



House of Commons
CANADA

Standing Committee on Government Operations and Estimates

OGGO • NUMBER 055 • 3rd SESSION • 40th PARLIAMENT

EVIDENCE

Tuesday, March 22, 2011

—
Chair

The Honourable John McKay

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• (1105)

[English]

The Vice-Chair (Mr. Chris Warkentin (Peace River, CPC)): I call this meeting to order. This is meeting 55 of the Standing Committee on Government Operations and Estimates.

Today we have the privilege and pleasure to have Madam Barrados, the president of the Public Service Commission of Canada. We'd like to welcome her and give her an opportunity to bring forward her report, as well as make an opening statement to the committee.

The floor is yours, Madam Barrados.

[Translation]

Mrs. Maria Barrados (President, Public Service Commission of Canada): Thank you.

Good morning. I am pleased to be here with Donald Lemaire, Senior Vice-President, Policy Branch, and Gaston Arseneault, Vice-President, Legal Affairs Branch, to discuss our special report on Merit and Non-Partisanship under the Public Service Employment Act (2003), which we tabled in Parliament earlier today. This report reflects the views of the commission as it approaches the end of its mandate. We hope it will also provide useful input into Parliament's five-year statutory review required by the act.

The Public Service Employment Act (PSEA) reaffirmed the mandate of the Public Service Commission of Canada (PSC) as a guardian of merit and non-partisanship in the federal public service, first enshrined in federal statute over one hundred years ago. With the passage of the November 2003 act, the commission's role is clear. We have put in place a highly delegated staffing system, with appropriate oversight, guidance and support measures, as well as regular reports to this committee.

As we noted in our 2009-10 annual report to Parliament, the essential elements of the act are now in place. Significant progress has been made. Five years after the full coming into force of the PSEA, it is too early to draw final, definitive conclusions about its implementation. However, we believe the essential structure of the act is sound and will stand the test of time.

Our report focuses on three key issues that, in our opinion, need attention, and we offer some recommendations for addressing them. Number one, we need to improve the effectiveness of the staffing system. Number two, we need to enhance the approach for safeguarding the non-partisanship of the public service. And number three, we need to strengthen the governance and operation of the commission.

An effective staffing system is the backbone of a modern, well-run professional public service. There are, however, substantial opportunities to improve the efficiency and effectiveness of the staffing system. Our report describes four of those.

First, our experience over the past five years has confirmed the ongoing need for some centralized services to assist deputy heads and managers in assuming their roles under the act. These services, which include our electronic recruitment system as well as several national recruitment programs, can foster greater efficiencies and improvements in the staffing system. A delegated system needs to be balanced with centralized support functions.

[English]

Second, we need more proactive, integrated planning to better manage the entire workforce—not only the permanent workforce, but also the contingent workforce. The use of temporary employees, casuals, contractors, and temporary help workers should be part of the planning.

Third, there are difficulties in the recourse system that need to be addressed. The statutory requirement for double notification of appointments has proven to be administratively burdensome for large processes. We've also made recommendations to address a gap in the system where deputy heads are directly involved in an internal appointment process. Under the Public Service Employment Act, PSEA, the commission currently cannot investigate these processes.

Fourth, continued effort is required to improve data analysis and measurement.

I would like to turn now to the issue of non-partisanship of the federal public service. The PSC's mandate to independently safeguard this core value is clearly laid out in the preamble of the PSEA and part 7 of the act, which sets out specific obligations regarding political activities by public servants. There are always tensions between the non-partisanship of a public service and the need for a public service to respond effectively and loyally to the direction of elected officials. Scholars have pointed to the pressures to politicize bureaucracies. While these pressures are not as prevalent in Canada, there are ongoing questions. We have identified gaps that need to be addressed with respect to processes involving Governor in Council appointments, political activities of public servants, and relations between the public service and the political sphere. I'd like to briefly elaborate.

In our professional, non-partisan public service, it is established that appointments must be independent of ministers, merit-based, non-partisan, and independently overseen. The Privy Council Office has processes in place with respect to Governor in Council appointments; however, there is no independent assurance that the appointments to positions of leadership are merit-based and not politically influenced. We recommend that further steps be taken to ensure that external appointments—that is, those from outside the public service—of deputy heads, associate deputy heads, and members of separate agencies and boards to the core public service are merit-based, non-partisan, and subject to independent oversight. This could be done by an organization such as the public appointments commission, which was provided for in the 2006 Federal Accountability Act. Alternatively, it could be added to the responsibilities of the Public Service Commission of Canada.

We identified a need for increased awareness by organizations and individuals about non-partisanship as set out in the preamble and part 7 of the PSEA. Work needs to continue on providing greater clarity to public servants through policy or regulation. We also recommend a statutory change that would allow the PSC to investigate any complaint of improper political activity on the part of a deputy head.

This brings me to the relationship between the public service and the political sphere, particularly ministerial staff. There is a need for improved guidance to political staffers on their relationships with the public service. Accordingly, we are recommending that a code of conduct for ministerial staff be put in place to provide clear guidance on the relationship between ministerial staff and public servants.

Progress has been made in managing the movement of former ministerial staff into the public service following the December 2006 amendments to the PSEA.

I would like to turn now to the issue of strengthening the governance and operation of the Public Service Commission of Canada. Over the past five years, the commission has successfully reoriented itself to play a leadership role in the implementation of the PSEA. We have made changes in how the PSC operates within the statutory framework, and we have recommended additional measures to improve the capacity of the PSC to fulfill its mandate.

The commission itself has gone from full-time commissioners to part-time members. The statute did not go far enough in modernizing the governance and operation of the commission. We recommend that the PSEA confirm the current operation and division of duties between the president and part-time commissioners.

We further recommend a series of legislative amendments to increase the capacity of the commission. They include providing commissioners in office with a role in the appointment of other commissioners, using a fixed rate of pay for setting the president's salary, and allowing the PSC to table its reports directly to Parliament.

● (1110)

Our legislative proposals to remove barriers to our operations include providing authority to contract for goods and services, allowing some of our services to be provided to other jurisdictions—for instance, language testing to provinces—and providing protec-

tion to our auditors and investigators as well as our audit reports and documents.

[*Translation*]

Mr. Chair, for more than a hundred years, the PSC has protected merit and non-partisanship in the public service. We can be proud of the public service we have today. Our observations and recommendations are intended to help ensure the act's sustainability, so that Canadians will continue to have the professional, merit-based, non-partisan public service they need and deserve.

[*English*]

In closing, we would like to extend our gratitude to parliamentarians, and in particular to members of this committee, for your ongoing interest in the issues we have raised. We would like to thank deputy heads for their engagement and advice, and most of all, I would like to thank the staff of the Public Service Commission of Canada for their dedication and support in doing the important work of the commission.

Thank you. I'm pleased to answer any questions you may have.

The Vice-Chair (Mr. Chris Warkentin): Thank you, Madam President.

Ms. Coady, you will take the first round for eight minutes.

Ms. Siobhan Coady (St. John's South—Mount Pearl, Lib.): Thank you very much. I certainly appreciate being here today and all the good work that you've done over the years. I appreciate your taking the time to come to see us today.

I noted that you requested to appear before committee as you tabled your report. I just want to read the title of the report: "Merit and non-partisanship under the Public Service Employment Act (2003)". This is a special report to Parliament.

Obviously you saw a few things that gave you pause for thought and gave you cause for concern, especially around non-partisanship, the political staff, and the public servants. We know, for example, that in one case last week we had the RCMP called in on an issue of interference under the Access to Information Act, and I'm going to get to that.

Have you seen, and can you give us examples of, how political staff might have interfered with public servants? Since you're looking at non-partisanship under the act and you're doing a special report, you were obviously concerned. Could you elaborate on why you were concerned and why this caused you to do this report?

Ms. Maria Barrados: Thank you for the question. We did the report because this commission is coming to the end of its seven-year mandate, and at the same time we have a statutory review of the Public Service Employment Act, so we thought it was important that this commission put forward its views on the totality of the act.

The act has two parts. It has a staffing part, but it also has the obligation to protect non-partisanship. A lot of our focus has been on the staffing and a lot of the conversations I've had with this committee have been about the staffing portions, but we felt it was important to raise the issues of non-partisanship.

The approach we have taken is an approach based on principle. We have looked at our experience, and I'll raise the specific instance that we looked at. We looked at the investigations we have, the complaints we get, the principles behind the act, and what we have developed over time.

The principles in the legislation are that appointments to the public service—and I'm talking about the core public service—should be merit-based, non-partisan, and independently overseen. The comments I'm making about senior appointments relate to the fact that these are the leaders of the public service. Our argument is that those same principles should apply to the leadership in the public service.

Your question was about specific examples in terms of interference by ministerial staff. We had a particular case that we discussed in one of our annual reports, and we've had a number of instances in which issues have been raised in relation to communications. The case was from the Department of Justice, where there had been an instruction to post something on the web; it was corrected in turn, because it was a fairly political statement that was on the Department of Justice website. When we did the investigation on that—and we follow a quasi-judicial process in doing these investigations—it was clear that the public servant didn't do anything that was partisan in the sense of a partisan activity, but it was also clear to us that there was a real lack of understanding of the two areas we're responsible for.

At what point is it appropriate for a political staffer to instruct a public servant, and at what point should the public servant say that this is not appropriate? Hence, we come to the conclusion that there should be a code of conduct, and that the code of conduct should articulate what those roles are. Everybody would have a better understanding.

• (1115)

Ms. Siobhan Coady: Thank you for that full discussion. I appreciate it.

I have two questions arising out of it. Yesterday there was a report by the Information Commissioner that touched on some of these key points. She mentioned the interference, in some ways, of some of the political staff with the public service staff. She wanted improved powers to go out there to do better investigations and bring charges, if need be. On a lot of what you're talking about, there is some cohesiveness between the two reports.

You talked about independent assurance that appointments to positions of leadership are merit-based and not politically influenced. We've been studying the integrity commissioner, and one of the

things that arose out of our discussions was the fact that the chair of the selection committee is the Treasury Board president, the Honourable Stockwell Day. I questioned whether that was the most appropriate position for someone of his stature to hold, and whether it could cause some conflict because of the role of the integrity commissioner.

Would you comment on that? What would be your guidance in this regard? The person who answered the question also pointed out that the Treasury Board president was also the chair of the selection committee for the Auditor General, for example. Do you have concerns about that at all?

Ms. Maria Barrados: Other countries—and I'm looking to Australia and the United Kingdom—have either a public appointments commission, a merit commission, or a public service commission. The U.K. has now put their public appointments commission into their civil service commission, making it a public service commission, but they all have members from those organizations chair the selection committees.

The principle has to be that members of Parliament are confident that it is a fair selection process, and the reason you go for some of these independent organizations, such as our commission or a public appointments commission, is to get that kind of assurance.

I don't really know how the full appointment processes work in these other areas. I think it will be up to the committees that will be hearing from those nominations and reviewing them to feel comfortable with how the selection committees are struck.

• (1120)

Ms. Siobhan Coady: Thank you.

I want to go on to the Governor in Council appointments. You raised concerns about them. As you know, this government did strike a commission that hasn't been quite active, although it's costing us \$1 million a year.

Have you witnessed any examples of non-merit-based appointments in this process, or are you asking for a revamp because there are concerns in this area?

Ms. Maria Barrados: My mandate applies to the assistant deputy minister level and below. The mandate of the Public Service Commission does not apply to those leadership positions.

I can't really give you an informed opinion on any particular appointment. I just know, when I read the in media and look at the committee discussions, that a lot of questions are posed. I think that an independent organization similar to the ones I have suggested would be in a position to provide that assurance to members of Parliament.

Ms. Siobhan Coady: You talk about a code of conduct. It has some merit, but do you think it goes far enough? Do we need to go beyond that and make it mandatory? How do you see a code of conduct being implemented, and what oversight needs to be given to that code of conduct?

Ms. Maria Barrados: I think we start with a code of conduct, and the code of conduct for ministerial staff has to be in the hands of the political side. I don't think public servants should be doing that.

There could be good discussion as to who would then be the surveyor of that code. You have an Ethics Commissioner in place, and it certainly is not something that the bureaucracy could do, the political staffers. That would be inappropriate. The bureaucracy has to worry about providing more information and support to public servants in terms of that relationship.

The Vice-Chair (Mr. Chris Warkentin): Thank you, Ms. Coady.

Madame Bourgeois, you have eight minutes.

[Translation]

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

Good morning. Mrs. Barrados, gentlemen, thank you for being here.

Mrs. Barrados, you may have to repeat yourself, but I want to make sure I fully understand what you said about appointments. On page 3 of your opening statement, you said and I quote:

We have identified gaps that need to be addressed with respect to processes involving Governor-in-Council appointments, political activities of public servants, and relations between the public service and the political sphere.

Further on, you said:

The Privy Council Office has processes in place with respect to GIC appointments [but you have no] assurance that the appointments [...] are merit-based [...].

Two things. You identified gaps, and, according to you, the Privy Council Office has a process in place.

Could you elaborate on the gaps you identified? Could you tell me what the process in place at the Privy Council Office is?

I would like to make another comment, and you can feel free to respond. It is no great secret that there are flaws in the appointment process at the Privy Council Office. There clearly seem to be some flaws. Why are you telling us about it today? Are you naive enough to think that the Privy Council Office's appointment process has no flaws?

Mrs. Maria Barrados: We took advantage of the opportunity to contribute to the committee's work and to assess the current act to discuss the two components of the act: staffing and non-partisanship.

We found that the Privy Council Office had appointment processes in place, but we did not assess them. What we can see is that—

• (1125)

Ms. Diane Bourgeois: Did you have access to those processes? Were you shown how those appointment processes worked?

Mrs. Maria Barrados: They were just as accessible to us as they are to everyone else. We did not do an audit. We did not do an in-depth analysis, because that is not really part of our mandate. I received information from the Privy Council Office on the advertisement process and the procedure they follow, but I did not receive any assurance. Nor do I have any more information on how exactly it works.

We feel that the same principles should apply not just to core members of the public service, but also to senior managers. In our view, all appointments should be merit-based and non-partisan. And assurance is needed to confirm that that is currently the case. So that

is why we recommended that an independent organization or commission be able to provide that assurance.

Ms. Diane Bourgeois: Who was that recommendation for? The minister? Who was it for?

Mrs. Maria Barrados: It is in our report to Parliament. The government is in the process of assessing the act, as required. The five-year statutory review will give Parliament an opportunity to discuss and debate the current act. We feel that input is a key part of the discussion.

Ms. Diane Bourgeois: You said you made the recommendation to Parliament. You are also making it to the committee, among others. That means that we, the committee members, should convey that recommendation. Did you put out any feelers to see if ministers or the Privy Council Office agreed with the recommendation?

Mrs. Maria Barrados: Yes. I have discussions with ministers for every report. I did speak with the Privy Council.

They do not fully agree with us, as far as this recommendation goes. I should make one thing very clear. The Governor-in-Council makes approximately 3,000 appointments. But this pertains to only 400 core public service positions.

Ms. Diane Bourgeois: So it does not affect the other 2,600.

The Privy Council Office is free to appoint individuals at its own discretion, without respecting any conditions, legislation or guidelines. That is what you are telling me. Approximately 2,600 people can be appointed without any oversight.

Mrs. Maria Barrados: That is an area the committee may wish to explore.

The PSC is required to examine the core public service. Our comments pertain to that group. Once we made that clear, our position was better received.

We can debate the appointments of deputy ministers and deputy heads, but I do not see any great risk if those people come from within the public service.

As it says in the report, this has more to do with those who come from outside the public service.

Ms. Diane Bourgeois: If memory serves, the last time you appeared before the committee, in October 2010, we discussed agencies that hired temporary staff to support public servants.

In the statement you made today, you said the House of Commons had an electronic recruitment system that apparently worked very well. You examined it yourself.

You said that if we used that electronic recruitment system, it would result in greater efficiencies, on one hand. On the other, you said we needed more proactive, integrated planning to reduce the need for temporary help agencies. You said so in your second point.

You give some suggestions. Could you give me a few examples?

• (1130)

[English]

The Vice-Chair (Mr. Chris Warkentin): Madame Bourgeois, you've run out of time, but I'd like to give some time for an answer.

[Translation]

Mrs. Maria Barrados: The report talks about how important it is for managers in the public service to plan effectively, not only in terms of the permanent workforce, but also in terms of contractors and temporary help agencies. Planners must have a good idea of the proportions and the budgetary allocations. The tendency is to plan solely for the permanent part of the workforce.

Furthermore, it is clear to me that we can make significant improvements and enhance efficiencies by using electronic systems. We are doing it now. We have made progress in this area. I have the support of deputy ministers. And the committee's support has also helped with that.

[English]

The Vice-Chair (Mr. Chris Warkentin): Thank you.

Mr. Holder, go ahead. You have eight minutes.

Mr. Ed Holder (London West, CPC): Thank you, Chair.

Madam President, I'd like to thank you and your colleagues for your service, as you indicated that the commission is coming to the end of its seven-year mandate. What's clear to me is that you provided very important information and constant feedback to Parliament. I want to acknowledge you and your colleagues, because that information is important to us. Thank you very sincerely for that.

I have a few observations and a couple of questions.

You noted that your special report to Parliament, "Merit and non-partisanship under the Public Service Employment Act (2003)", was tabled in Parliament earlier today. I look forward to reading that report, which will give me an opportunity to get some better insights. I'm going to reference in a question or two some of the report from 2009-2010, just so you know. I look forward to going through that in some detail.

What you indicated in terms of the mandate of the PSC is that it is the guardian of merit and non-partisanship in the federal public service. I could not agree more. I think it's absolutely essential to show respect for Parliament and the offices held by our civil service. You also noted in your 2009-2010 report to Parliament that the essential elements of the act are now in place, and I give you and your colleagues kudos for doing that.

You indicate that your report focuses on three issues that need some attention: to improve the effectiveness of the staffing system, to enhance the approach for safeguarding the non-partisanship of the public service, and to strengthen the governance of the operation of the commission. Again, in all those areas I agree.

My question comes from this. You confirmed the ongoing need for "...some centralized services to assist deputy heads and managers in assuming their roles...". You talked about some of the services, which include an electronic recruitment system and several national recruitment programs to foster greater efficiencies and improve-

ments, and you said that a "...delegated system needs to be balanced with centralized support functions."

You've identified that as a need. What progress has been made in that regard to ensure that this objective, which I think is very important in streamlining those efficiencies, comes into play?

Ms. Maria Barrados: The reason for the comment in the report was that when we started out in 2005, there was an expectation that everything would be completely delegated and that the central services that had been provided by the commission would actually just slowly fade away. That's turned out not to be the case.

What we've actually realized is that the decision-making and the hiring can be decentralized, but it is important that administratively we maintain some central supports. This is not unlike other results from things, such as the administrative services review that is being conducted by the government. There are efficiencies to be achieved in that back office area, so you centralize those. That's the background for the comment and observation.

Now, we were always responding to the needs in the department, so we never completely got rid of things. We realized that we needed to maintain those and do them well. We have gone through a process of reform. We have the electronic recruitment system working. We got initial Treasury Board money for that, and now it's being paid for by the departments. We have a committee of departmental people who guide the development of that system. We are making progress in that and we are continuing to make improvements in it. This means that when you apply to the Government of Canada website, that's electronic, and everything behind it is becoming electronic.

We've also made good progress in making changes to our big recruitment programs. We go out to universities and we have been working with the departments and improving how we do that. We are also doing things in that program to try to be much more up front with people in describing what is required and what we need; we actually are trying to get a smaller number of applicants so that we can come down to the number we recruit much more easily. That's good progress.

• (1135)

Mr. Ed Holder: Thank you for that.

One of the questions, Madam Barrados, is the calibre of the individual we're recruiting. You just mentioned in your last comment about going to the universities. Have you noticed a higher number of university graduates being brought into the public service since implementing the PSEA?

Ms. Maria Barrados: This is another area in which we've made some really good progress. I've always been worried about people coming indirectly into the public service, because there's a tendency then to hire people who are often local. It tends to advantage people in Ottawa. It tends to advantage people who have connections. It tends not to be to an advantage to people from Saskatchewan, for example, where I grew up.

Mr. Ed Holder: I love Saskatchewan.

Ms. Maria Barrados: It's a great place, but they don't have the same advantage, so we have been working with the Clerk of the Privy Council and their renewal objective to ensure that we had more direct hiring into the public service, and we've accomplished that. There has been a significant increase.

Being the optimist, but being cautious at the same time, I'm hoping that as we go into an environment where the hiring is going to be slower, we will continue on with those good practices that we have put in place.

Mr. Ed Holder: You're a cautious optimist; that almost sounds a bit like a Conservative. That's very interesting.

I have a question, if I can, please.

The Vice-Chair (Mr. Chris Warkentin): Non-partisan.

Mr. Ed Holder: Oh, I'm sorry.

Ms. Maria Barrados: Absolutely.

Voices: Oh, oh!

Mr. Ed Holder: She said "absolutely". That's very good.

You did make reference, Madam Barrados, in your testimony that the commission has gone from full-time commissioners to part-time members. It made me wonder, as I heard you say that, what the advantages and the rationale are for deciding to proceed in that manner.

Ms. Maria Barrados: Originally the commission had three full-time members. I think they were deputy level, so they were three very senior people. You had to have the staff to support those three very senior people, and it was during the time that the commission was actually making all the executive appointments in the Government of Canada.

We have gone to a delegated model. We have delegated that appointment decision to deputy heads. I think that's the right model, so I'm very comfortable with that model. It means the work of the commission has changed to doing the oversight of the system, so you don't have to have these full-time people sitting there on these individual appointments. The commission that we've now evolved to is a commission of part-time members—David Zussman and Manon Vennat—who do the policy, the regulations, and any exclusions, and they approve the reports to Parliament. They have a different function. It's not necessary to have a full-time commission.

My observation about recommending change is that the act is still structured such that it could revert back to full-time participation of the members of the commission. I think that would not be helpful, because it would then be interfering with those activities that are now fully delegated, and I don't think we should turn the clock back.

The Vice-Chair (Mr. Chris Warkentin): Mr. Holder, you've run out of time at a perfect opportunity for me to jump in.

Mr. Ed Holder: Thank you.

The Vice-Chair (Mr. Chris Warkentin): I'm going to turn it over to Mr. Regan for five minutes.

Hon. Geoff Regan (Halifax West, Lib.): Thank you very much, Mr. Chairman.

Ms. Barrados and gentlemen, thank you for coming today and joining us.

First of all, I don't know if you've been working over the past few months on more audits. Last year you did a number of audits of various departments, boards, and agencies, and in October of last year you mentioned recurring themes that "appear consistently across the organizations audited".

First you mention that "A number of reports recommended that organizations need to improve their quality control practices; these practices should be designed to monitor appointments to ensure they are complete and compliant with the PSEA and allow for corrective actions as required".

I should slow down for the interpreters. I'm sorry about that.

The second point was that "Appointment processes should be completely, accurately and reliably documented to demonstrate that they are based on merit", and the report then goes on about merit criteria and so forth.

Then you say that "Several audit reports found poor rationales used for selecting non-advertised processes that did not link to the values of the PSEA...", etc.

Have you done further audits since then, and are you still finding the same thing?

• (1140)

Ms. Maria Barrados: We are continuing to do audits. I think it's an important part of the delegation system and the manner that we're overseeing that delegation system. We will have another set of audits ready for October.

This is a slow process in terms of getting departments and agencies to change the practices. We, on our side, have provided more guidance, and we're in the process of being very clear on what we expect in those non-advertised processes. We worry a lot about those non-advertised processes. We are doing things like giving departments checklists and saying, "Look, this is the kind of stuff we want to see in your documents". We are going to be pushing harder on asking whether this was a matter of documentation or whether this was really a poor process and this appointment should not have been made. When we say there's poor documentation, you're not really sure whether it's just administrative sloppiness or whether it should not have been made, and we're going to be pushing harder on that.

Hon. Geoff Regan: By the way, I should mention that my mother was born in Glenbush, Saskatchewan, which may no longer be on the map, but it was once a thriving metropolis.

In your report, you talk about the politicization of public services, which is something that's happening in various countries. Can you give the committee some concrete examples of this phenomenon in the Canadian context?

Ms. Maria Barrados: I'm reluctant to give concrete examples of things that I haven't examined in detail. When you look at things in more detail, you realize that it maybe isn't quite what it appears.

The comment is based on how the appointments are made in the senior positions. When you look at all the work that's been done on what is politicization of a public service and the bureaucracy, politicization means that there is a control over the appointment processes, meaning that there are politically oriented appointments.

In Canada, we have managed to maintain a strong public service commission that has guarded the core public service. I am saying that there are some questions about the senior leadership of the public service. That's why I'm making the comments about senior appointments.

I don't have anything more to add about specific senior appointments and the questions that are asked in the House and that you see in the papers. I just know that you have no way of getting assurance that these appointments are looked at systematically on a regular basis and made in a way that you're comfortable with.

The other comment and debate has to do with the tension that public servants experience in having to respond to elected officials. That's their role, so the public servants have to respond whoever is the government of the day, but are they too responsive?

Some of the questions that we have looked at are examples such as the big cheques. Were public servants involved with the big cheques? We did an investigation, and they were not. We found that they were not, but those are the kinds of questions that are asked when scholars are asking questions about politicization.

I think there's always a tension. You always have to have the discussion, and I think there always has to be a champion for the public service. I'm not sure how many strong voices there are for the public service. That's why this commission thought it was important to make these comments and observations.

• (1145)

The Vice-Chair (Mr. Chris Warkentin): Thank you, Mr. Regan.

Go ahead, Mr. Vincent.

[Translation]

Mr. Robert Vincent (Shefford, BQ): Thank you, Mr. Chair.

On page 17 of your report to the House, it says and I quote:

4.46 Overall, the approach in the current Act seeks to address the concerns raised in Osborne by creating a "fine balance" between the individual rights of employees and the public interest in imposing reasonable limitations on those rights in the name of a non-partisan public service.

It goes on to say:

4.47 Operationalizing that balance and the broader vision of a non-partisan public service reflected in the Preamble and Part 7 of the PSEA has been a priority for the PSC.

A bit further on, the report states:

4.51 There is always a tension between the non-partisanship of a professional public service and the need for a public service to respond effectively and loyally to the direction of elected officials. In the Westminster tradition, we expect a clear demarcation between the political and public service spheres. However, politicization of the public service has become a growing phenomenon in many countries in recent years.

Could you give the committee some concrete examples of that phenomenon within the federal public service?

Mrs. Maria Barrados: As I already mentioned, we do not have many concrete examples, except for the investigations we conducted, and those appear in our annual reports. They were investigations we initiated further to complaints. We received complaints calling into question certain activities.

However, the commission does not have the authority to audit senior appointments, for example. We do get questions about that, but we do not have a mechanism authorizing us to check whether the rules were followed. We have specific examples of issues involving ministerial staff. What public servants could and could not do had not been made clear and was not well understood.

Mr. Robert Vincent: I would say we have seen numerous examples in the past year of people receiving patronage appointments after working for the government party. These people ended up in key positions. Is there anything to suggest that the political sphere is beginning to penetrate the public service, despite the fact that you have no authority to investigate whether the appointment was truly in the interest of the public service or merely to reward a political supporter. Should you have more power to criticize that state of affairs?

Mrs. Maria Barrados: I do not want more power to denounce any practices. In my view, it is more important to establish a system that gives parliamentarians and Canadians assurance that all appointments are based solely on merit, not partisanship. That is key.

Mr. Robert Vincent: What would you recommend to ensure that these appointments are based solely on merit and not partisan politics?

Mrs. Maria Barrados: England's and Australia's public service commissions are responsible not just for public servants, but also for the senior officials to whom those public servants report. I am not saying that is necessarily the solution. We could set up a commission dedicated to public appointments, as set out in the 2006 act. We have options, but I think the organization responsible for this has to enjoy more independence.

• (1150)

[English]

The Vice-Chair (Mr. Chris Warkentin): Thank you, Mr. Vincent.

We're going to move over to Mr. Holder for five minutes.

Mr. Ed Holder: Thank you, Chair.

May I be allowed to carry on with some of my questions to the president and her colleagues? Earlier a question was asked by a member opposite about merit-based, non-partisan appointments and whether you had noticed any non-merit-based appointments.

I would not put words in your mouth, Ms. Barrados, but I think you were thoughtfully political in your response when you indicated there was a perception about the question about whether appointments were merit-based or not. I thought I heard you say you reference sources such as what we all hear through the House of Commons and what we hear from the media. Those are two of my most credible sources, I must admit, when I look for truth. It's like truth in advertising, sometimes. That might not surprise you.

I'd like to carry on with some of the.... Ms. Barrados, will this be your final report to this committee, or will you be back? I just want to clarify.

Ms. Maria Barrados: That's a difficult question, because if this committee continues to sit, you could invite me back and I could be back. If you're taking a break, I may not be back. I could not come back.

Mr. Ed Holder: I appreciate the point. We could make it unanimous among all members of the House that there be no break over the next several weeks and we would certainly be delighted to have you and your colleagues back. Could I get unanimous consent on that?

An hon. member: You could defer to Mr. Martin.

Mr. Ed Holder: *Impossible.*

Ms. Maria Barrados: This commission has me and two part-time members. Our terms are ending May 19. An appointment process is to be in place, but progress has not been as rapid as I would like.

One of my recommendations in the report is that the commission have more of a responsibility in making recommendations on new members of the commission, because we are in the unfortunate situation of having the whole commission ending on May 17. We really should have done more in terms of renewal and getting new people on the commission. They're seven-year terms; they're quite long enough.

Mr. Ed Holder: Thank you for that.

You indicated in your 2009-10 report that there's an increase in the use of short-term hires. You referenced that as an area of progress. I was intrigued by that comment. Could you expand on that for my understanding, please?

Ms. Maria Barrados: There's nothing wrong with short-term hires, as long as they're used for short-term purposes. It's the same with temporary help or with contractors, if they're truly used for those purposes. My concern has always been that this is a way to enter into the permanent public service. If you enter into the permanent public service that way, you may not really be getting the best candidates or the candidates who have the representivity that you would like to see.

The progress that has been made—and this is good progress—is that the number of people who have come directly into the public service without going the route of term employment or casual employment has gone up significantly. I'm very pleased about that.

Mr. Ed Holder: You indicate in your report that the percentage of permanent hires with no prior experience had gone up from, I think, 15.9% to more than 37%. I believe you viewed that as a very positive thing. Why would you say that, if they have no prior

background in public service? You see that as a positive. Why is that?

Ms. Maria Barrados: Yes, I do see that as a positive, because public service jobs are very attractive. In a few disciplines we have problems getting large numbers, but by and large many Canadians want to come and work in the public service. It's an interesting job, it's a very varied job, and you have lots of opportunities, so we have a lot of young people in particular who want to come into the public service.

I feel that if you have so many people who want to come into the public service, we really do have to be very vigilant that we are fair and provide equal access to all those young people. Anyone who wants to come into the public service should have a fair chance, regardless of where they live in the country and regardless of whom they know.

• (1155)

Mr. Ed Holder: What about the process of ensuring a balanced public service with an appropriate proportion of visible minorities? What are your thoughts on that?

Ms. Maria Barrados: This is another area where we've done very well. When I started at the Public Service Commission, we were not doing that well in terms of the number of visible minorities we were hiring at the public service. We've never gone for quotas in Canada. We've always said that we want to target and we want to improve the representivity.

We had gone from something like 8% or 9% as the percentage of visible minorities coming into the public service to the point that 21% of the advertised jobs are now taken by visible minorities. I think it's great progress.

Mr. Ed Holder: Thanks very much.

The Vice-Chair (Mr. Chris Warkentin): Thank you.

Madam Ratansi is next.

Ms. Yasmin Ratansi (Deputy Opposition Whip, Lib.): Thank you very much, and thank you for being here.

I'm going through your report and I have a few clarification questions. The Public Service Commission is mostly concerned with public service appointments at the the deputy minister and downward levels, right?

Ms. Maria Barrados: It's assistant deputy minister and down.

Ms. Yasmin Ratansi: It's not deputy ministers?

Ms. Maria Barrados: It's not deputy ministers.

Ms. Yasmin Ratansi: Okay, fine.

Questions have been going around asking about the clearer demarcation between the political aspect and the independent aspect, and we have prided ourselves, I believe, over a number of years for having this clear demarcation so that the public service is not politicized but is loyal to the master, whichever government it is. Then you responded that we have done pretty well.

However, in 4.19 and 4.20 you were talking about areas in which this can be circumvented because people can come in through the temporary assignment workforce. I would like clarification as to how you can have a guarantee that we are doing better when there are other ways that you don't have control of through which you can hire consultants and contingency workers. Am I correct?

Ms. Maria Barrados: That's right.

Ms. Yasmin Ratansi: Could you help me out there? Then I have three quick questions.

Ms. Maria Barrados: In regard to the consultants and contingency workers, I don't want to leave the impression that it is wrong to have contingency workers or consultants. I think every large organization needs some consultants and some contingency workers. The issue has always been that this should not be the way to enter into the permanent public service. We want to make sure that the permanent public service doesn't give unfair advantage to anybody. If you have been working in an organization for a long period of time, you tend to know the people and you tend to know the work, so you have an advantage over somebody who has not had that opportunity. That is our issue.

Ms. Yasmin Ratansi: It could be politically driven and politically influenced as well.

You're talking about a public service that goes through a different process and then consultants and temporary staff who come through a different process. It's quite possible that this could be politicized, correct?

Ms. Maria Barrados: The consulting is through contracting. I think this committee has also had a preoccupation with contracts and the monitoring of contracts, which is not my area of responsibility.

Ms. Yasmin Ratansi: Fair enough.

I have a few very brief questions.

In paragraph 4.58, with regard to non-partisan staffing, there are political-exempt staff. Over the past two years, which of the political-exempt staff from ministerial offices have taken advantage of coming into the public service? Do you have any idea?

Ms. Maria Barrados: I do.

We have seen a significant reduction in that. With the Federal Accountability Act, the priority right that political-exempt staff had was removed, and now the political staffers have to compete for the jobs as do any other public servants. They have the advantage of being in internal processes. We used to have on average about 50, and we're now down to about 17 who've come into the public service, so this has been an improvement.

• (1200)

Ms. Yasmin Ratansi: Perfect. That's good.

I found paragraph 4.36 a little disconcerting. It talks about employees who may be guilty of committing fraud and who have the ability to move to different departments. How widespread is that abuse?

Ms. Maria Barrados: It's not that widespread, but it has occurred, and it's been really annoying.

Ms. Yasmin Ratansi: What are you doing about it?

Ms. Maria Barrados: I'm tied by the statute, and I'm asking for a statutory change so that if somebody is being investigated for fraud, they can't move.

Ms. Yasmin Ratansi: How much time do I have?

The Vice-Chair (Mr. Chris Warkentin): You have about half a minute.

Ms. Yasmin Ratansi: Can you ask the half-minute question?

A voice: I'll wait until the next round. It's too long.

Mr. Chris Warkentin: Thank you, Madam Ratansi.

I'm going to turn it over to Mr. Cannan now for five minutes.

Mr. Ron Cannan (Kelowna—Lake Country, CPC): Thank you, Mr. Chair.

Thank you, Madam Barrados, and to your lean, efficient team—made up of you and two part-timers, I think you said. That's very efficient. We thank you for your special report and for being here today.

As one of the members who is new to the committee, I've found it interesting to learn more about your role over the last seven years. In the last few years, one of the things for all of us has been the advent of social networking, specifically Facebook, and how that has really played a role in all our lives. I have three daughters, and they enjoy using the Internet for communication, as so many of us who have children know.

Could you elaborate, from a non-political perspective, on how that's changed during your seven years as commissioner?

Ms. Maria Barrados: It has had quite an impact. We've made some observations that during the period of time that we've had this commission in place, there have been some significant changes.

We now have a public service that has been basically renewing itself. You have over 50% of the public service that has had less than 10 years of experience in the public service. You have a lot of new public servants, and many of them use these new social media. It's become a concern for us in terms of how we maintain that non-partisan public service and maintain that distinction between the public and the private.

In another case that we investigated, a young individual who was working in the Privy Council Office—this is the bureaucratic office supporting the Prime Minister—had started work by saying he was politically active, and nobody took him aside and said, “You're now a public servant working in the Privy Council Office. Be very careful. You have private political rights, but be careful of how you exercise them publicly”.

He put a picture on his Facebook of a particular political leader that he was very fond of, who wasn't in the government in power. The Facebook got sent to friends, and then it got sent to friends, and all of a sudden something that was private—he was quite free to have those private views—became quite public. Of course, there was a great deal of embarrassment.

He was actually then called to task for this. He immediately took the Facebook page down. We investigated it. Obviously it was wrong for him to have made public something that was acceptable in private, but many of our young people are so comfortable with the social networking that they don't realize and aren't really sensitive to how something that is okay in private is not okay in public. It worries me—the commission—in terms of how we maintain that very non-partisan public service. What I tell all the people in the public service is that they have to always maintain a public position such that any government in power will feel comfortable with for their advice and support.

Mr. Ron Cannan: That's very interesting, and those are wise words of counsel. I wasn't aware of that, so I appreciate your enlightening the committee on it.

I'll move to one other area. The university and college in my riding is always trying to find good practical work experience. One of my daughters is looking at going to Australia for a year, a co-op exchange, and they say it's more about the experience than the education. I think sometimes that's probably the truth, but the experience is very important.

The federal government has a student work experience program in co-op education. Maybe you could elaborate on how that program has been very successful over the last few years.

• (1205)

Ms. Maria Barrados: Yes, we do. In fact, the government has put some additional money into that for the last couple of years as part of the economic action plan.

We have, on average, about 10,000 young people who come and get mostly summer employment. We also have about 3,000 co-op students who come into the public service. The federal student work experience program is one of those central programs that the Public Service Commission has run and continues to run, so students have fair access through that. We get a lot of applications—over 70,000—for about 9,000 positions.

The real advantage for young people on this one is that if they come into that program and they finish their studies, they can actually be bridged into the public service, which means they can get a job in the public service through a process that assures that they are qualified for their job because they've come in through a competitive process.

Mr. Ron Cannan: Thank you very much. I appreciate that information.

The Vice-Chair (Mr. Chris Warkentin): Go ahead, Madame Bourgeois, for five minutes.

[*Translation*]

Ms. Diane Bourgeois: Mr. Chair, if I may, I will share my time with my colleague.

Mrs. Barrados, I find point 2 on page 33 of your report highly interesting. In my opinion, you deserve some praise for that, since you did not shy away from taking a stand. Under the heading "Appointment by Governor in Council", you said that the current regime allows the Governor in Council to appoint deputy heads and special advisers to ministers.

You recommend eliminating the Governor in Council's ability to appoint a special adviser to a minister. According to your rationale, the clause in the current regime does not limit the number of people that could be appointed. Furthermore, ministers already have the ability to appoint their own staff members, including their executive assistant.

That brings me back to my earlier question, to which you responded that out of approximately 3,000 appointments, you had the authority to investigate about 400, if I understood correctly. Roughly 2,600 appointments were not subject to the act. Could those fall under this category of appointments by the Governor in Council?

Mrs. Maria Barrados: I did not make myself clear.

Ms. Diane Bourgeois: Please, try again, then, so it is very clear for everyone.

Mrs. Maria Barrados: Those 400 positions are senior appointments in the public service. The PSC is not responsible for those 400 appointments.

I think we need another mechanism to oversee those 400 appointments. I did not make any observations or comments in relation to the 2,600 appointments, because that is not part of the Public Service Commission's mandate. Our focus, however, is the operation of the public service.

Ms. Diane Bourgeois: You would admit, Mrs. Barrados, this is nevertheless problematic. As I understand it, approximately 2,600 appointments are not subject to any oversight.

Mrs. Maria Barrados: Yes. The commission proposed that it should be responsible for all those public appointments.

I would ask Mr. Arseneault to explain the rationale behind that recommendation.

Ms. Diane Bourgeois: Surely, Mr. Arseneault, you must have examples to show why the recommendation was made in the first place?

Mr. Gaston Arseneault (Senior General Counsel and Vice-President, Legal Affairs Branch, Public Service Commission of Canada): Some of those 400 positions are associate deputy minister positions. And the act provides for the appointment of associate deputy ministers. But because a department has grown over the years or because there is no provision in the act, there is a need for something like this.

Traditionally, associate deputy ministers, which are very high-level positions, are appointed by the Governor in Council. The practice was to ask the Public Service Commission for a general exclusion from its authority in order to be able to appoint an associate deputy minister, because there was a need to do so.

With the passage of the Federal Accountability Act, the commission would occasionally receive such requests for the purpose of special appointments. It would happen very late, on a Thursday, for example, so it could be done as soon as possible. And the commission was not very comfortable with those requests. So there was a desire to give the Governor in Council the ability to appoint these individuals in special circumstances and when it was reasonable to do so. That is what the Federal Accountability Act did. For instance, that was the case for an advisor to a deputy minister or equivalent position where that practice was traditionally used.

In the case of a special advisor to a minister, we established the clause to address a situation that arises from time to time where a minister needs a special advisor. However, the wording of the provision could be very open to interpretation. What is a special advisor exactly?

• (1210)

Ms. Diane Bourgeois: It could be someone like the fellow we read about in the papers last week. His girlfriend was able to take advantage of government contracts.

I am a visual person. I need concrete examples.

If I understand correctly, your powers are limited in this area.

I am going to give my last 30 seconds to my colleague.

[English]

The Vice-Chair (Mr. Chris Warkentin): Your time is finished, so we can go to Mr. Gourde for five minutes.

[Translation]

Mr. Jacques Gourde (Lotbinière—Chutes-de-la-Chaudière, CPC): Thank you very much, Mr. Chair.

And thank you to the witnesses for being here today, especially Maria Barrados. We have had the opportunity to hear from you on a number of occasions now.

There is something that still concerns me, and that is where do young people, those who are new to the public service, fit in? We are all very familiar with the challenge of renewing the public service in the years ahead.

Earlier, you mentioned the possibility of a competition to bring university students into the public service. Do you partner with universities to help students learn the skills they need to join the public service immediately, based on the skills required for public service positions? Surely, every department must have a need for specific skill sets in a variety of positions where existing public servants will eventually have to be replaced.

Mrs. Maria Barrados: Not exactly. We do have a lot of discussions with universities. We talk to them about the skills we are looking for, especially in the field of public administration, but we also have some discussions on the use of our language tests.

One of our recommendations is intended to give the Public Service Commission more authority so that we can offer our services for a fee to other institutions such as universities and provinces.

I always give the example of our language tests. I have received numerous requests where people want to use our language tests because it gives students a chance to reach the level of bilingualism required to become a member of the public service. As it stands now, we do not have the flexibility to offer that service.

Mr. Jacques Gourde: Is the percentage of bilingual positions being filled by new public servants going up? As we know, in some regions, all the positions are bilingual. In other regions, unilingual positions are tolerated. Has the overall percentage been going up over the years?

Mrs. Maria Barrados: I will direct that question to my official languages champion. I have the sense it has not changed all that much.

Mr. Donald Lemaire (Senior Vice-President, Policy Branch, Public Service Commission of Canada): No. The proportions are more or less the same. I believe 67% or 70% of them are unilingual English positions. The rest are bilingual, primarily in the national capital region.

Mr. Jacques Gourde: Most public service positions are located in the national capital region. What percentage of positions are located in the national capital region as compared with the rest of the country?

• (1215)

Mr. Donald Lemaire: I don't know those figures off the top of my head, but it is much higher in the national capital region.

But everyone in a management position has to be bilingual. And that is why it is so crucial for universities to let students know that if they aspire to be managers in the public service, they must endeavour to become bilingual as soon as possible so they can be eligible for those positions.

Mr. Jacques Gourde: Internally, departments also offer training courses to those wanting to become bilingual.

Mr. Donald Lemaire: Yes.

Mrs. Maria Barrados: Especially in the case of a non-imperative position. If an individual wins a competition for a non-imperative position, that person is required to become bilingual, and the employer is required to provide the necessary training.

Mr. Jacques Gourde: It says in your report that the percentage of new recruits with no prior experience has gone from 15% to 37%.

Is that due to the fact they are leaving university more prepared, or is it the result of a combination of circumstances where sheer volume is forcing people to hire whoever is available?

Mrs. Maria Barrados: I would say the increase has more to do with the deputy minister's decision to take a more direct approach and to staff positions through the post-secondary recruitment program. It allows federal organizations to hire university graduates directly, without having to go through temporary, short-term or other types of employment.

Mr. Jacques Gourde: Are there still positions requiring college level? Not all positions require a university degree. If you need administrative assistants, surely there are college-level programs that prepare students for that kind of work.

Mrs. Maria Barrados: Exactly, absolutely.

Mr. Jacques Gourde: Thank you very much.

[English]

The Vice-Chair (Mr. Chris Warkentin): Thank you, Mr. Gourde.

We're going to turn to Ms. Coady for five minutes.

Ms. Siobhan Coady: Thank you very much.

I want to go back to this politicization of the public service. I note in your report that you talk about it being a growing phenomenon, not just in Canada but around the world.

I know that there have been concerns expressed, for example, about some of the appointments made in ACOA in the Atlantic region. A number of people have been hired who have strong political ties to the Conservative Party, for example. In the Enterprise Cape Breton Corporation there are several defeated Conservative candidates. There have been a number of political organizers who have been hired in these positions. For some of these positions, it's been said that they have been advertised, and some of them don't fit the criteria for them.

In that whole realm of concern about the politicization of the public service, how do you overcome this? How do you address, in some of these agencies, some of those concerns that have arisen around politicization?

Ms. Maria Barrados: There are two parts to your question.

In the case of ACOA, we have received specific complaints from a member of Parliament. When I receive specific complaints, what I do is send them to my investigative unit. This is a unit that does investigations, using a quasi-judicial type of process, mostly by lawyers who are legally trained. I send it to them, and they examine the complaint and look to see whether there is enough there for them to launch a full investigation. In the case of the complaints I got on ACOA, they have, in fact, launched a full investigation.

That is one of the things we do. If we get a specific complaint, we do that, and we do that inquiry under the act.

In the case of the Enterprise Cape Breton Corporation, however, that is not at all within the jurisdiction of the Public Service Commission. That is a crown corporation, and there is no way I can do anything about that complaint. That's one I don't have the mandate to do anything about.

Ms. Siobhan Coady: By way of clarification, if you have a separate crown corporation, you have no way of reaching in to make sure that there is no politicization.

Ms. Maria Barrados: No.

Ms. Siobhan Coady: Should that change?

Ms. Maria Barrados: Well, that's an interesting question. We've always made a distinction between the hiring regimes of the core public service and the crown corporations. I think there would have to be some careful thought about what we really want to do with the crown corporations.

•(1220)

Ms. Siobhan Coady: Maybe we could have guidelines or something of that nature that would cross-reference and adhere to what I'm going to call the code of conduct, if I could, of the public service.

Ms. Maria Barrados: I think we should take a careful look at the experience with the integrity commissioner and that whole whistle-blowing legislation. There was an effort to spread it out to the crown corporations. I started my career in a crown corporation, and it was not an organization that was particularly bent on doing things wrong. They're trying to do things properly as well. Traditionally you don't have an organization like the public service take over that responsibility.

Going back to your question, if I may, we do the individual investigations, but these are—

Ms. Siobhan Coady: What happens then?

Ms. Maria Barrados:—public servants. We can order corrective measures that go up to taking the person out of the public service, so we have a lot of power. I don't have any power, though, to do anything in terms of that Governor in Council level. I think that one is more open to me in terms of—

Ms. Siobhan Coady: You believe that there should be powers.

Ms. Maria Barrados: There should be powers either with the commission or with another appointment agency. There should be broader powers.

Ms. Siobhan Coady: I tend to agree with you.

Ms. Maria Barrados: There are a number of things the Ethics Commissioner can handle, too.

Ms. Siobhan Coady: I have one final question, and then I'm out of time.

I note that you asked for a statutory change that would allow the PSC to investigate any complaint of improper political activity on the part of a deputy head. I also noted earlier the report yesterday from the Information Commissioner asking again, from her perspective, for additional changes to allow her greater investigative powers.

Is this something new? Is there a growing need for this kind of authority?

Ms. Maria Barrados: Times and circumstances change, and you have to react to the times and circumstances and make sure that your legislation is up to date. On the specific clause you're referring to, we have the powers to investigate improper political activity of a deputy minister if the complaint is laid by a candidate in an election. I think that's too restrictive. I think we should have the power to investigate any complaint. It shouldn't be restricted to somebody who is running for office.

Ms. Siobhan Coady: Thank you.

The Vice-Chair (Mr. Chris Warkentin): I believe Madam Ratansi had a short question. I'll give you just a minute to do that.

Ms. Yasmin Ratansi: In your article 4.89 you made a recommendation in the last bullet point on page 26. You were talking about changes to the act to protect investigators and auditors. They do not have protection currently, either for themselves personally or for the information they obtain. What has been your experience? What happens to them when they investigate? Have they been threatened? Have they been physically harmed? What is the issue here?

Ms. Maria Barrados: Well, we do actually have cases of that. My investigators and auditors have been threatened, and that we have to manage, but this particular clause is for protections in front of the courts.

Maybe I can ask Mr. Arseneault to explain it technically. It's just so they are protected. If they are doing their job legally and correctly, they can't be compelled to be witnesses as individuals.

Can I just ask you to...?

Mr. Gaston Arseneault: It is fairly common for administrative tribunals to have this type of protection for members, in fact. If they make a decision of some kind that someone's not happy with, that someone shouldn't have access to suing them because the decision was wrong. It's that kind of thing. There's a process of review that has to be followed. As well, they shouldn't be compellable as a witness in a case that they have on other subject matter. It's really about protecting people who have to be in a decision-making capacity. It's the type of clause that exists in other legislation related to people who have decision-making power.

The Vice-Chair (Mr. Chris Warkentin): Thank you.

Our rounds of questioning have been completed, but I believe Mr. Vincent has a short question of clarification.

[*Translation*]

Mr. Robert Vincent: I see that, among your requests or recommendations, you want to amend the legislation so that paid commissioners can also have other jobs. Does this talk of two jobs mean that commissioners are not paid very much and they have to find other work in order to make ends meet?

We are giving commissioners the opportunity to work for the commission and to work elsewhere at the same time. It seems to me that something is not quite right.

• (1225)

Mrs. Maria Barrados: No, that is not the intent, as Mr. Arseneault told you. The way in which that section is presently written is too restrictive. For example, if we want to ask the president of the Public Service Commission to work as a member of the public appointments committee, it is not possible for us to do so.

Mr. Robert Vincent: How much does a commissioner make?

Mrs. Maria Barrados: It depends. Commissioners are paid by the day, for the time they work. My salary is the same as a judge's. Perhaps I should explain the section better. There is just some overlap in the legislation.

Mr. Gaston Arseneault: This section in the Public Service Employment Act has been in existence for a long time. But during that time, the Conflict of Interest Act has been passed, and it contains provisions for people who hold public office. For them, the provisions of the Public Service Employment Act and the provisions of the Conflict of Interest Act conflict a little.

So our proposal is to eliminate some provisions in the Public Service Employment Act because they are subject to those in the Conflict of Interest Act anyway. For part-time commissioners specifically, we certainly have to expect them to be earning their living elsewhere because they only come in one or two days per

month. We cannot put too many restrictions in their way because we often want them to have the experience that will allow them to make a significant contribution. It is that kind of thing. We find that the Conflict of Interest Act is sufficient because it applies to all holders of public office.

Mr. Robert Vincent: Do any retired people work as commissioners? If they work one day per month, they have to have income that comes from somewhere else. If the act currently prevents them from seeking income elsewhere, does it mean they are retired?

Mrs. Maria Barrados: One of the commissioners is retired. The other has a position at a university.

[*English*]

The Vice-Chair (Mr. Chris Warkentin): Thank you very much, colleagues. We have completed the rounds of questioning a little bit early.

It gives me an opportunity, Madam Barrados, to thank you for your work. On behalf of our committee, we appreciate your diligence in making us informed and your partnership over the last number of years. I've had the privilege of serving five years on this committee, and you've been before us several times. You were here even before I was, and I have appreciated your insight over the years and the friendships that have developed, I believe, among colleagues around this table and you and your office.

We don't know who your successor is and we don't know when that appointment will come, so you may be before our committee again, but I felt it would be remiss if I didn't thank you for your service and wish you well in the event that we don't see you before this committee again. I know you have many plans to use your expertise and to go abroad to share the things that Canada is doing, to be a shining light in other places where they need your expertise and the expertise that you've developed through your office.

We appreciate your contribution here and we appreciate the fact that you will be continuing to make contributions around the world. Truly, you are a remarkable Canadian. We want to thank you and your commission for your work and we wish you well in the future.

Some hon. members: Hear, hear!

Ms. Maria Barrados: Thank you.

The Vice-Chair (Mr. Chris Warkentin): Thank you, and you are relieved.

We are going to move into in camera for a few moments, colleagues, so I'll suspend for a few minutes.

[*Proceedings continue in camera*]

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