seconds left, so I'll pass that back to the chair.

**The Chair:** Thank you very much.

We'll now go into our five-minute rounds.

[*Translation*]

Mr. Deltell, you have the floor for five minutes.

**Mr. Gérard Deltell (Louis-Saint-Laurent, CPC):** Thank you very much, Mr. Chair.

Colleagues, it is good to see you again.

Ladies and gentlemen from the Privy Council Office and the Public Service Commission, welcome to your House of Commons.  
[*English*]

Mr. Shea, it's good to see you again.

Again, I would like to address the issue of the TV debate for the next election.

I will not play a role. I said that before and I want to repeat it because I want to be honest with everybody. I really don't understand why we have to spend \$5.5 million for a problem that does not exist. We will respect the will of the government. Those people have been elected democratically. I pay all my respect to you, as civil servants, who have to address the mandate—or sometimes the orders, but we

will keep the word “mandate”—from the government. You do your homework and you do it quite well. I appreciate that. However, technically speaking and at the end of the day, I totally disagree with this decision.

● (1600)

[*Translation*]

Since we are spending \$5.5 million on a problem that does not exist, we are going to try to see how that money is being spent.

Mr. Shea, you were off to a good start earlier, telling us how much of the amount you've spent so far. Could you remind us of the figures and tell us how much is being spent in the various sectors? What will be done to empty the account of the \$5.5 million earmarked for this issue, which, in my opinion, probably did not deserve a cent?

[*English*]

**Mr. Matthew Shea:** Again, I just want to make it clear that PCO is not spending the money ongoing. We spent the initial portion on their behalf. We spent \$438,000. Of that, the lion's share was for IT services, to actually get them up and running...some equipment, some repairs to buildings just to get them up to spec for what was needed for the debates commission, office furniture and some administrative support.

There's not a whole lot of spending, as you can appreciate, that's occurred at PCO. For the remainder of this fiscal year, of the money that's been transferred to the debates commission as a new department, about a half of that amount relates directly to salary. The remaining piece is broken up between travel—obviously, the debates commissioner has been travelling to seek input from stakeholders—and then some professional services, including the advisory board members who are paid a per diem to be part of this.

For next year, the total spending is going to be around \$4.6 million. Of that, if you include EBP, a little under \$900,000 would be related to salary, as our best estimate. I do want to keep underscoring the fact that they're independent and may make changes in how they spend. They could spend more on salary, less on salary. This is my best estimate.

Then, the remaining amount is broken down among things that I've mentioned before: travel, printing services, communication, advertising services and professional services, with the lion's share of that relating specifically to what would likely be a contract to put on the two debates, one in English and one in French.

[*Translation*]

**Mr. Gérard Deltell:** Let me remind the people who are listening to us, and paying for it, that this has been done for decades in Canada without costing taxpayers a cent, apart from the services provided by the CBC, which were part of its mandate.

Where did the committee travel to consult the people involved in the matter?



[English]

**Mr. Matthew Shea:** My office had no role in consultation. The Minister of Democratic Institutions has had a role in consultation since the 2015 election, which included a report to another parliamentary committee, PROC. That was part of what was a driver for the creation of the debates commission, but I can't really go deeper into that as I wasn't involved in the consultations.

[Translation]

**Mr. Gérard Deltell:** Mr. Shea, I would like to remind you that this has absolutely nothing to do with you or with the public service employees among us. We are not targeting you when we are asking our questions. You operate according to the mandate given to you. At the risk of repeating myself, I believe that money is being spent for nothing, because we have been doing this for decades without having to spend it.

I would still like to come back to the \$4.6 million that remains to be spent. If I understood correctly, you mentioned \$900,000 in salaries. There is still \$3.5 million left.

Do you have a more specific breakdown, supported by figures, for the items you mentioned earlier: works, advertising, communication and professional services? I really look forward to seeing which professionals will be involved in this project.

[English]

**Mr. Matthew Shea:** I don't have that information. It will be up to the commission to decide that and most likely there would have to be a procurement process for the amount of money that would be spent.

**The Chair:** Thank you.

Madam Ratansi, you have five minutes, please.

**Ms. Yasmin Ratansi (Don Valley East, Lib.):** Chair, thank you very much.

What I'd like to do is tie up the PCO and the PSC, because the PCO in its 2017-18 departmental results talked about the demographic changes facing the leadership.

Before I forget, Mr. Chair, at the three minutes' mark I'd like to give the rest of my time to Mr. McLeod.

They talked about the challenges facing leadership, and the PSC had indicated that nearly a quarter of its public service are going to retire. If they're retiring and there is a framework that PCO has developed, I'm trying to figure out how you're working together to ensure that we do have the right diversity. The diversity is lacking. People tell me they do not see themselves.... Young millennials are facing challenges and cannot wait eight months, so they go away somewhere else. So, you're not competitive in the marketplace. Yet, PCO had a plan, which it called the new direction in staffing. How are you working together to ensure that the gap is reduced, that you have enough indigenous peoples in higher positions...deputy ministers and the order in council appointments, etc.? Perhaps you could just help me out.

• (1605)

**Mr. Patrick Borbey:** Sure.

**Ms. Yasmin Ratansi:** I have three minutes only and then my time goes to Mr. McLeod.

**Mr. Patrick Borbey:** The new direction in staffing is the Public Service Commission's strategy. Clearly, we work with our colleagues at PCO. The Clerk of the Privy Council is the head of the public service, so we work under the overall umbrella in the mandate for renewal of the public service, but the PSC has its own mandate and, of course, reports directly to Parliament on that mandate.

**Ms. Yasmin Ratansi:** But have you made any progress?

**Mr. Patrick Borbey:** Yes.

**Ms. Yasmin Ratansi:** One hundred and ninety seven days is not progress.

**Mr. Patrick Borbey:** Do you want to talk about diversity, or...

**Ms. Yasmin Ratansi:** Yes.

**Mr. Patrick Borbey:** We can go back to that. It was 169 days I was reporting, and we're going to continue working on this.

You're putting your finger on an important issue. We want to accelerate, we want to have hiring work done more efficiently, but not to the detriment of making sure we get quality hires and also contribute to the diversity of the public service, which in some cases may mean we take a little bit more time because we'd have to go fish in pools that we traditionally haven't gone to.

I have to say that when I look at the application rates—and I talked about this before—we have a very healthy level of applications from persons who identify themselves as visible minorities, whether they're students or people who are applying through our post-secondary recruitment program or general applications. We also have a dominance of women, and it shows in the proportion of women in the public service. We have no problems attracting qualified candidates from those two groups.

You're right that for persons with disabilities, it is a challenge, and also for indigenous people. Some of it's related to the reluctance to self-identify, and some of it's related to our inability to properly—

**The Chair:** I'm afraid I'm going to have to interrupt now.

I will not dock you any time, but Madam Ratansi had asked that Mr. McLeod be given two minutes, and you've got just slightly under two minutes, if you could take over—

**Mr. Michael McLeod (Northwest Territories, Lib.):** Thank you, Mr. Chair. I'll be quick.

My question is for the PCO, and it's regarding the mandate letters. I think we're all excited to see that the mandate letters came out and were all public and that we could track them on different areas, including the economy, the middle class and advancing reconciliation. They were publicly available and were to apply to all parts of Canada.

I'm assuming you have every department's strategy to deal with indigenous governments, indigenous issues. I'm assuming that you're tracking different parts of the country with different mechanisms.

I want to ask you how you're tracking the north and, more specifically, the Northwest Territories, because Stats Canada doesn't do a lot of the research in the north. They don't do housing statistics. They don't track real estate. They don't track gasoline prices. They don't track property tax. They don't track medical statistics like they do in other parts of the country.

How does the north fit in this big piece of mandate letter tracking, and how do I know, as an MP, where we stand when it comes to the different areas?

**The Chair:** Unfortunately, you only have time for about a 30 second response.

**Mr. Rodney Ghali:** I think what you're asking is a really important question. Your question is based on how government makes its best decisions based on the evidence and data it has at its disposal.

What we have done as a department, in conjunction with a number of other departments like Treasury Board Secretariat and Stats Canada, is that over the last year we have put together what we're calling a "framework" for a data strategy for the federal government. It's recognizing that there are issues like the ones highlighting, the data gaps in the north, that could be viewed as impediments to making good policy and developing good programmatic responses to that.

What we're going to be seeing over the next several months is every government department and agency developing its own data strategy that, once in place, will help us better gather the right information, help us share the right information across departments and agencies, and address some of the gaps you're pointing to—

• (1610)

**The Chair:** Thank you.

**Mr. Rodney Ghali:** —so that as we move forward, we can better inform our decisions.

**The Chair:** Thank you very much.

Mr. McCauley, you have five minutes, please.

**Mr. Kelly McCauley:** Just quickly, Mr. Shea, though you may not be the right person to ask, who puts together the departmental results for PCO?

The reason I ask is that I'm looking at yours, and in every single item for results achieved it says "target not applicable". So, I'm thinking, how can we possibly measure a department when your targets are showing as not applicable? That follows up on your departmental plans where three out of every four targets show that previous year numbers are not available.

**Mr. Matthew Shea:** If you had a specific example you wanted to talk about, we could certainly go into it.

**Mr. Kelly McCauley:** Every single one of them.

**Mr. Matthew Shea:** What I think—

**Mr. Kelly McCauley:** You may not be the right person. If you're not, then let me know and we can perhaps save the question for Minister Philpott if we get her in at committee. I'm just curious because every single target shows target not applicable for your departmental results for last year.

**Mr. Matthew Shea:** For many of them, it would be the fact that... I'm looking right now at page 22, and we have the commissions of inquiry. It's not applicable in 2015-16, because we didn't have a commission of inquiry—

**Mr. Kelly McCauley:** If we ask what PCO achieved last year, your target is not applicable. I'm just curious about who puts that together.

**Mr. Matthew Shea:** My team puts it together on behalf of the department, working with each one of them, but looking right now on page 19—and I apologize as I'm flipping through this as we speak—2015-16 shows results there.

**Mr. Kelly McCauley:** The 2016-17 numbers are not available when you look at your departmental plan. When you look at your departmental results, every one shows "target not applicable".

Again, we've changed the whole estimates process for departmental plans to show what's been achieved, what our targets are. Your department shows "target not applicable" for every single one. That's my question.

**Mr. Matthew Shea:** I apologize. As I flip through, I'm seeing their being applicable, except for a couple.

**Mr. Kelly McCauley:** I'll leave that with you, because I imagine you're working on your departmental plans for next year.

Mr. Borbey, what are your thoughts on the results from the public service survey that just came back?

**Mr. Patrick Borbey:** My first focus was to look at my own organization as a deputy head, and so I have spent some time going through it, and I'm quite pleased with the progress we've made.

**Mr. Kelly McCauley:** What about overall? The reason I ask this is that when I look at certain questions—and it's come up before—about whistle-blowing, for example, things are getting worse in the public service. For harassment and discrimination now, it's marginally worse, but it's still worse. We've gone from 44% up to 47% for those who say they have experienced discrimination or harassment and are afraid to come forward for fear of retribution from the government.

I'd love to hear your thoughts about the almost 50% of public servants who have experienced harassment or discrimination being afraid to come forward. That leads into another study we're doing at this committee on hiring veterans. We cannot find a single veteran interested in coming forward to appear because every single one of them has told us they're afraid to come forward for fear of retribution or being blackballed by the government. What are we doing about this?

**Mr. Patrick Borbey:** I apologize, as harassment and discrimination are the employers' responsibilities, so that is a Treasury Board Secretariat role. That's where it applies. I was more focused on my own results.

However, I just want to remind the committee that we do have recourse mechanisms in the staffing process. We do investigate cases of allegations of fraud, improper conduct in staffing or even political interference. We take that very seriously.

People who want to complain about those issues can do this anonymously, so we fully protect the identity of the people and there's no risk of retribution. If a person comes forward and says something went wrong in a staffing process in their department, and think there is fraud—

**Mr. Kelly McCauley:** Do you believe our whistle-blower protection is strong enough?

**Mr. Patrick Borbey:** I'm not responsible for that. I have my own responsibilities under legislation.

**Mr. Kelly McCauley:** But you are in a role of—

**Mr. Patrick Borbey:** I do believe that we have a pretty healthy system to be able to catch fraud.

I will remind you that we also have audit tools, surveys and audits that we do, to identify where some issues may be. Last fall I reported on the staffing survey. There were some pretty negative results there in some cases, which indicated that employees were concerned about the staffing process—the fairness, whether merit was being met—and we take that very seriously.

• (1615)

**Mr. Kelly McCauley:** Thanks.

**The Chair:** Madam Mendès, you have five minutes, please.

**Mrs. Alexandra Mendès (Brossard—Saint-Lambert, Lib.):** Thank you very much, Mr. Chair.

[*Translation*]

Good afternoon, everyone.

Thank you very much for being here.

Mr. Borbey, I would first like to thank you for reassuring us that we are not in a banana republic. It's good to hear that.

[*English*]

I would like to follow up on Mr. McLeod's comments about data throughout government and departments: how it's collected and how it's used. As you may or may not know, I also sit on the public accounts committee, and this was one issue that the late Auditor General repeatedly brought to our attention: how government departments are awful at collecting, using and following up data.

What Mr. McLeod just brought up—about, in this instance, the north, and how data in the north is not collected—Mr. Ghali, maybe you'll be able to answer me. How are we able to provide the services and the staff and the programs or policies that would be appropriate for the realities of the north if we are not gathering, using and propagating this data the way it should be? I'd be very glad to hear your answer.

**Mr. Rodney Ghali:** Both of you have raised fundamental questions on how government designs policies and implements programs. I think, once again, it's getting back to the recognition that we can always do better. As government departments and agencies, we obviously have decades' worth of experience in collecting,

managing and analyzing the data we have, but there are gaps in how we do that. We recognize that we are in a certain context right now, where we have new technologies that can help us gather and analyze data in better and different ways. We can also work with other jurisdictions to link data together more effectively and help develop policies in a more user-centred way.

That's what led, in part, to this idea that we wanted to have a road map for a federal data strategy. We wanted to ensure that every department and agency had a data strategy in place, so that it would provide the frameworks necessary for us to be better stewards of data, and ultimately inform the policies and programs that are in place.

As I mentioned, these data strategies—

I'm sorry, go ahead.

**Mrs. Alexandra Mendès:** All of these departments are developing their data strategies, but are they going to be coordinated or integrated? Are they going to be talking to each other?

**Mr. Rodney Ghali:** Yes, that's exactly it. I think that is one of the fundamental tenets. What you're highlighting is the recognition that we have not been as effective as we could have been in sharing the data that every department has, and taking that classic sense of being citizen-centred first and foremost as we're developing policies and programs.

In order to do that, we need to share data in a better and more effective way. That is one of the guiding principles of the data strategies being developed by departments and agencies that will have a governance structure attached to them, so we can ensure that we make better use of the assets we have.

**Mrs. Alexandra Mendès:** Okay. When do we think this data strategy will start being implemented?

**Mr. Rodney Ghali:** A number of departments have already started to implement some of these strategies. We have a fall timeline for all departments and agencies to publicly report on the data strategy. Come fall, you will see all government departments and agencies posting their data strategies online.

**Mrs. Alexandra Mendès:** Once the data strategy is implemented, what do we expect to see, six months or a year after, as results for policy and budget decisions? How do we expect to use this?

**Mr. Rodney Ghali:** From each government department and agency, you're going to see a couple of different levels of information being demonstrated. Right now, you're probably familiar with the open data strategy, where you're seeing data sets from departments and agencies posted online that are gathering more interest from, say, academics. Other institutions at other levels of government are coming to the federal government to say, "We have better and new insights that we think can help inform our policies and programs in different ways."

What we expect to see coming out of that is an increase in engagement and consultations, and departments and agencies working better together in gathering and analyzing data and providing better services for Canadians.

• (1620)

**Mrs. Alexandra Mendès:** If we go back to Mr. McLeod's example of the north and how that information would help provide better services for citizens and better staffing of departments in the north—I think that was one of his points too—I'm still not necessarily seeing how that is going to help.

**The Chair:** Perhaps you could both provide answers in writing to the clerk, following the meeting, since we're completely out of time.

**Mr. Rodney Ghali:** Yes, I'd be happy to do that.

**The Chair:** Our final intervention, for three minutes, will go to Mr. Blaikie.

**Mr. Daniel Blaikie:** My question is for Mr. Shea. I'm referring to the first paragraph on page 4 of your written submission. It talks about requesting \$53.7 million in these interim estimates. It says it represents "four-twelfths of the 2019-20 Main Estimates". I think that means 2018-19, or are we getting a preview of what you're asking for in the main estimates?

**Mr. Matthew Shea:** This is a sense of what we'll be asking for. We're asking for slightly more than the three-twelfths that you might accustom a department to getting. With the MMIWG finishing, we wanted to ensure they had the funding they require. As you may recall, MMIWG funding falls under our department.

**Mr. Daniel Blaikie:** Indeed. There are two things I want to ask about. When you say that it represents four-twelfths of the 2019-20 estimates, we haven't seen that number yet. My understanding is that unlike in the old system, the interim estimates would be based on the last year's spending. Is this actually based on a projection of next year's spending?

**Mr. Matthew Shea:** I've not heard before that we base on the prior year. What happens is that departments go to Treasury Board and tell Treasury Board what they need to get through the first three months of the year. Traditionally you would divide your anticipated budget by 12 times 3, and that would give you your three-twelfths. In some situations you may ask for more.

In our case, we asked for more this year in recognition of MMIWG. In the case of the Leaders' Debates Commission, they asked for an even higher percentage for the same reason—a lot of their spending will be early on in the year and they wanted to make sure they had funding.

So it's a case-by-case situation depending on what the cash-flow needs of the department are.

**Mr. Daniel Blaikie:** Okay, but in this case the four-twelfths come from the wrapping up of the MMIWG.

**Mr. Matthew Shea:** Absolutely.

**Mr. Daniel Blaikie:** Okay, thank you.

**The Chair:** Thank you very much.

Colleagues, I think I'll suspend now before we go into our next set of panellists, but I do want to thank everyone from both PCO and the Public Service Commission for being here. I know there were a couple of answers that certain members were willing to provide, but we unfortunately ran out of time. So I would certainly encourage all of you, should you have additional information you want to provide to the clerk, to please do so at your earliest opportunity so we can distribute that, as it will help us do our jobs a little better.

Thank you very much for being here. We'll see you next time.

We're suspended for a few moments, reconvening at 4:30.

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\_\_\_\_\_ (Pause) \_\_\_\_\_

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• (1625)

**The Chair:** Colleagues, I think we'll reconvene now.

I think all of you have the written comments from our two sets of panellists, the Canadian Transportation Accident Investigation and Safety Board, and the Office of the Public Sector Integrity Commissioner.

I would ask the same question that I asked, colleagues, before our first set of panellists. If there is a willingness to take the comments from both of these agencies as read and appended to the evidence, then, if you agree to that approach, we would go directly into questions.

I'm looking for consensus. Do we have a sense of agreement on that, colleagues?

**Some hon. members:** Agreed.

[See appendix—Remarks by Kathleen Fox]

[See appendix—Remarks by Joe Friday]

**The Chair:** This way we can forgo the opening statements and go directly into questions, starting with Mr. Peterson.

**Mr. Kyle Peterson (Newmarket—Aurora, Lib.):** Thank you, Mr. Chair. Thank you to our witnesses for being here with us again today. I haven't had a chance to review Madam Fox's report, but I think my questions are general enough that I don't need to have that information to ask questions.

I'm going to start with Mr. Friday in any event.

**Some hon. members:** Oh, oh!

**Mr. Kyle Peterson:** Welcome back.

Well, I have questions for both of you. Hopefully, we'll have enough time. Thank you for being here once again, this time in a new building. I appreciated your written submission, and I have some follow-up questions, mostly on the departmental review and some of the numbers you are speaking about there. It looks like your department is in good shape. Congratulations on that.

There are some interesting facts I want to follow up on, and this might go to some of your speculation. Eighty-eight percent of the employees in your office said they felt comfortable initiating a recourse process.

**Mr. Joe Friday (Commissioner, Office of the Public Sector Integrity Commissioner):** Yes.

**Mr. Kyle Peterson:** I would suspect they're all familiar with that process, given the nature of their work.

• (1630)

**Mr. Joe Friday:** That is an increase from last year, I am happy to be able to confirm.

**Mr. Kyle Peterson:** Right. That's what I was going to get to. Do you recall the amount from last year? What was that increase?

**Mr. Joe Friday:** I believe it was 77% last year, and this year 88% of the people in my office feel comfortable coming forward. I believe the public service rate is 48%.

**Mr. Kyle Peterson:** To what do you attribute this 11% increase? Can it be somehow applied to the public service at large in your estimation?

**Mr. Joe Friday:** I think the increase reflects the fact that this is the area, of course, that we work in every day. My management team and I focus a lot of attention and effort on ensuring that people understand our *raison d'être*, understand the processes, and understand, primarily, the great challenges that people face in coming forward. That goes right down to the hiring practices within our office. We try to identify people who really do understand not only the importance of coming forward, but also the challenges facing people who are trying to come forward.

We've also instituted a learning curriculum in the office. Our goal was to have 20 hours of formal training for every employee, not only in things directly related to our work, but to support the training goals of our employees. We're at a 93% rate as of today.

**Mr. Kyle Peterson:** Yes, that's excellent. Most of your numbers are very positive in that sense.

I know we've had you before our committee often, not just on the estimates or the departmental review, but also on the whistle-blower legislation that we reviewed. You took an active part in that process. We're not at a point where we've received feedback from the government on that. What steps are you taking, even in light of that, to make sure the processes are being improved? I know you made 16 or 17 recommendations.

**Mr. Joe Friday:** Yes, we made 16.

**Mr. Kyle Peterson:** Even though those aren't legislated in any manner yet, are you following the spirit of those recommendations in your conduct as it is?

**Mr. Joe Friday:** We are certainly doing our best to exercise any and all flexibilities that the current law provides for us to do our work.

Of course, it would be easier for us to do the work if we could change the law to improve it in the way that we suggested. Recognizing that we do have the law that we have, we are trying our very best to work with it.

I'm also taking every opportunity to share with the people we reach out to—who could be anyone from media, to students, to other public servants, and our provincial, territorial and international colleagues—and to continue to discuss the proposals and keep alive the issue and spirit of ongoing improvement.

**Mr. Kyle Peterson:** Thank you for that.

I think you were here roughly a year ago. Regarding the case flow over that year, how's the environment looking? You mentioned that you've had three conciliations.

**Mr. Joe Friday:** Yes.

**Mr. Kyle Peterson:** That's a new thing, I believe.

**Mr. Joe Friday:** In total, since the office was created 11 years ago, we have had a total of 16 conciliations. Three of those were last year.

Every conciliation is one less file that goes before a formal tribunal. I've said to this committee before that I refuse to take that as a failure. I take it as a great success that we've allowed people to resolve a reprisal issue and get on with their lives and with their careers.

**Mr. Kyle Peterson:** Right.

Without telling any information that you're unable to tell, what's the nature of the cases or the situations where a conciliation seems to be more appropriate than others? Are you able to predict that from the intake? Are there some characteristics they share?

**Mr. Joe Friday:** We're actually very sensitive to the wishes and the choice of the parties involved.

We do advise all parties during the course of an investigation. The only way to have a conciliation under my act is if we believe there is sufficient information to actually launch an investigation. Once we launch an investigation, we advise parties from the get-go of the availability of conciliation. We've had 18 in total. Sixteen have been successful; two have not. In those cases, they just go back into the investigation process.

Perhaps to draw a picture as clearly as I can—given the limitations on sharing certain confidential information—the majority of reprisal complaints that we get are complaints of demotion or termination. They are generally quite serious matters.

• (1635)

**Mr. Kyle Peterson:** Yes.

**Mr. Joe Friday:** In my office, we pay for the conciliators so the parties don't have to cover that cost. We don't participate in the conciliation, but I have the rather unusual authority under my legislation to approve a conciliation agreement after it's reached. I look at it to make sure that it was not arrived at under duress, and that the parties had access to independent advice, for example, legal or otherwise, and—

**The Chair:** Unfortunately, Mr. Friday, we'll have to stop it there.

We'll go on to our next intervention with Mr. McCauley, please, for seven minutes.

**Mr. Kelly McCauley:** Thank you.

Welcome back, everyone. Ms. Fox reminded us that last time she was here we had a fire alarm, so hopefully we won't have one today and be out in the cold.

Mr. Friday, you were sitting in earlier when I was asking Mr. Borbey about people within in the public service who are afraid to come forward. I'm wondering about your thoughts on a slight increase, but still an increase from last year, the year before and the year before that, in terms of people stating that they were afraid to come forward for fear of retribution.

**Mr. Joe Friday:** Mr. Chair, I would be the first to acknowledge that it is a very difficult and courageous thing for someone to come forward with a disclosure of wrongdoing—

**Mr. Kelly McCauley:** A hundred per cent agreed.

**Mr. Joe Friday:** —in any context. I don't believe it's confined to the public sector. It's a very difficult thing. The research paper we published at the end of 2016, "The Sound of Silence", highlighted the two major fears. The first is a fear of reprisal and the second is—I don't know if you'd call it a fear—a concern that "nothing is going to be done anyway, so why should I bother?", given the risks involved.

My views are that it is very difficult, that it takes more than an office of 35 people to change the culture of a 400,000-member public service and that it requires efforts at all levels in all organizations at all times.

**Mr. Kelly McCauley:** I'm glad you brought up the bit about people feeling that they wouldn't make a difference. Fifty-six per cent of those harassed said that they didn't feel the report would make difference. On discrimination, 47% were afraid to come forward and two-thirds said it wouldn't make a difference anyway.

There was a question to you earlier from the other side about what you're doing to improve, but how much of what needs to be done is going to require legislative changes like those you suggested earlier and like those that were brought forward in the whistle-blower report done by this committee?

**Mr. Joe Friday:** Certainly some of the major changes that I would like to see, and that I think would bring us in line with some of the best practices internationally, would require a legislative change. For example, the reversal of the burden of truth at the tribunal I think is of fundamental importance. That would require a legislative change. Increasing the penalties or increasing the remedies, the dollar amounts, would require a legislative change, because some of those issues are specifically limited in the legislation.

There certainly is an onus on me and on everyone associated with the internal whistle-blowing regime to explore all the flexibilities that currently exist in the law, as I said earlier, and those efforts are certainly being taken by my office. I hope they're being taken throughout the system. I don't have jurisdiction or any direct control over the internal system, but certainly from the external perspective, we are exploring flexibility. I want to avoid the word "stretching", but....

**Mr. Kelly McCauley:** I bring that up because.... I'll be honest. I don't think it's any surprise to anyone on this committee that the previous Treasury Board president and I did not see eye to eye on the whistle-blowing. We asked him to come back, he agreed and then, frankly, refused to come back to discuss the whistle-blowing report. He would say—

**An hon. member:** [*Inaudible—Editor*]

**Mr. Kelly McCauley.** No, that was last summer, thank you.

He would continually say, "We're meeting with unions, we're doing this, we're making great strides".

Have you seen any visible improvement in or a change of legislation or laws to properly protect whistle-blowers to bring us up to best practices of other countries and jurisdictions?

• (1640)

**Mr. Joe Friday:** I would say that I am seeing—and this is reflected in some focus group testing that we did in 2014 and I believe 2016—I think a general increase in acknowledgement of the importance of whistle-blowing. I think that's a societal change. Social forces such as the #MeToo movement, for example, are bringing a lot of attention to bear on the importance of this and the ability to speak up and to speak out. I think that generally speaking there is less negative association with the term whistle-blower and the act of whistle-blowing, which is very important. I would certainly like to see—

**Mr. Kelly McCauley:** But you don't have the tools to properly protect—

**Mr. Joe Friday:** I think that—

**Mr. Kelly McCauley:** —public servants and contractors.

**Mr. Joe Friday:** —the traction we're seeing socially could be really taken advantage of with legislative change. As I say, I remain very hopeful that those changes will occur.

**Mr. Kelly McCauley:** With the results that did come out, what is the next step? We obviously need a legislative change, but it's not coming any time soon, apparently. What is the next step with all these departments where people quite loudly have stated—almost 50% have stated—they are afraid to come forward, and then anywhere from 50% to two-thirds are asking what's the point of coming forward?

How do we address that internally if we're not given the legislative tools?

**Mr. Joe Friday:** I think it ultimately comes to a question of leadership in organizations. I know it sounds like a cliché, but the tone truly is set from the top. I think it is incumbent upon every chief executive in the system to demonstrate that they take whistle-blowing seriously and that when something is brought forward and a finding occurs, something is actually done.

I had an interview two weeks ago with Radio-Canada. The journalist was looking at the case reports from our office, which I'm very happy to say are detailed, in which we identify situations and names. He looked at the reports under our legislation for the internal system. Sometimes the report is two sentences; sometimes it's a paragraph. I think some consistency in that regard would be helpful, and I would ask Treasury Board for support in that regard, because I can't change the internal system.

I think change may have to be incremental, but I do have optimism that change is occurring.

**Mr. Kelly McCauley:** Would you like to see that in each department's departmental plan, a strict target on protecting public servants from their employers' retribution?

**Mr. Joe Friday:** I don't know if it could be set as a specific numerical target, but I do think there are ways through the departmental planning and results process to support increased awareness and clear reporting on the activities under the Public Servants Disclosure Protection Act within individual departments. I would be very supportive of that.

**Mr. Kelly McCauley:** Thanks very much.

**The Chair:** Mr. Blaikie, you have seven minutes.

**Mr. Daniel Blaikie:** Mr. Friday, if it's possible and, again, without overstepping any boundaries or giving anything away, I'm curious.... If the type of legislative changes you have suggested ought to happen don't happen, in what way does that inhibit people coming forward? What is the current legal regime getting in the way of, and what do you think is possible if those changes are made?

**Mr. Joe Friday:** I think the changes I recommended and the changes that came from this committee's hard and long work looking at the legislation were aimed both at removing barriers to coming forward, for example, removing the requirement that there be a good faith test, making it easier to report up through the chain of command within an organization, but also I suppose—I don't want to use the word “incentives”, but—providing clear evidence that peoples' needs would be addressed.

For example, for a victim of reprisal right now, there's a cap of \$10,000 for pain and suffering should the public service disclosure tribunal, which is made up of Federal Court judges, make a finding of reprisal. I would like to see that upped. I would like to see the tribunal be able to reimburse legal fees, for example.

I think it's a combination of incentives, plus actively removing barriers to coming forward. I think together the numerous recommendations that were made for amendment really work in a cohesive and organic fashion to move the entire system, internal and external, forward.

We're entering the second generation, if I could put it that way, of this legislation, and I think the time is right to do so.

•(1645)

**Mr. Daniel Blaikie:** I have a technical question for you. It came up in our last panel. Is the amount you're requesting in the interim estimates for the 2019-20 fiscal year a percentage of last year's spending, or is that a percentage of the spending you're projecting for next year?

**Mr. Joe Friday:** Now I turn to my CFO, the man with the calculator.

**Mr. Éric Trottier (Manager, Financial Services, and Chief Financial Officer, Office of the Public Sector Integrity Commissioner):** It's a percentage: three-twelfths of the 2019-20 expected main estimates.

**Mr. Daniel Blaikie:** It's a portion of what you're expecting to spend in 2019-20.

**Mr. Éric Trottier:** That's right.

**Mr. Daniel Blaikie:** It's not a percentage of last year's spending.

**Mr. Éric Trottier:** No.

**Mr. Daniel Blaikie:** Would that be true for the Transportation Safety Board as well?

**Ms. Kathleen Fox (Chair, Canadian Transportation Accident Investigation and Safety Board):** That's correct.

**Mr. Daniel Blaikie:** Okay, thank you.

Ms. Fox, I live in a rail community and I know a lot of folks who drive trains and are concerned about operations on Canada's major railways.

I'm just wondering if you can speak to what you think remains to be done from the point of view of the TSB to promote real rail safety in our communities, and if you could delineate that for us. I think there's a lot of confusion sometimes between what Transport Canada does and what the TSB does, to the extent that we talk about more on-site inspection. What can't TSB do that you think needs to be done to achieve a reassuring level of safety with respect to rail transport in Canada?

**Ms. Kathleen Fox:** Perhaps I can start by clarifying the differences in the roles. Transport Canada is the regulator. It sets the regulations for railway operations in the country. For example, railway companies are required to have a railway operating certificate and a safety management system. It's up to Transport Canada to oversee that and make sure the railways are acting in accordance with the regulations, with the rules that have been set.

The Transportation Safety Board's role is to investigate reported accidents and incidents to identify safety deficiencies, causal and contributing factors and, where appropriate, make recommendations on things that can be done to improve rail safety. We are not a regulator in that sense nor an overseer. We're responding to occurrences.

With respect to railway safety, a lot of things have improved since the Lac-Mégantic tragedy in 2013—for example, the introduction of the railway operating certificate; the introduction of new, more explicit regulations for safety management systems and the introduction of fines. Those are all changes that Transport Canada has introduced. As a result of our recommendations coming out of Lac-Mégantic, there have been a number of improvements, for example, in tank-car standards for transportation of flammable liquids, notably crude oil; for the introduction of emergency response assistance plans and added rules to reduce the risk of runaway or uncontrolled movements. They've increased the frequency and the depth of audits and inspections of railway, so a lot's been done.

But there is still a lot to be done. That's reflected in our outstanding recommendations, as well as in our watch-list issue, which includes, among other things, following signal indications, and some sort of automatic train control system to slow down or stop the train if the crew doesn't respond appropriately. Fatigue in rail is on our watch-list, as well as safety management and oversight. As well, there's slow progress on addressing some outstanding TSB recommendations, so a lot of progress has been made, but a lot more can be done to further improve the safety of Canada's railways.

**The Chair:** Mr. Blaikie, you've got about 30 seconds.

**Mr. Daniel Blaikie:** Quickly, with respect to fatigue as one example, do you think it's adequate just to change the framework within the SMS system and have Transport Canada review those written policies, or do you think it's important that Transport Canada have people in the field investigating what's happening on the trains?

• (1650)

**Ms. Kathleen Fox:** With respect to fatigue—and I'm conscious of the shortage of time—it's about the railways having fatigue management plans that address hours of rest and hours of duty. It's a shared responsibility among the railway companies, the unions and the employees, under the oversight of Transport Canada.

**The Chair:** Thank you very much.

We'll now go to Madam Ratansi.

**Ms. Yasmin Ratansi:** Thank you for being here.

I was just looking at the 2017 whistle-blower study that we did. You appeared before the committee and presented your 16 recommendations, and then the committee did its unanimous report.

I'm just trying to get my head around the following statement: “advocate for legislative changes that we proposed to improve the Act, despite the government's decision”. Can you explain what you mean and how would you do it technically?

**Mr. Joe Friday:** I believe the statement refers to the fact that proposals were made for legislative change, but no change was actually made. There have been no changes to the act.

**Ms. Yasmin Ratansi:** You have not had any conversation with the minister or with any of the people who do the legislation?

**Mr. Joe Friday:** It's up to the government to change the legislation. I wish I had the power to do so, but—

**Ms. Yasmin Ratansi:** No, you don't.

**Mr. Joe Friday:** I leave that in your very capable hands.

**Ms. Yasmin Ratansi:** Yes.

Between 2017 and now, how many complaints have you received? What is the nature of the complaints?

**Mr. Joe Friday:** Very interestingly, in 2017 and again last year, we noticed a significant increase. We were averaging about 85 to 100 disclosures of wrongdoing, and that went up last year to 147, I believe. This year so far—and the fiscal year is not over—we're up to approximately 130.

I do think that demonstrates something very important—a measure of success, in my view—which is that people feel comfortable coming forward.

Having said that, the majority of cases we get are still not necessarily within the purview of our legislation. For example, we still get many individual harassment complaints that really are not the reason for the existence of our legislation. Every time I make a founded case of wrongdoing, I have to make a public report to Parliament.

There is a lot of education to be done about what kinds of cases we deal with, but I am very pleased to see that more people are indeed coming forward.

The majority of disclosures of wrongdoing that come to our office are allegations under the definition of wrongdoing. There are several heads to wrongdoing. The two most frequently cited are gross mismanagement and a serious breach of the code of conduct. The majority of our 16 case reports have actually made those kinds of findings.

**Ms. Yasmin Ratansi:** Has there been reconciliation? What does your department do to reconcile? Has anybody been fired or has anybody been reprimanded?

**Mr. Joe Friday:** I'm happy to say I have tallied up some statistics in regard to the 16 case reports that we tabled to date.

In two cases, the wrongdoer was fired.

In six cases, the alleged wrongdoer—who turned out to be a wrongdoer, as we made founded cases—resigned during the course of the investigation.

In one case, a statutory inquiry was triggered to determine appropriate discipline. That person's appointment expired and was not renewed during the course of that inquiry.

In six case reports, we recommended discipline and we were advised that discipline was carried out.

In three of the 16 cases, the wrongdoing—and I think this is important to note because the definition of “wrongdoing” can be so broad—was really not attributable to a particular individual. Sometimes wrongdoing can be systemic or almost corporate in nature.



For example, we tabled a case of wrongdoing against the RCMP for flying overweight planes, or for not maintaining the flight logs in a way that could be determined to be safe. No one died and no one was hurt, but that wasn't attributable to one individual. That practice emerged over a long period of time.

In all cases, we advise the chief executive of our findings and under our act—and it's a fine part of our legislation—the chief executive has the ability or the right to respond directly to our recommendation. I have the obligation to publish the chief executive's responses.

What happens after we make a finding and after we make recommendations for corrective action is done very transparently, which I think is a very strong part of our legislation.

• (1655)

**Ms. Yasmin Ratansi:** Would you attribute the increase to the education? Are you educating people or are you making it known on your website? Is there a secure website for anybody to make complaints?

**Mr. Joe Friday:** Yes, we're in our second year of having an online secure form to either blow the whistle or make a complaint of reprisal. I think that certainly has been a part of the reason why we have an increase in the number of cases. That took us a while to do, to be able to do it securely, but it's up and it's running in our second year. This is our second year of a notable increase.

We do have outreach and education. Under our legislation, it's the president of the Treasury Board who's responsible for making the act known and creating a climate in which whistle-blowing is supported, so I would be very happy for any efforts that Treasury Board is able to make to continue to support that.

**Ms. Yasmin Ratansi:** The last one is this. You've asked for \$5.5 million, and you said it's three-twelfths of what you had asked before, but the number of people you have—and you're talking about not being able to meet your mandate—is it sufficient? Are you looking for more money?

**The Chair:** Give a very brief answer, if you could please, sir.

**Mr. Joe Friday:** I currently have sufficient funds to carry out our duties under the act, and I'm not looking for more money, but this will be the first year in the history of our organization that we're actually spending our entire budget, so if I could have a holding spot to come back and ask for more money, if I need it, I promise to give you appropriate advance notice.

**The Chair:** Thank you for that.

We'll go to our five-minute round.

[*Translation*]

Mr. Deltell, you have five minutes.

**Mr. Gérard Deltell:** Thank you, Mr. Chair.

Madam, gentlemen, welcome to your House of Commons committee.

I will focus on the Transportation Safety Board of Canada. I would also like to thank my colleague Mr. Blaikie, who asked you about rail safety earlier. You will understand that, as a member from Quebec, I cannot ignore the excellent work of my colleague from

Mégantic—L'Érable and that, as a Quebecker, I am clearly very sensitive to those events. I would therefore like to thank my colleague Mr. Blaikie for asking those questions, allowing me to address other issues.

I would like to begin by thanking you for your communications service, of which I am a loyal customer. As an ultralight pilot myself, I consult your investigation reports every month. You know this better than I do, but I would like to explain to taxpayers that these reports do not assign blame. Instead, they explain the causes of an accident, thereby preventing other accidents in air, sea or rail transportation. I leave it to the guilty to take responsibility.

Ms. Fox, in your opening remarks, you write that much has changed over the past year, including the ability to “more quickly communicate factual information to the public.” Further on, you say that your results “show improvements in a number of areas—including, for instance, the timeliness with which we conduct and report on our investigations.” Just prior to that, you specify that the year is not yet complete and that you do not have all the required information. However, can you give us a concrete example of the changes you have made, which shows that the actions you have taken and the reasons for taking them now allow you to do the same work as before, but faster?

**Ms. Kathleen Fox:** In 2018-19, we changed our event classification policy, and launched a new product we call a category 4 investigation, a strictly factual investigation that involves little or no analysis. The board provides no findings or conclusions, although it reviews and approves the report. The purpose of those investigations is solely to inform the public in a factual way about what happened in an accident, and to make industry aware of safety. We conduct this sort of investigation mainly in the aviation sector, particularly for recreational flights. We would not have investigated or reported on those cases in the past. However, we are now in a position to conduct a quick investigation and submit a final report to communicate the results to the aviation community.

• (1700)

**Mr. Gérard Deltell:** Generally speaking, it takes about a year to complete an investigation into an aviation accident. Are you able to tell us more about it?

**Ms. Kathleen Fox:** We estimate that it takes 200 days to issue a category 4 investigation report from the date of the incident. We have been successful in achieving this objective in some cases. One of the changes we made this year was to introduce timelines according to the level of investigation. For example, we are aiming for 200 days for a category 4 investigation, but up to two years for a more in-depth category 1 investigation.

**Mr. Gérard Deltell:** The very nature of your board is unique. Your role is to study accidents. However, they cannot be predicted. Under such conditions, how do you plan the budget for your human resources? What do you do with your staff when there are fewer accidents? What do you do when there are more?

**Mr. Jean Laporte (Chief Operating Officer, Canadian Transportation Accident Investigation and Safety Board):** Our base budgets are based on historical data. A certain pattern repeats itself from one year to the next. We use this as a starting point and, depending on events, we reallocate resources during the year. If we have more activity in rail than in aviation, we reallocate resources within our programs, depending on the mode of transportation.

We also have a continuing authorization from Treasury Board that allows us to look for additional funding when there are major events. In the case of Lac-Mégantic, we requested additional funding. For that particular investigation, the funding was approved by Parliament. So this is a matter of managing resources, reallocating them to the various programs, and requesting additional funding for major events.

[English]

**The Chair:** Mr. Jowhari, you have five minutes, please.

**Mr. Majid Jowhari:** Thank you, Mr. Chair.

I'll be sharing about two and a half minutes of my time with MP McLeod.

Mr. Friday, I'll start with you. In your submission you highlighted the importance of changing the culture. One of the vehicles that you highlighted for measuring the extent of the cultural change is the public service employee survey. From that survey, you raised two areas of concern: values and ethics in the workplace and confidence in speaking up, and mental health and wellness. You indicated that these have remained largely unchanged. I'd like to focus on mental health.

I did a review of the DRR. Under "Results: what we achieved", on page 11 it talks about an initiative that fostered a healthy, supportive and inclusive work environment that supports employee engagement. It says that the office organized consultation with all employees and adopted a mental health action plan—they've bolded that, so I believe there is an action plan out there—and that it's currently being implemented and includes the establishment of an employee mental health committee. In addition, the employee assistance program coordinator and the occupational health and safety officer ensure the office meets its obligations.

Can you help me reconcile the results of the survey vis-à-vis mental health and wellness with this report, which says that advancements are being made?

● (1705)

**Mr. Joe Friday:** When I speak about the specific mental health action plan, that is from my own small organization. I'm happy to say that we have a mental health champion. We have a committee set up and a mental health action plan. I believe there's an obligation on all departments and agencies to take similar action. There's an unprecedented focus on mental health in the workplace now within the public service. I can say that I'm hopeful that by the time the next survey is done, we will see action across the board.

I think it's a good example of how the entire public service has to come together to help change a culture. The clerk's focus on mental health, for example, I think is very much a part of the increased awareness.

**The Chair:** Unfortunately, to allow Mr. McLeod a couple of minutes, we'll have to interrupt.

Mr. McLeod, you have two minutes.

**Mr. Michael McLeod:** My question is for the Canadian Transportation Accident Investigation and Safety Board.

I represent the Northwest Territories. Your organization is responsible for ensuring safety practices in the different areas from sea to sea to sea.

Over the last while we've started to see some changes across the country, more so in the north, as a result of climate change. Climate change is causing the sea ice to recede and we're starting to see more ship traffic in the north. I think there were about 70 ships two years ago that went through my area. When I say "ships", I mean large sailboats and other kinds of boats.

Historically, we've never had that, so we don't have a lot of the infrastructure that is needed. We have no navigational aids, markers, maps or response teams; it's an accident waiting to happen. I'm just wondering if you are looking at that.

We have ships coming, and we don't know what they're doing with their grey water. We also know that the Inuvialuit artifacts are starting to disappear, because people are taking them. We've never had to watch them before.

Is there a plan? Are we doing anything? Is this a concern you've flagged?

**Ms. Kathleen Fox:** First of all, from the perspective of marine safety, that really falls under the purview of Transport Canada as the regulator, and of course they've developed the oceans protection plan to look at those issues.

We do and have conducted a number of marine investigations involving vessels in the north. In 2010 there was the grounding of the *Clipper Adventurer*, and—

**Mr. Michael McLeod:** Could I just back you up? I'm not talking about the issue of Transport Canada's responsibilities. I think the organization has the responsibility of identifying deficiencies, and I'm curious to know whether you've done that. Is that something you're watching?

**The Chair:** As I'm fond of saying to committee members on occasion, the two minutes allocated for questions and answers are for both the question and the answer. Unfortunately we don't have time for the answer. I know that's a legitimate question, and I'm not trying to make light of it.

I would suggest to Madam Fox that, for the answer, you could provide it to the clerk in written form, and we'd be able to provide it to all committee members.

Thank you.

We're going to Mr. McCauley now for five minutes.

**Mr. Kelly McCauley:** Ms. Fox, Mr. Blaikie brought up rail being an issue. I'm looking at the departmental reports and the 10-year safety pattern. It shows marinas met, pipelines met, but not met on rail; number of fatal accidents, aviation targets met, marine targets met, pipelines targets met, but not rail; and the percentage of responses to recommendations assessed was fully satisfactory, but rail not met.

Throughout the entire thing, rail has not met your targets, not a single one. I realize it's not yours specifically, but the question is this. We've had questions on rail safety brought up in the House repeatedly, and the Minister of Transport has repeatedly stood and said, "Don't worry, all is fine. Rail safety is my number one priority". I've seen him stand repeatedly, again and again, and blow off every question with the response, "Rail safety is my number one priority".

I'm looking at your departmental results, and we're failing at rail safety on every single metric. Is this an issue that Transport is just ignoring? Is this bad luck that they've failed on every single metric? What is going on when we're improving marine safety and aviation safety, yet in the House we've got the minister standing, pounding his desk, and saying that rail safety is his number one priority, but it's getting worse.

• (1710)

**Ms. Kathleen Fox:** To put the results in context, as you mentioned, Mr. Chair, we can't control the accident rate—

**Mr. Kelly McCauley:** No, of course.

**Ms. Kathleen Fox:** —or the number of fatal accidents. We have seen an upward trend in the last few years in a number of areas. At the end of the day, it's up to Transport Canada to look, with the railway companies and the rail industry, at what's going on.

**Mr. Kelly McCauley:** That's my concern. You produce information showing that it's getting worse—

**Ms. Kathleen Fox:** Yes.

**Mr. Kelly McCauley:** —but we have the Minister of Transport standing repeatedly and saying, "Everything's great. It's my number one priority. Don't worry."

The facts don't match the propaganda from the government on this. Deaths are up, and accidents are up.

**Ms. Kathleen Fox:** I think some of these are complex—

**Mr. Kelly McCauley:** Lies? Do you want that word?

**Ms. Kathleen Fox:** I think some of these are complex issues.

**An hon. member:** [*Inaudible—Editor*]

**The Chair:** Order.

Madam Fox.

**Ms. Kathleen Fox:** I think some of these are complex issues. As I mentioned in response to an earlier question, there's a lot that's been done, particularly since 2013, but there's still a lot that could be done.

We've made a number of recommendations to the department, in particular, for example, to look at training of railway crews involved in safety-critical positions, because the rules have not been updated for a number of years. Whether we're talking about derailments or

crossing accidents, they have different causal factors, and so each has to be looked at as issues on their own.

We're certainly continuing to pay attention to things like training and maintenance and inspection practices of the railways as we do our investigations, and there's the safety and oversight provided by Transport Canada.

**Mr. Kelly McCauley:** Is it about getting the attention that the numbers say it needs?

**Ms. Kathleen Fox:** On the other side of things, if we look at the response to our recommendations—and the TSB has issued of over 600 recommendations since we were created in 1990—rail, aside from pipelines, has the highest percentage of responses that have been assessed by the board as fully satisfactory, although, admittedly, we've issued fewer recommendations in rail than in air.

It's a mixed bag. There has been progress, but there's still more that can be done to improve safety in the rail industry, no doubt.

**Mr. Kelly McCauley:** Mr. Friday, I have one last question for you. I saw your comment about departmental results, about the difficulty without legislative changes. Do you think we will take the steps we need? Will we get proper whistle-blower protection without the legislative items suggested in the report issued by this committee? Will we see ourselves joining the ranks of better performing countries without action?

**Mr. Joe Friday:** There are many components in the current act that were very forward thinking and have been reflected in other pieces of legislation that have been enacted in other countries since the Public Servants Disclosure Protection Act, but after 11 years in this very fast developing world of whistle-blowing, the time to do it as quickly as possible, in terms of the law, social awareness and social expectation. I'd hoped that was 2017, but it wasn't.

**The Chair:** Mr. Drouin, for five minutes.

[*Translation*]

**Mr. Francis Drouin:** Thank you very much, Mr. Chair.

My first question is for Ms. Fox.

In your report, you point out that the goal is to reduce the investigation time from 569 to 503 days. How can we, as parliamentarians, reassure Canadians that, by reducing our response and investigation time, the Canadian Transportation Accident Investigation and Safety Board will not compromise the quality of investigations?

**Ms. Kathleen Fox:** I can assure you that when the board conducts an investigation, it takes the time it needs to examine all the issues in order to clearly identify the factors that caused or contributed to the accident.

Let me point out that our goal is not to publish investigations within 500 days. In fact, each category of investigation takes a certain number of days. For category 4, it is 200 days, for category 3, it is 450 days. The more thorough the examination, the longer it takes.

We made some fine progress in 2018-19. When we release our report on departmental results for 2018-19, the committee will be able to see that we have made significant progress in this regard.

● (1715)

**Mr. Francis Drouin:** You have reduced the investigation time from 569 to 503 days. Why not reduce it to 500 or 495 days? How did you come up with an investigation time of 503 days?

**Ms. Kathleen Fox:** First of all, those are last year's results, from 2017-18. This year's results are not yet finalized, but they are much better.

We do a number of investigations. We look at the time required for each investigation and average it out. That is how we obtained 503 days for 2017-18, but the results will be very different for 2018-19.

**Mr. Francis Drouin:** My other question is on rail transportation.

This year, are most of the rail accidents you identified in your report related to passenger transportation, such as VIA Rail, or to things like oil or grain?

**Mr. Jean Laporte:** In our statistics, we do not record the products transported. However, I can tell you that, overall, in 2018, 123 accidents involving hazardous materials were reported. This is slightly higher than last year's number of 115, but lower than the average of 126 over the last 10 years.

Most of the events identified during the year were derailments on secondary tracks, such as marshalling yards. That's where the largest number of reported events occur. There are also a significant number of collisions at level crossings. Given the high number of collisions at those locations, we are conducting a study to determine the factors involved. Many fatalities and serious injuries are associated with level crossing accidents. We are therefore conducting a detailed analysis on that to better understand the issues.

**Mr. Francis Drouin:** Thank you very much.

Thank you very much, Mr. Chair.

[English]

**The Chair:** Mr. Blaikie, for three minutes.

**Mr. Daniel Blaikie:** I wanted to return to a kind of technical question about how the amount in the interim estimates is arrived at. It's not any kind of "gotcha" mission, but we have had a pretty watershed change in the parliamentary process for approval of funds in the last year or so.

Normally, the way it had been done under what was called "interim supply" was that you would take a fraction of the projected budget for the next year and then have that approved as interim supply. In June 2017, changes were made to the Standing Orders and we changed the name from "interim supply" to "interim estimates". I'm just reading from *House of Commons Procedure and Practice*, which says that those estimates will be based on a fraction of the

current year's estimates, rather than a fraction of the upcoming main estimates, and will be tabled in the supply period ending March 26.

I'm wondering about the nature of the communication that came from Treasury Board to your organization to notify you of that change, that interim estimates would be calculated on a different basis than interim supply. I recognize that you may not be prepared to answer that question. If you have an answer now, that would be great. If you don't, I'm wondering if you could share with the committee any communication to that effect from Treasury Board or from government generally; and if there was no such communication, if you could write the committee just to confirm that's the case.

I'll be happy to start with Monsieur Trottier.

**Mr. Éric Trottier:** I don't necessarily remember exactly the communication with TBS. Basically, to my recollection, it's always a third of the expected main estimates of the year. The wording might change. I don't necessarily think that the specific way we do it changed. It's similar to last year. It was a third of the main estimates of 2017-18.

**Mr. Daniel Blaikie:** So what's changed for us for sure, which is consistent with the language of the House procedure and practice book, is that typically, interim supply, under the old system, would be tabled at the same time as the main estimates for the following year. Then we would know what you're asking for, for the entire year. Then we'd see the fraction.

Because the interim estimates now come before the main estimates—

● (1720)

**Mr. Éric Trottier:** Yes, the timing change.

**Mr. Daniel Blaikie:** —the idea is that those would be based on the previous year's estimates as a percentage, because otherwise we're essentially finding out under the interim estimates process what you're going to ask for in the main estimates. That's privileged information until it's tabled in Parliament and we end up in a situation.... And you're not alone in that. The Privy Council Office was telling us the same thing earlier today. We're actually finding out what the Privy Council Office intends to ask for in the main estimates even though those haven't been tabled and we haven't seen them.

I'm just interested to know what the internal communication process within government is to ensure that different agencies, commissions and departments are on the same page with the—

**The Chair:** Unfortunately, since we're out of time, I would ask you to provide that information to the committee through the clerk in a written submission. The committee members and I would appreciate that.

Colleagues, we do not have enough time left for even a partial round of questions. I'm going to invoke the right of the chair to ask a question.

I do this sparingly, as I think people know, but it's a very personal one to me, Madam Fox. If you could help me out, I would appreciate it greatly.

A couple of years ago I lost a very good friend and former parliamentarian. I'm sure Jim Prentice was a friend to many people around this table. He and his father-in-law died coming back on a small aircraft from British Columbia. It has always been my suspicion, and I think the suspicion of many, that something happened to the pilot, either a massive heart attack or a stroke, something that caused him to lose control of the aircraft—although we've not been able to verify that.

My question is this. I believe, and please correct me if I'm wrong, that some rules and regulations have changed since that time. Even small aircraft, such as the one he was in, now require two pilots. Question number one: is that true? Secondly, did your agency make any recommendations in light of that accident?

**Ms. Kathleen Fox:** We did investigate that accident. We released our final report last April, I believe. We indicated that we believed the pilot was subject to spatial disorientation. At the time the accident happened, he had not done the required number of takeoffs and landings at night to be able to carry passengers, so his lack of recent night-time flying in instrument-challenging conditions, we believe, led to spatial disorientation.

We did make a recommendation from of that, but it had to do with the carriage of flight data recorders and voice recorders for corporate aircraft. That aircraft was not being operated commercially. It was being operated under a private operator's certificate issued by Transport Canada. That company had not been inspected by

Transport Canada since it had started operations. We made the recommendation about recorders. I'm not aware if they made any change with respect to having a requirement for two pilots. That airplane was certified to be flown by one pilot, although this company didn't have permission to operate it with one pilot.

**The Chair:** I have a follow-up question if I may. In your opinion, do you think it would be a worthwhile change for Transport Canada to regulate that even small aircraft require two pilots? I understand the implications of that cost-wise and otherwise, but I'm just wondering if, in your personal opinion, you think that might be a positive step.

**Ms. Kathleen Fox:** It really depends on the type of aircraft. The Citation that was being operated that night is a fairly sophisticated aircraft. It's a jet, but it has been approved for single-pilot operation. On that particular night, the company didn't have permission to operate it with two pilots. It should in fact have been operated with two pilots.

**The Chair:** Thank you very much. I appreciate that greatly.

Colleagues, we will now adjourn, and I thank all of our witnesses for your testimony here today. Once again, should you have additional information you think would be of benefit to our committee, please submit it in writing to our clerk.

We are adjourned.

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**OPENING STATEMENT**

**BY MATTHEW SHEA**

**ASSISTANT DEPUTY MINISTER OF THE PRIVY COUNCIL OFFICE  
AND CHIEF FINANCIAL OFFICER**

**TO**

**STANDING COMMITTEE ON  
GOVERNMENT OPERATIONS AND ESTIMATES**

**February 25, 2019**

**3:30 PM – 4:30 PM**

Good afternoon Chair and members of the Committee. Thank you for inviting the Privy Council Office (PCO) to review our *2017-18 Departmental Results Report* and our *2019-20 Interim Estimates*.

My name is Matthew Shea and I am the Assistant Deputy Minister, Corporate Services Branch and the Chief Financial Officer of PCO.

I am accompanied today by Ms. Marian Campbell Jarvis, Assistant Secretary to the Cabinet, Social Development Policy; Mr. Rodney Ghali, Assistant Secretary to the Impact and Innovation Unit and Mr. Michael Hammond, Deputy Chief Financial Officer.

I would like to begin with a brief overview of the *2017-18 Departmental Results Report*. The Departmental Results Report (DRR) informs parliamentarians and Canadians of the results accomplished by the organization against priorities and commitments set out in the Departmental Plan of the same reporting period.

The DRR is PCO's last official report under the Program Activity Architecture reporting framework. The format has been streamlined to increase public accessibility and Sub Program-level information is reported on the [GC InfoBase](#) and made available to the public following the DRR having been tabled in Parliament.

The PCO's actual spending for 2017-18 is \$202.9 million including the resources for the National Inquiry into Missing and Murdered Indigenous Women and Girls. The actual full-time equivalents is 1,111.

PCO's total actual spending increased by \$48.6 million from \$154.2 million in 2016-17 to \$202.9 million in 2017-18 which is mainly explained by the Budget



2016 initiatives, including spending for the National Inquiry into Missing and Murdered Indigenous Women and Girls and the Budget 2017 initiatives, including the establishment of two secretariats within PCO – the LGBTQ2 and the Review of Laws and Policies related to Indigenous Peoples secretariats.

PCO provided non-partisan advice on a range of economic, tax and fiscal priorities during the implementation of Budget 2017, in preparation for Fall Economic Statement 2017 and as part of Budget 2018. PCO provided the necessary machinery of government advice and support for the creation of Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), and Indigenous Services Canada (ISC) in 2017.

PCO coordinated the response to ongoing inequalities faced by Canada's LGBTQ2 communities by supporting the Prime Minister's apology for historical unjust treatment of Canadians who identify as LGBTQ2 and supporting passage of the Expungement of Historically Unjust Convictions Act. The Act puts into place a process to permanently destroy the records of convictions for offences involving same-sex partners that would be lawful today.

PCO also supported Government efforts to address climate change through assisting with the implementation of the Pan-Canadian Framework on Clean Growth and Climate Change and providing advice and support to the Prime Minister in working collaboratively with the provinces and territories. This resulted in the approval of the first annual Synthesis Report to First Ministers on the Framework.

The *2019-20 Interim Estimates* were tabled January 28, 2019.

PCO is requesting \$53.7 million in its *2019-20 Interim Estimates* which represents four twelfths of the 2019-20 Main Estimates' program expenditures of \$161.1 million. This funding will support PCO financial requirements for the first three months of the 2019-20 fiscal year.

Over this fiscal year, PCO will continue to be the hub across government to coordinate and provide timely, comprehensive, expert analysis and non-partisan advice in support of the full spectrum of policy, budget and legislative priorities of the Prime Minister, Cabinet and Cabinet committees.

PCO will continue to work with the Prime Minister and Cabinet on the status of mandate letter commitments and communicating results. This will include coordinating expert advice to ensure progress in key priority areas including: the Middle Class, Indigenous People, and Diversity and Inclusion.

PCO will continue to work with other federal departments to develop social and economic policies that will continue to grow a strong middle class, modernize international trade agreements, fight climate change and protect the environment, and address increased pressures on the immigration system.

PCO will provide support and advice to the Prime Minister, as Minister of Youth, in relation to the Prime Minister's Youth Council, the implementation of a youth policy, and youth initiatives across the Government of Canada, as well as with key partners. To accomplish these priorities, PCO will continue to work to improve mental health and workplace well-being, attract and retain top talent, and be a diverse and inclusive workforce.

As 2019 is a legislated election year, PCO will continue to provide non-partisan advice and support to the Minister of Democratic Institutions on advancing policy

to improve, strengthen and protect Canada's democratic institutions, including protecting the integrity of the 2019 election.

This brief summary of PCO's *2017-18 Departmental Results Report* and *2019-20 Interim Estimates* touches on a few of the means by which PCO continues to support the Clerk as head of the Public Service of Canada, the Prime Minister and Cabinet as part of a whole-of-government approach

Mr. Chair, members of Committee, thank you for the opportunity to provide you with this context. We would now be pleased to answer your questions.



Good afternoon, Mr. Chair.

3:30

I am very pleased to have the chance to meet with you and Committee members once again to discuss the work of my Office. Given our past discussions, I know you are already familiar with our mandate, so I will not go into any detail in that regard, other than to say that my Office is the external and independent Office where public servants and members of the public can make disclosures of wrongdoing and where public servants can make complaints of reprisal linked to disclosures. The internal whistleblowing system, which is the other component of the regime, is overseen by Treasury Board, and I have no responsibility or direct role to play in regard to the internal system.

My Office has a single program with a budget of \$5.5 million, and 32 employees at this time.

I currently have sufficient financial resources to do my job, and I am anticipating a year in which expenditures will be at or near the full level of my budget.

Mr. Chair, I have spoken to you on several occasions about the importance of changing the culture in order to make whistleblowing an accepted and normalized part of the public service. The 16 recommendations for legislative change that I tabled in 2017 remain part of my effort to contribute to that change. While I understand that formal amendments were not on the legislative agenda following this Committee's review and formal report, I do remain hopeful that they will be made, if not now, then as soon as possible in the future. I remain of the strong view that the changes I proposed were reasonable, advisable and achievable.

Speaking of cultural change, a very important indication of the current state of the public service culture is the Public Service Employee Survey. The most recent survey results were published earlier this month. My reading of those results shows that concerns about values and ethics in the workplace, about confidence in speaking up, and about the mental health and wellness of the workplace remain largely unchanged from the previous Survey. In fact, these concerns have been reflected in some of the 16 case reports my Office has tabled in Parliament.

An immediate interest of mine, in my role as a Chief Executive, as well as in my role as Commissioner, was how the Survey reflected on the state of my own Office. While building a healthy environment is a permanent and ongoing challenge for all organizations, I was pleased to see very positive results for my organization. For example, we had a 92% response rate, compared to 58% in the public service overall. Further, 95% of respondents said they have confidence in senior management in my Office, 100% said they have support to balance work and personal lives, and 90% said they feel they are treated with respect.

One question is of particular concern to me. When asked, only 48% of public servants said that they felt they can initiate a formal recourse process, such as a grievance, complaint or appeal, without fear of reprisal. This clearly signals that significant cultural change has to happen. While my small Office is indeed part of that process of change, I must underscore that this requires effort and commitment at all levels in all organizations.

I should note, Mr. Chair, that in response to the same question, 88% of employees in my Office said they could initiate a recourse process without fear of reprisal. I believe that this signals to public servants that they can speak up and speak out to my Office, knowing that we value and support the act of doing so. As outreach and awareness remains a major challenge in my work, I am particularly pleased that the results send an encouraging and clear message to potential disclosers.

Before I close, Mr. Chair, I will share some information about our operations, including some of the challenges we face.

First, I am pleased to confirm that we met our internal service standards for timeliness in dealing with cases in 2017–18 and that, as of today, we are continuing to meet those standards. I will be providing final numbers in my Annual Report in the months to come.

Today, we have 16 active investigations and 38 files in analysis to determine whether they will become investigations. Very importantly, we settled three reprisal cases through conciliation so far this year. Conciliation represents, in my mind, particularly notable success, as the parties involved are able to move on with their careers and their lives.

We are seeing an increase in the number of disclosures received over the last two years. I believe this is attributable to several factors, including increased awareness of the regime following this Committee's review of our legislation, as well as the publication of our last case reports and our research paper that I shared with you last year. I believe this is also attributable to what I observe to be an increased consciousness and acceptance of coming forward because of larger social forces, such as the #MeToo movement.

The number of disclosures we receive is, in my view, a clear indication of success, regardless of their outcome, as it indicates people know about our Office and are confident in coming forward. I think that this underscores the ongoing need for education and awareness, and my Office continues to focus time and resources on doing so. Any and all further support in this regard, particularly from the Treasury Board, which is expressly responsible under my Act for education and awareness of the regime, is welcome. I fully understand that resources and time are always stretched, but I do wish to emphasize the need for more concerted efforts, while acknowledging with thanks the efforts that are already being made.

Mr. Chair, I trust this information is of use to Committee members. I appreciate this Committee's ongoing interest in the work of my Office. Thank you.



OGSD 162  
Feb. 25, 2019  
3:30

Opening Remarks for  
Patrick Borbey  
President of the  
Public Service Commission of Canada  
on  
Interim Estimates 2019–2020 and the 2017-18 Departmental  
Report  
  
Government Operations and Estimates Committee  
February 25, 2019

Check against delivery

I am pleased to be here today to discuss the 2019–20 Interim Estimates and the 2017-18 Departmental Report of the Public Service Commission of Canada (PSC). Joining me are Phillip Morton, Vice-President, Corporate Affairs and Chief Financial Officer as well as Patricia Jaton, Vice-President, Policy and Communications.

For over a century, the PSC has been charged with promoting and safeguarding merit-based appointments and protecting the non-partisan nature of the public service in collaboration with other stakeholders.

The PSC reports directly to Parliament.

### **Interim Estimates**

The PSC resource level for 2019-20 is relatively consistent with the level that was provided through the 2018-19 Main Estimates. For 2019-20, there is a reduction of approximately \$200,000 from the previous year. This is mostly attributed to the contribution that was made towards the Budget 2018 Fiscal Dividend for Shared Services Canada. Our Interim Estimates are also consistent with last year and represent four twelfths (4/12) of the Mains.

The PSC requests these resources to continue recruiting a world-class, non-partisan public service. This means maintaining our focus on the renewal of the public service, bringing in the skills to address today's and tomorrow's challenges, and reflecting the rich diversity of Canada. As we expect that a large number of our employees will retire over the next 5 to 10 years, we must hire talent at all levels, from all parts of the country.

## **Hiring the workforce of the future**

Under the delegated staffing system set out in the *Public Service Employment Act*, the PSC continued to fulfil its responsibilities by providing policy guidance and expertise, conducting oversight, and delivering innovative staffing and assessment services to support departments and agencies.

In 2017-18 the total number of hiring activities increased by 11.4% with 53 361 hires. Our students program remained strong, with close to 13 000 hires — increasing for the fifth consecutive year. It's a trend we'll need to continue. Students are essential to the future of the public service, and the number of hires is still lower than it was 10 years ago.

We don't have a choice. We need to improve and speed up staffing, but without compromising quality of hire and access to all Canadians. The public service, like all organizations, is competing for top talent.

I am pleased that departments and agencies have taken up the challenge of modernization with innovative approaches and methods to attract candidates such as speed staffing, hackathons and the use of new assessment tools.

The PSC also continued its work on modernizing its recruitment system. The GC Jobs Transformation project will replace the current platform with one that will be flexible, modern, inclusive and user-centric.

In addition, we have been experimenting with pilot projects in our approach to staffing. For instance, we are working with departments and agencies to simplify how we assess second language proficiency.

In delivering our mandate, we cannot lose sight of our role in building a diverse, accessible and inclusive workforce. In partnership with the Office of the Chief Human Resources Officer, two programs are supporting progress in that area:

- the Indigenous Student Employment Opportunity resulted in 186 Indigenous students hired for the summer of 2018, and
- the Youth Accessibility Summer Employment Opportunity resulted in 61 hires.

We are also expanding our approach to diversity beyond the four employment equity groups to include veterans, youth, LGBTQ2+ and regional representation, to name a few. Last year we continued to see an increase in hires in the National Capital Region. We must attract and hire more regional employees to build a diverse and representative workforce across the country.

As I mentioned earlier, the PSC ensures a merit-based and non-partisan public service. Last year the PSC conducted a System-Wide Staffing Audit. I am pleased to report that findings indicated that hiring practices were based on merit and remained non-partisan.

### **Looking Forward**

We are proud of the PSC's role in building the Government of Canada's workforce, and in maintaining public trust in this institution. To deliver excellent programs and services that support all Canadians, in collaboration with our partners, we must continue to push the boundaries of how we attract, recruit and renew the public service. The journey to simplify and improve recruitment and staffing has begun, but this culture change will take time and sustained efforts.

We would be pleased to answer your questions.

Thank you.



## Standing Committee on Government Operations and Estimates (OGGO)

**Kathy Fox**  
**Chair, Transportation Safety Board of Canada**

**February 25, 2019**  
**Opening Remarks**

Good afternoon,

Mister Chair, Honourable members. I want to thank you for inviting the Transportation Safety Board of Canada (TSB), so that we can answer your questions about our interim estimates for next year's budget, and our Departmental Results Report for 2017-18.

I bring with me today two colleagues who offer a wealth of experience. Mr. Jean Laporte is our Chief Operating Officer. Mr. Luc Casault is our Director General of Corporate Services and CFO.

With regard to the interim estimates for 2019-20, we are asking for approximately \$7.4 million. This is one-quarter of our annual operating budget, as per standard practice.

The second item is the DRR, or Departmental Results Report, for fiscal year 2017-18. These results, which cover the 12 months through the end of March 2018, are almost a year old, and much has changed since then. For instance, we have received additional funds to address resource pressures, and we have implemented a number of changes to streamline our business processes. For example, we revised our Policy on Occurrence Classification, which included introducing new, limited-scope investigations for less complex occurrences so that we can more quickly communicate factual information to the public.

Moreover, when our departmental results for *this* fiscal year are released, we expect that they will show measureable improvements. And while I cannot share the specific data for this just yet, as the year is not yet complete, the Board was recently briefed on our mid-year results, and these show improvements in a number of areas—including, for instance, the timeliness with which we conduct and report on our investigations.

Thank you. We are prepared to answer your questions.





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