

**Third Session - Fortieth Legislature**  
**of the**  
**Legislative Assembly of Manitoba**  
**Standing Committee**  
**on**  
**Public Accounts**

*Chairperson*  
*Mr. Reg Helwer*  
*Constituency of Brandon West*

**Vol. LXVI No. 8 - 2 p.m., Monday, September 8, 2014**

ISSN 0713-9462

**MANITOBA LEGISLATIVE ASSEMBLY**  
**Fortieth Legislature**

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
ALLAN, Nancy	St. Vital	NDP
ALLUM, James, Hon.	Fort Garry-Riverview	NDP
ALTEMEYER, Rob	Wolseley	NDP
ASHTON, Steve, Hon.	Thompson	NDP
BJORNSON, Peter, Hon.	Gimli	NDP
BLADY, Sharon, Hon.	Kirkfield Park	NDP
BRAUN, Erna, Hon.	Rossmere	NDP
BRIESE, Stuart	Agassiz	PC
CALDWELL, Drew	Brandon East	NDP
CHIEF, Kevin, Hon.	Point Douglas	NDP
CHOMIAK, Dave, Hon.	Kildonan	NDP
CROTHERS, Deanne	St. James	NDP
CULLEN, Cliff	Spruce Woods	PC
DEWAR, Gregory	Selkirk	NDP
DRIEDGER, Myrna	Charleswood	PC
EICHLER, Ralph	Lakeside	PC
EWASKO, Wayne	Lac du Bonnet	PC
FRIESEN, Cameron	Morden-Winkler	PC
GAUDREAU, Dave	St. Norbert	NDP
GERRARD, Jon, Hon.	River Heights	Liberal
GOERTZEN, Kelvin	Steinbach	PC
GRAYDON, Cliff	Emerson	PC
HELWER, Reg	Brandon West	PC
HOWARD, Jennifer, Hon.	Fort Rouge	NDP
IRVIN-ROSS, Kerri, Hon.	Fort Richmond	NDP
JHA, Bidhu	Radisson	NDP
KOSTYSHYN, Ron, Hon.	Swan River	NDP
LEMIEUX, Ron, Hon.	Dawson Trail	NDP
MACKINTOSH, Gord, Hon.	St. Johns	NDP
MALOWAY, Jim	Elmwood	NDP
MARCELINO, Flor, Hon.	Logan	NDP
MARCELINO, Ted	Tyndall Park	NDP
MARTIN, Shannon	Morris	PC
MELNICK, Christine	Riel	Ind.
MITCHELSON, Bonnie	River East	PC
NEVAKSHONOFF, Tom	Interlake	NDP
OSWALD, Theresa, Hon.	Seine River	NDP
PALLISTER, Brian	Fort Whyte	PC
PEDERSEN, Blaine	Midland	PC
PETTERSEN, Clarence	Flin Flon	NDP
PIWNIUK, Doyle	Arthur-Virden	PC
REID, Daryl, Hon.	Transcona	NDP
ROBINSON, Eric, Hon.	Kewatinook	NDP
RONDEAU, Jim	Assiniboia	NDP
ROWAT, Leanne	Riding Mountain	PC
SARAN, Mohinder	The Maples	NDP
SCHULER, Ron	St. Paul	PC
SELBY, Erin, Hon.	Southdale	NDP
SELINGER, Greg, Hon.	St. Boniface	NDP
SMOOK, Dennis	La Verendrye	PC
STEFANSON, Heather	Tuxedo	PC
STRUTHERS, Stan, Hon.	Dauphin	NDP
SWAN, Andrew, Hon.	Minto	NDP
WIEBE, Matt	Concordia	NDP
WIGHT, Melanie	Burrows	NDP
WISHART, Ian	Portage la Prairie	PC
<i>Vacant</i>	The Pas	

**LEGISLATIVE ASSEMBLY OF MANITOBA  
THE STANDING COMMITTEE ON PUBLIC ACCOUNTS**

**Monday, September 8, 2014**

**TIME** – 2 p.m.

**LOCATION** – Winnipeg, Manitoba

**CHAIRPERSON** – Mr. Reg Helwer (Brandon West)

**VICE-CHAIRPERSON** – Mr. Matt Wiebe (Concordia)

**ATTENDANCE – 11 QUORUM – 6**

*Members of the Committee present:*

*Hon. Messrs. Gerrard, Struthers*

*Messrs. Dewar, Helwer, Marcelino, Martin, Pedersen, Saran, Schuler, Wiebe, Ms. Wight*

*Substitutions:*

*Hon. Mr. Struthers for Hon. Ms. Howard*

*Mr. Saran for Mr. Jha*

*Mr. Martin for Mr. Friesen*

**APPEARING:**

*Mr. Norm Ricard, Acting Auditor General*

**WITNESSES:**

*Hon. Stan Struthers, Acting Minister of Finance*

*Ms. Lynn Romeo, Acting Deputy Minister of Finance and Civil Service Commissioner*

**MATTERS UNDER CONSIDERATION:**

*Auditor General's Report—Annual Report to the Legislature, dated March 2014*

*Chapter 7—Manitoba's Framework for an Ethical Environment*

\* \* \*

**Mr. Vice-Chairperson:** Good afternoon. The Standing Committee of—on Public Accounts please come to order.

This meeting has been called to consider Chapter 7—Manitoba's Framework for an Ethical Environment of the Auditor General's Report—Annual Report to the Legislature, dated March 2014.

**Committee Substitutions**

**Mr. Vice-Chairperson:** Pursuant to our rule 85(2), I would like to inform the committee of the following

substitutions for today's meeting: Honourable Mr. Struthers for Honourable Ms. Howard; Mr. Saran for Mr. Jha; and Mr. Martin for Mr. Friesen.

\* \* \*

**Mr. Vice-Chairperson:** I'd also like to take this opportunity to introduce our new pages who have joined us here this afternoon: Lara Penner-Goeke from Westgate Mennonite Collegiate; Hannah Payumo from St. Boniface Diocesan High School—did she wave? You waved, good—Zachary Berry from St. Boniface high school as well, and Samantha Booth from Niverville Collegiate. Welcome, and thank you for being with us this afternoon.

Are there any suggestions from the committee on how long we should sit this afternoon?

**Mr. Blaine Pedersen (Midland):** I would suggest that we sit 'til 4 and review at 4 p.m.

**Mr. Vice-Chairperson:** Okay. Is there agreement from the committee to sit 'til 4 p.m.? *[Agreed]*

At this time I would like to invite the minister and deputy minister to the table, and I will recognize Mr. Struthers.

**Hon. Stan Struthers (Acting Minister of Finance):** I'd—this afternoon I have with me Lynn Romeo, who is serving in the capacity of Acting Deputy Minister of Finance.

**Mr. Vice-Chairperson:** Welcome. Thank you.

Does the acting Auditor General wish to make an opening statement?

**Mr. Norm Ricard (Acting Auditor General):** Yes, I do, thank you.

With me today—first, with me today are Maria Capozzi and Corey Charman.

Maria is our governance principal responsible for conducting this audit, and Corey is an audit manager in the office, who participated in the audit.

We are pleased that the Public Accounts Committee has chosen to discuss our report on Manitoba's Framework for an Ethical Environment. Over the past five years, we have conducted and reported on several investigations that followed up

on ethical issues that were brought to our attention, including in our March 2014 report, chapter 9, dealing with procurement cards at Manitoba Infrastructure and Transportation, and in our 2013 report, chapter 6 on the Office of the Fire Commissioner, and chapter 7 on the Provincial Nominee Program for Business.

Conflict of interest issues have also been a topic in many of our past reports. Our report on Manitoba's Framework for an Ethical Environment provides a unique look at the ethical climate that currently exists within the civil service, as it includes the results of our survey of provincial employees. We greatly appreciate the candid perceptions that were provided by the nearly 5,000 provincial employees across all 18 departments who responded to our survey. This high response rate is indicative that ethics is a topic of deep interest and concern to civil servants.

The nature of the public service demands that civil servants consistently maintain the highest standards of ethical behaviour. A well-constructed and implemented values and ethics program helps to build a corporate culture that fosters ethical behaviour and that recognizes and avoids potential conflicts of interest.

\*(14:10)

Our audit focused primarily on the ethics framework put in place by the Civil Service Commission and examined ethics-related policies and procedures and whether these policies have been clearly communicated to all civil servants and supported with education and training. We also looked at what the Civil Service Commission is doing to ensure implementation of these policies across all government departments and whether there are systems in place to identify, mitigate and report any incidents of an unethical or fraudulent nature.

Our audit procedures and the survey responses reveal that while various aspects of an ethics program are in place, much still needs to be done. In this report we made 20 recommendations aimed at strengthening Manitoba's ethics framework. Key recommendations to the Civil Service Commission deal with developing a policy on values and ethics or a code of conduct, updating the conflict of interest policy to specify responsibilities of all parties to better define conflicts of interest and to require annual declarations, utilizing more communication methods to ensure awareness of policies and related expectations and the consequences of ethical

misconduct, developing a training strategy to periodically reach all employees and to ensure management know how to handle ethical issues and violations, requiring periodic reports from departments on how they have implemented ethics policies and proactively providing support to departments with less developed processes, developing and implementing a central process to enable employees to report concerns of ethical misconduct including anonymous disclosures, tracking and analyzing all disclosures and periodically measuring the ethical climate and workplace culture.

We believe the Civil Service Commission, in conjunction with departments, must adopt a proactive approach to instill a strong ethics program throughout the civil service. We are concerned that some employees are not reporting observed misconduct because the perceived issues of ethical misconduct would not be appropriately dealt with and they fear retaliation. More has to be done centrally to reinforce and build a workplace culture where the focus is on doing what is right and where ethical issues are appropriately dealt with.

Developing and implementing an effective ethics program is a critical function that deserves focused attention by the Civil Service Commission and by senior leadership in all departments. Thank you.

**Mr. Vice-Chairperson:** Thank you, Mr. Ricard.

Does the acting deputy minister wish to make an opening statement? And could you please introduce your staff.

**Ms. Lynn Romeo (Acting Deputy Minister of Finance and Civil Service Commissioner):** Thank you for the opportunity to make opening remarks regarding the Auditor General's report on the ethical framework of the Manitoba government civil service.

While I've been involved in preparations for Public Accounts in my former role as director of Civil Legal Services, this is my first opportunity to attend a committee meeting in my capacity as Civil Service Commissioner.

I'm glad to have with me here today Nancy Carroll, assistant deputy minister of Human Resource Operations at the commission, and Sandra Carney-Yapps, secretary to the Civil Service Commission Board. And we want to thank and acknowledge the audit team for their work and recommendations.

The audit was an important undertaking as public servants are held to a higher standard of conduct in serving the public interest. The Civil Service Commission is responsible for leading human resource management across the Manitoba government through a range of corporate policies and programs. The work of the commission complements and supports the day-to-day human resource management that occurs within each department and work unit.

The Manitoba government has a practical and comprehensive framework in place to support the ethical conduct of our civil servants. The framework involves seven key components: leadership, recruitment, orientation, training and development, policies and procedures, comptrollership and compliance.

In terms of leadership, each deputy minister and their management team sets the tone for ethical conduct by modelling appropriate behaviour, communicating expectations and incorporating public service values into the work of the department.

The Civil Service Commission plays a large role in the area of recruitment where the non-partisanship of the civil service is reinforced by ensuring appointments are made based on merit, fairness and equity. When civil servants are hired, they receive an orientation that reinforces the ethical expectations of them. In addition to the workplace-specific orientation provided by supervisors in each area, employees are expected to complete an online corporate orientation.

The Civil Service Commission's training and development unit, called Organization and Staff Development, delivers training sessions for employees on a range of workplace topics. A number of their standard workplace workshops include discussion of ethical expectations within the workplace, such as: Working in Government: Values and Ethics in the Manitoba Government; building the success—the respectful workplace—it should be successful as well, but we're speaking about respectful; the Essentials of Supervision; Valuing Diversity in the Workplace; and Strategic Staffing.

The Manitoba government has many policies and procedures in place to foster an ethical environment, as the Auditor General's report acknowledges. Some of these include the oath of office, the conflict of interest policy, the security check policy, the electronic network usage policy, the respectful workplace policy and the values and ethics guide.

The Manitoba government has a framework for effective comptrollership which requires departments to have plans in place to assess their comptrollership capabilities. These plans also include a component outlining how the departments communicate, monitor and assess their fraud prevention processes.

Many procedures are in place to ensure compliance with expectations, such as segregation of duties, double-checking of work and ongoing monitoring.

The findings of the audit largely pointed to a need to enhance communication and training, as well as to improve documentation of compliance with values and ethics policies. We agree with these findings and have begun taking steps to address the Auditor General's recommendations. Of the 20 recommendations put forward in the report, four are substantially complete, and measures to address all the others are already under way.

And while acknowledging the areas for improvement identified in the report, I also note that the audit's employee survey found that the overwhelming majority, 94 per cent of employees, agreed that ethics and integrity are critical issues in the public sector and an important part of fulfilling their work as public servants. Most employees, 75 per cent, agreed that their supervisor supports them and their colleagues in conducting their work in an ethical manner.

While a number of channels and processes are made available for employees to raise workplace ethical concerns, the survey suggests a high degree of trust and openness between employees and their supervisors. Most respondents, 69 per cent, said they do feel comfortable talking with their supervisor about ethical issues, and employees indicated they would be far more likely to report misconduct to their supervisor than through other channels available.

Ethical conduct is an important value within the Manitoba civil service. Allegations of misconduct are taken very seriously, and disciplinary action is applied where the results of an investigation deem this to be appropriate. In addition to investigations conducted within departments, employees have a range of other avenues available for raising questions or concerns, including to the Auditor General, the Ombudsman, the Provincial Comptroller, internal audit, the Labour Relations division, through grievance processes in the collective agreements or to the Civil Service Commission itself.

However, we do recognize and welcome the opportunities for ongoing improvement, to strengthen our systems for ensuring ethical conduct, and we are taking substantive action to implement the Auditor General's recommendations.

I thank you again for the opportunity to attend this meeting and provide responses to your questions.

**Mr. Vice-Chairperson:** Thank you, Ms. Romeo.

Now, before we get into questions, I'd like to inform those who are new to this committee of the process that is undertaken with regards to outstanding questions. At the end of every meeting, the research officer reviews the Hansard for any outstanding questions that the witness commits to provide answers to and will draft a questions-pending-response document to send to the deputy minister. Upon receipt of the answers to those questions, the research officer then forwards the responses to every PAC member and to every member recorded as attending that meeting. At the next PAC meeting, the Chair tables the responses for the record.

\* (14:20)

One last item: I would like to remind members that questions of an administrative nature are placed to the deputy minister and that policy questions will not be entertained and are better left for another forum. However, if there is a question that borders on policy and the minister would like to answer the question or the deputy minister would like to defer the question to the minister to respond, that is something that we would consider.

The floor is now open for questions.

**Mr. Ron Schuler (St. Paul):** Yes, and my question is to the acting Auditor General. Page 325, third bullet, it states very clearly, of those that reported the misconduct, 29 per cent felt that they experienced some form of retaliation as a result. Given that, I take it as 29 per cent of those individuals who reported, correct?

**Mr. Ricard:** Yes, it's—if you look at the bullet above it, it goes, for those who were aware of fraudulent activity, ethical misconduct in the workplace, about half reported the instance to management. And so it's of those who reported the misconduct—so that 53 per cent, 29 per cent felt they experienced some form of retaliation. So it's 29 per cent of the 53 per cent.

**Mr. Schuler:** Does the acting Auditor General feel that that is a very high statistic?

**Mr. Ricard:** If you're referring to the 29 per cent that felt they experienced some form of retaliation, then I would say that's borderline alarming. That's a lot of people who are—experienced—who feel they experienced some form of retaliation.

**Mr. Schuler:** Under bullet No. 4, it lays out very clearly, for those who did not report the misconduct to management, the following reasons influenced their decision not to report; then there's various reasons why. Three of those—if you follow down under that category, second one is afraid of retaliation from management, 53 per cent; several down, afraid of retaliation from co-workers, 45 per cent; and then under other, interestingly enough, it comes up again, felt unsafe or threatened or experienced retaliation, 20 per cent.

So I'd like to ask the acting Auditor General: Would he find that those statistics are also alarming for a reason why not to report a decision?

**Mr. Ricard:** To me those stats are disturbing, for sure. People aren't—if people aren't reporting an observed ethical misconduct because they are afraid of retaliation from management or co-workers, it's a sign, in my view, of a workplace culture that needs to understand what is expected of them and what their individual responsibilities are, but also for management to understand what concerns our staff have and for them to deal with that.

**Mr. Schuler:** So it—I guess it's fair to say 53 per cent or more than half the individuals who didn't report something felt that there would be a retaliation from management, and of those who did report, almost 30 per cent of those did experience some form of retaliation. Does that not send the wrong message to the public service in general on whether you should or shouldn't report misconduct or ethical behaviour or anything else? Does that send the wrong message to all the other public servants?

**Mr. Ricard:** Well, certainly, if the belief is that if you report an ethical misconduct that you will experience some form of retaliation, then that definitely is the wrong message.

**Mr. Schuler:** Could the acting Auditor General tell us what would be concerning: the fact that 30 per cent faced retaliation or that more than 50 per cent wouldn't report because they feared retaliation?

**Mr. Ricard:** I would consider them equally problematic. If 50 per cent aren't reporting because they fear and 20 per cent indicated—I can't remember the stats exactly—20 per cent indicated they—that they did experience retaliation, then they—both statistics to me are dealing with the same problem, so they're both disturbing.

**Mr. Schuler:** And, just for the record, 53 per cent clearly identified they were afraid of retaliation from management, and then under the 18 per cent of other on top of that—and it doesn't—it does actually break it out—20 per cent felt unsafe and threatened or experienced retaliation. That's 20 per cent on top of the 53 per cent. Would that be fair?

**Mr. Ricard:** Just need to be very careful how you interpret the stats because it doesn't accumulate like you're trying to do. It's really—if you look at the fourth bullet, it's for those who did not report the misconduct, and then the bullets below deal with that. So 59 per cent of those that did not report—I know I'm—and the 18 per cent is of those that did not report. So the 20 per cent that experienced retaliation is of the 18, so it's subsets.

**Mr. Schuler:** But would it be safe, then, to say that it's probably more than 50 per cent that were afraid of retaliation from management or felt unsafe or threatened or experienced retaliation?

**Mr. Ricard:** Just a word of caution in interpreting survey results—I mean, we very carefully display them the way we did so as not to—so as to fairly represent the comments that we received, and so we—I don't want to attribute any comments that weren't actually given to us. So your characterization of it is just a little worrisome to me.

It's important to look at the stats the way they're presented. So we say about half—53 per cent—reported an instance to management of those who were aware of a fraudulent activity. So, I mean, it's a cascading thing, but 32 per cent of respondents reported they were personally aware of fraudulent activity. Of those, about half—53 per cent—reported the incidents to management, and of those who reported, 29 per cent felt they experienced retaliation. That's the only way to interpret the survey results.

\* (14:30)

*Mr. Chairperson in the Chair*

**Mr. Schuler:** And we always appreciate the comments by the acting Auditor General, and,

certainly, we'll be mindful. The point that I think the committee is trying to make is that 50—more than 50 per cent of individuals who didn't report did so because they were afraid of retaliation. Twenty per cent even felt unsafe or threatened or had experienced retaliation. Basically, they felt what the 29 per cent actually experienced. Is that fair?

**Mr. Ricard:** Another caution, because the bullet says felt unsafe or, dash, threatened or experienced retaliation, so I don't know how many of the 20 per cent experienced retaliation but they felt unsafe or threatened also. So just to be very careful there.

**Mr. Schuler:** And, again, absolutely, we're not going to try to attribute which of those 20 per cent. So almost 30 per cent faced some form of retaliation. More than 50 per cent fear retaliation. Can the acting Auditor General tell us what kind of retaliation? What kind of examples were given of retaliation?

**Mr. Ricard:** Unfortunately, we don't have information on what kind of retaliation they experienced.

**Mr. Schuler:** Was that recorded?

**Mr. Ricard:** I'm not sure I understand your question. Was it recorded where? In the survey response?

**Mr. Schuler:** Was there any record or any information sought, what kind of retaliation? In what form did the retaliation take place? Was that tracked or recorded anywhere? I understand that it may not have been part of this report but was there any tracking or recording of how that retaliation and what form it came in?

**Mr. Ricard:** The survey that we designed did not include, you know, further inquiries into if you, you know, if you experienced some form of retaliation, what did that look like. We didn't include that kind of inquiry. But, certainly, in a well-developed ethics program where you're tracking complaints and incidents, it's an area that should be tracked, should be understood so as to help prevent it.

**Mr. Schuler:** We thank the acting Auditor General for that suggestion and very valid suggestion because, I mean, the committee has no idea in what form that might have come. Did that mean that you were stripped of all your materials on your desk and you sat at a blank desk? Or was it—it could have come in all different forms and we have no idea. So, in a sense, we're really in the dark on that.

I guess the other question is in the findings and conclusions, selected survey results, we understand about 789 respondents provided written commentary. In that written commentary, was there any indication of retaliation and what form it might have come in?

**Mr. Ricard:** On page 332 of our report, in that section referenced by the member, halfway down, we talk about concerns regarding retaliation and examples of reprisals faced. So, of the 789 respondents, 7 per cent–8 per cent provided us with some examples of reprisals faced. We did not include that information in the report, the specifics of what that 8 per cent comprised of.

**Mr. Schuler:** I thank the acting Auditor General.

Would it be possible to get a breakdown of the—of those 8 per cent that responded? Is it possible for the committee to get that, or would that be a breach of 'confidentiality'? Or, again, we don't want to compromise anybody any further. Is it possible to get even a general idea of what kind of reprisals took place?

**Mr. Ricard:** One of the things I think we could endeavour to do is take a look at the nature of the comments to see if we could summarize them in a way that would not compromise the confidentiality of the respondents. So I could endeavour to do that and come—get back to the committee with that list.

**Mr. Schuler:** The committee thanks the acting Auditor General for that.

In the conclusion of that particular section, the Auditor General writes: We are concerned that employees perceive issues of ethical misconduct would not be appropriately dealt with and they fear retaliation. And it goes on for a couple more sentences. Then his recommendation 14: In addition to the disclosure procedures under the public interest disclosure—I'm reading off of page 325, whistleblower protection act—we recommend that the CSC develop and implement a process to enable employees to report concerns of ethical misconduct, including anonymous disclosures.

Has the CSC taken this recommendation, and are they prepared to implement it?

**Mr. Ricard:** Mr. Chairperson, this is a question that speaks to the reaction of the Civil Service Commission, so I would defer—I would—unless the member's asking my opinion, but if he's asking whether the Civil Service has accepted that

recommendation, it's a question better asked of the Civil Service Commission.

**Mr. Schuler:** In the opinion of the acting Auditor General, has the CSC accepted this recommendation?

**Mr. Ricard:** In my opinion, the Civil Service Commission has, in fact, not accepted this particular recommendation. Our conversations with them indicate they are not in favour of anonymous—of an anonymous disclosure method or a hotline, if you will. But, as a—as the audit offices of the firm view our best practice research into effective ethics programs includes—always includes a hotline or an ability of employees to report anonymously any concerns of the—of a—of ethical misconduct that they have. So, while we understand that the Civil Service Commission will accept anonymous complaints, they aren't in favour of implementing a formal process that would facilitate anonymous complaints.

\* (14:40)

**Mr. Schuler:** My question is to the deputy minister. On page 325 of the Auditor General's report, dated March 2014, 29 per cent of the individuals that reported misconduct felt they'd experience some form of retaliation as a result. If you look under bullet No. 4, reasons given why or things that might have—reasons that influenced their decisions not to report, the second top reason was they were afraid of retaliation from management, 53 per cent; afraid of retaliation from co-workers, 45 per cent; and even under other, which came in at 18 per cent, one of the points was they felt unsafe or threatened or experienced retaliation. So those who did report faced retaliation and those who didn't did so overwhelmingly—more than 50 per cent—because they were afraid of retaliation from management, co-workers or felt unsafe, threatened or experienced retaliation. Could I ask the deputy minister her comments or how she feels about the statistics that are in front of us?

And the thing with these numbers is—I'm sure the deputy minister knows this—the response was absolutely overwhelming. I think that the numbers are undisputable. They're—they are probably as strong and as accurate as you're going to get in a response. I believe the response rate was about 33 per cent. It is just an amazing reply. So I don't think we're necessarily quibbling with the numbers. My question is why would they be so high when it comes to individuals reporting and receiving misconduct or fearing misconduct if they reported.

**Ms. Romeo:** We've certainly been doing a fulsome analysis of the survey results, and, of course, we have concerns and we're looking for opportunities to ensure that management and staff are knowledgeable and are prepared to deal with allegations. So we're committed to—and I'm sure there'll be other questions as we go along about our multipronged approach—but committed to training and communication, ongoing supports for all parties involved.

But some of the comments of the auditor—the acting Auditor General, I note, are informative. I mean, he spoke to the need for parties to understand their roles and obligations. And an example of one of the things we're working on is a conflict of interest guide—the policy is a separate issue—but a guide for managers and to help managers in dealing with those sorts of issues, examples of conflict, and, you know, to have—so that they can have those discussions with employees and would not be—they would be prepared to do so.

And we also have our investigation procedures in which we handle allegations from employees to be more consistent in how we investigate and to make clear the importance of confidentiality and also the importance of no reprisals, because reprisal in and of itself is misconduct and is—can bring disciplinary action with it, so I think those two go together.

We need to be better at informing people and educating them, as the acting Auditor General has said. So I hope that answers your question.

**Mr. Schuler:** We understand that there are the issues of policies. You know, we—the acting deputy minister spoke about investigations, confidentiality, and those are all issues, I think, we're going to be speaking about a little bit later on. What we're basically dealing with here is the feeling or the, in fact—or the fact that there were retaliations, and my question to the acting deputy minister is what sense does she come away with when almost 30 per cent of those individuals that reported a misconduct experienced some form of retaliation and the reason why 50—more than 50 per cent of the individuals didn't report was because they feared retaliation. In fact, under, other, of 18 per cent—and it's all in here—felt unsafe, threatened or experienced retaliation, another 20 per cent.

And I'm being very careful. I know we have to be careful with the statistics and we've been admonished by the acting Auditor General to be careful and we do wish to be, but these are, in the acting Auditor General's own words, alarming. And

what we would like to do is ask the acting deputy minister, if she could focus on page 325. What is the feeling of her and her department that we received such an overwhelming, cascading statistic, scientific data that shows that (a) people who did report were retaliated against and those who didn't did not do so because they feared retaliation?

**Ms. Romeo:** And I think that's why we've spoken about the importance of this audit and have acknowledged the importance of it and why we are—we've accepted the recommendations and we're moving the findings and we're moving forward to implement recommendations, and we have plans and, as you say, we'll discuss those.

I think every workplace struggles with these issues, and we certainly are moving forward aggressively on this front because, as you mentioned, it is concerning.

**Mr. Schuler:** Yes, I'm not too sure I would go out there and say all workplaces face these conditions because (a) we don't have empirical data that actually says so. What we do have in front of us is actually empirical data about the public service in Manitoba. So, you know, I don't know if this is a time that we want to talk about all workplaces. We've got a lot to talk about here, and I'm very interested to hear the acting deputy minister say that they've—that's why they've accepted the recommendations.

On page 325, recommendation 14 says, and I quote, in addition to disclosure procedures under the public interest disclosure whistle protection act, we recommend that the CSC develop and implement a process to enable employees to report concerns of ethical misconduct, including anonymous disclosures, unquote.

Is the acting deputy minister saying that they will accept and have accepted recommendation 14 as it is printed on page 325?

**Ms. Romeo:** There are a number of avenues in place for employees to raise concern of ethical misconduct, and including anonymous complaints. And we've listed those, but those are to supervisors, senior managers, designated officers, the comptroller, internal audit, human resource staff, Civil Service Commission, the employees' union, Ombudsman, the Office of the Auditor General.

Anonymous complaints are always investigated. Admittedly, anonymity of a complaint sometimes limits the ability to get full particulars of the situation, but they are investigated. And so the

strategy that we have being developed for communication, ethics-related information to employees, will better support employee knowledge of these processes. We have those processes in place in our view, and the additional layer, the other pieces that we're working on, we feel will meet the intent of that recommendation.

**Mr. Schuler:** The acting deputy minister listed all kinds of different individuals and departments that could be turned to in a—I think she called them avenues for anonymous complaints. She referred to them as avenues. How would an employee avail themselves of one of those avenues and still stay anonymous?

**Ms. Romeo:** We've had many examples of letters that come to—emails are not the best form because, of course, they usually can be tracked, but we have many unsigned letters, telephone calls. But, generally, it's in written form, but we have those, and I know the Auditor General's office has received those type of complaints, the Ombudsman. We've certainly had tips to internal audit, those sorts of things, and often to senior management within a department, to the commission itself. So there is a strong history of those coming forward and being investigated.

That being said—I don't know if I answered it, but that being said, we acknowledge that we need to do a better job of informing people and reporting on those, but—

**Mr. Chairperson:** Mr. Schuler.

\* (14:50)

**Mr. Schuler:** The initial question was to the acting deputy minister. Has her department accepted recommendation 14 on page 325? Yes or no? Have they accepted it? Yes or no?

**Ms. Romeo:** I believe we have accepted the recommendation's intent in fullness and are looking at ways to implement it appropriately, and—

**Mr. Chairperson:** Mr. Schuler.

**Mr. Schuler:** My question is to the acting Auditor General. The department has indicated that they embrace, have accepted recommendation 14 and now are looking for ways to implement it. Does that give the acting Auditor General—the answer, does that give him comfort that the department is actually prepared to accept recommendation 14 and act on it?

**Mr. Ricard:** Recommendation 14 is not exclusively dealing with anonymous disclosures, for one. So it talks about implementing a process to enable employees to report concerns of ethical misconduct. I think what I've heard the deputy minister speak about is that process.

I appreciate that they will not discard an anonymous disclosure that comes their way, but we continue to believe that a formal process that encourages anonymous disclosure is what's needed. There are a significant number of survey respondents that indicated that they would not report for fear of retaliation and that weren't comfortable reporting incidents of observed misconduct to their supervisor. These individuals, in my opinion, are left without a mechanism to report their concern. And suggesting that they report up the line of management I don't think is realistic, and so we continue to support the best practice research that we found that indicates that a hotline, for lack of a better word, is a key part of an effective ethics program.

I might add that, you know, there is a way. The deputy minister spoke about it's difficult to sometimes get more information about a reported misconduct that's from an anonymous source because it's difficult to communicate, or impossible to communicate, because you don't—with that person. But a formal process, there are software solutions when you have a formal hotline of that nature that allows for email communication between the complainant and the body that is accepting the—it's a software that our office, in fact, is looking at. So there is a way to communicate with an anonymous complainant.

**Mr. Schuler:** I just seek some clarification from the Chair of the committee.

There is a report that came out April 24th, 2014, the review of The Public Interest Disclosure (Whistleblower Protection) Act, and I'm—I just seek clarification, am I allowed to ask questions in regard to this report as well, as it references the auditor's report that's in front of us today?

**Mr. Chairperson:** I'll allow Mr. Ricard to give us some guidance here.

**Mr. Ricard:** So I'm not sure if this is the page that the member referred to, but page 327, we do indicate that there is a study. We note that the public interest disclosure protection act is currently under review. The report is expected to be finalized in February 2013.

My understanding was it was released in August 2014. But I don't know if our reference to the report being prepared and issued in a future time frame in our report is licence to ask about it. Sorry, I can't provide much guidance there.

**Mr. Chairperson:** I guess what we've determined that—is that there is no witness, necessarily, to answer your potential question.

We could, if the committee agrees, allow you to pose the question and see if the—either the Deputy Auditor General or the acting deputy minister could take it under advisement or perhaps has an answer for you.

What is the will of the committee? *[Agreed]*

**An Honourable Member:** Just answer the question.

**Mr. Chairperson:** Well, we'll listen to the question and we'll allow—we're covering new ground here, so if you have an issue with it, then we'll have some discussion.

**Mr. Schuler:** Thank you very much to the committee, and, again, I am quoting from a document that is public. It is dated April 24th, 2014, and I believe it was released August—the 11th, so it is in the public discourse; it is out there.

On page 25, it raises what I would consider another canary in the mine shaft in regard to reprisals or retaliation to individuals who come forward with concerns of one matter or nature of another. And I would recommend individuals would—the committee would look at page 25, the third paragraph. It states: "Protecting whistleblowers from reprisal is a fundamental element of effective whistleblower legislation. Section 1 of PIDA identifies its purpose as the provision of procedures to facilitate the disclosure and investigation of wrongdoings and to protect persons who make the disclosure from experiencing retaliation."

The next paragraph, Paul Thomas is quoted, and he's an individual that's written a lot about whistleblower legislation in Canada, and I quote: "He has noted that there is no comprehensive or reliable data regarding protection against reprisals, but in general," he says, and I quote again: "The fate of whistleblowers appears bleak," unquote.

My question is, and it's based on the next section of the report, experiencing—experience reported by a whistle-blower, and that's where I was trying to get at, like, what kind of retaliations take place, and here is a whistle-blower who was actually interviewed

who says, I quote, the fact of the matter is that this so-called protection of non-existent and reprisals—I will read that again; I misquoted. Quote: "The fact of the matter is that this so-called protection is non-existent and reprisals can be taken not only against the whistleblower or employee making disclosures, but also the employee's co-workers," unquote.

I guess my first question to the acting deputy minister is: Has she had the opportunity to read the review of The Public Interest Disclosure (Whistleblower Protection) Act? Has she actually seen the report, and has she an opportunity to look at it?

**Mr. Chairperson:** Sorry, Ms. Romeo, but we have a question here from Mr. Wiebe.

\* (15:00)

**Mr. Matt Wiebe (Concordia):** So I—you know, I appreciate the—Mr. Schuler bringing this to the table, and I think the committee had an interest in hearing where the line of questioning was going. And it was my understanding that the line of questioning—and especially, you know, because we got input from Mr. Ricard, the acting member, that we would have questions directed only to that member, not to the acting deputy minister. So I'm just wondering, because we're veering into territory here where you're questioning a report that the deputy may or may not have seen, without having it in front of us, that the rest of the committee—that we can reference, it just seems like it might be out of order, and that's just my observation there.

**Mr. Chairperson:** Thank you, Mr. Wiebe. I understand that this is a report that is issued by the acting deputy's department or area, so she's well aware of the report. But I do believe that since the committee does not have the report and it's not a report that we review, we can perhaps get a comment, as Mr. Wiebe said, from the acting deputy auditor. And if there is something that—it kind of goes back to your line of questioning in how would something like this look, and I think perhaps that's the direction that I might be able to accept is what would this vehicle look like if you had an anonymous tip line—a hotline as such that Mr. Ricard referred to. Perhaps we could get something from the department on what that would look like, but we'll refer your question to Mr. Ricard. So I guess, Mr. Schuler, I would need the question repeated for Mr. Ricard.

**Mr. Schuler:** To the acting Auditor General who was paying close attention to the question, I won't quote all the parts of the report again. It was a report that was written by Diane Scarth [*phonetic*], and here is a actual whistle-blower, and we've been sort of looking for a case in point, and here is a case in point where this individual says that protection is non-existent and reprisals—and I'm quoting—"reprisals can be taken not only against the whistleblower or employee making disclosures, but also the employee's co-workers." And we have Paul Thomas saying: "The fate of whistleblowers appears bleak." So I don't think there's any room here that we have to say whether we need something or don't need something. I—you know, now we actually have a case in point of someone saying clearly there's protection needed. There are individuals, you know, like herself who have faced reprisal, and it not just goes to the employee but it goes to others, so there are amazing or—not amazing—there are unbelievable consequences for reporting when it comes to reprisals.

So my question, then, is: If we've established that through all the responses from the public service, from an individual case, that we need protection because there seems to be reprisals taking place whether in a statistical form or an actual case, what would that kind of protection look like? And I'll take direction from the Chair who laid it out a little bit more concisely. What would that look like? We understand, you know, there's the snitch line or the confidential phone line, but is there more to it that would give the more than 50 per cent of those individuals who feel there might be reprisal or the almost 30 per cent who did face reprisal to come forward and do what we need? If there's wrongdoing, somebody needs to know that. That's how we have a better public service. How would that look?

**Mr. Ricard:** Sorry for that delay. I'm not sure I can answer the member's question explicitly. It's—when he asks what would that look like, it would be—I think, I know that there are a number of software communication packages out there that allow for communication between the individual making a complaint or expressing a concern and the body responsible for following up on those concerns. And because it's online, it allows for—it assigns random numbers. I'm not too sure how it does it, but it does allow for communication, anonymous communication back and forth between the complainant and the body responsible for following up on the complaint.

So, by not identifying—by not forcing the person to identify themselves and by allowing the follow-up body to engage the complainant in a bit of a conversation, it allows them to seek more detailed information because frequently in anonymous concerns the information initially provided is a little—it can be difficult to interpret or to understand. So what that would look like is just a—I would say, an independent—what we're suggesting is an independent body, independent of management, for instance, so not one for each department but probably one resident within the Civil Service Commission that would take in all concerns from public servants through this particular hotline and respond to them independent of departmental management.

**Mr. Schuler:** My next question is to the acting Auditor General. Has the department ever asked for clarification on recommendation 14? The CSC, and I'm quoting from recommendation 14, "the CSC develop and implement a process to enable employees to report concerns of ethical misconduct, including anonymous disclosures," unquote. For instance, did they ever come forward and ask for clarification of what would that look like? Was the acting Auditor General ever approached on that question?

**Mr. Ricard:** We were not approached by the Civil Service Commission for clarification of that, if that was your question.

One thing I might add is that we, as we are—the respectful workplace adviser office, I'm told, utilizes the software that I'm talking about. [*interjection*] Pardon me, I misunderstood. The respectful workplace adviser office is another avenue for employees to make anonymous complaints, something that we didn't necessarily clarify in our report.

**Mr. Schuler:** My next question is to the acting deputy minister, and, again, I'll ask the question and if it's out of scope, I appreciate it. It might be called so. I'd like to ask the deputy minister—acting deputy minister if she feels reprisals are taking place under the current protocols of PIDA.

**Mr. Chairperson:** Sorry, Ms. Romeo, will you need the question asked again?

**Ms. Romeo:** Yes, thank you.

**Mr. Schuler:** I would like to ask the acting deputy minister if she feels that reprisals are taking place under the current protocols of the PIDA.

**Ms. Romeo:** I mean, I think it's an—I think there's an assumption that reprisals you've read to us from the report—and I don't have the Dianna Scarth report with me. I didn't bring it. I mean, there are—concerns are expressed generally that reprisals happen, and the current legislation does have provisions that deal with reprisals. I suppose that's the best way I can answer that. Legislation does have provisions in it that deal with reprisals.

\* (15:10)

**Mr. Schuler:** And further to that, in March of 2014 we received a report from the Office of the Auditor General, page 325, with—where self-declared, almost 30 per cent of individuals who did report misconduct did experience some form of retaliation. Is it fair to say that that took place under the current protocols of PIDA?

**Ms. Romeo:** I wouldn't take issue with the survey results. Is that what you're—I'm not clear on the question, I guess. Clearly, there are reports of reprisals. Is that the question?

**Mr. Chairperson:** I guess, Mr. Schuler, we need to come back to the report we're dealing with, as opposed to the report we're not dealing with, if you can try to refocus your questions on that, please.

**Mr. Schuler:** I am going to take a step back and look at my notes. And I understand that my colleague the honourable member for River Heights has a few questions, so I'll let him jump in and then I'd like to conclude with a few questions.

**Hon. Jon Gerrard (River Heights):** Yes, one of the things which stands out, in looking through the report and the response to the recommendations, is that of the recommendations there are—is lots which are now under review or where the responses will be considered or the responses will be implemented at some indefinite time in the future or, as the deputy minister said, we're looking for ways to implement.

Can the deputy minister give us one of the recommendations which has already been fully and completely implemented and is now done?

**Ms. Romeo:** If you'll give me a minute, I'll find it.

So I'll start with recommendation 13, which is the department's—

**Mr. Chairperson:** Ms. Romeo, can you—are you ready to answer the question? Okay, you may have to speak up a little bit.

**Ms. Romeo:** So I'm pointing to recommendation No. 13, and that's a recommendation that departments conduct internal fraud exposure evaluations. Would you like me to walk through as—and I can provide this update as part of year-end departmental reporting requirements. A new fraud policy awareness checklist has been created for submission to the Insurance and Risk Management branch and to the comptroller's office. The comptroller's division has added financial administration manual section 9(a)2.3 to reflect the new checklist requirement, and has adjusted the management representation letter to ensure that departments conduct a fraud exposure evaluation each year.

And I can also point you to recommendations 3 and 4, and 3 speaks to the fraud prevention and reporting policy, and I can advise that section 9(a)2.2 of the finance administration manual has been revised. Revisions include that a copy of departmental fraud summary reports be provided to the Provincial Comptroller's office and that Insurance and Risk Management branch provide a consolidated fraud summary report to departmental deputy ministers to enhance their awareness of fraudulent activities within government and their own departments. Previous suspected fraud terminology has been rephrased as incidents under investigation.

And recommendation No. 4 speaks to a communication plan to better educate civil servants on the proposed fraud prevention and reporting policy and their related obligations. And I can provide this update—the Insurance and Risk Management branch has held policy information sessions for departments and agencies. In June 2014, the comptrollership framework user guide and the new employee orientation checklist have also been updated to include a link to the policy. In addition, the fraud summary report now requires an authorizing signature to verify full compliance with the policy and that fraudulent activity has been communicated to departmental senior management. Also, a change has been made in the distribution of the annual fraud summary report. This report is now being provided to all deputy ministers. Deputy ministers are also being provided with the department's specific information on the number and cost of fraud incidences that were reported to the office during the past fiscal year. These changes will provide enhanced communication to departments regarding implementation of the fraud prevention and reporting policy.

**Mr. Gerrard:** I thank the deputy minister. That's four out of approximately 20 recommendations, so there clearly are many recommendations yet which need to be fully implemented.

One of the things that the deputy minister has said is that people are allowed to report concerns anonymously, and then the question I would have, the deputy minister's provided a list of quite a number of people to whom one could report. In order to ensure that an anonymous concern, you know, will actually be addressed and followed up, which way of reporting would the deputy minister recommend? To the Auditor General, the Ombudsman, the Provincial Comptroller, the internal audit, the Labour Relations division, the grievance process and the collective agreements or the Civil Service Commission? Which one?

**Ms. Romeo:** I don't think that there are any we would recommend, they're all avenues available. Different situations might dictate that certain avenues would be more appropriate. An individual might feel more comfortable speaking to a supervisor. Another one might feel more comfortable going to the Ombudsman. Another might think that the comptroller's office is the appropriate place. HR receives a lot of them, the—I should say, Human Resource Operations.

And so there are—these aren't either-ors, there are many of them available depending on the nature of the complaint and the individual who may have the information and may feel it better rests with one of those.

**Mr. Gerrard:** Since there's such a multiplicity of possible ways, is there some central tracking so that there's some way of being assured that, you know, complaints are actually addressed?

**Ms. Romeo:** The Civil Service Commission, on behalf of its client departments, currently tracks allegations that are investigated jointly by representatives of a department or area and Human Resource Operations. So often in their—investigation logs in each Civil Service Commission service centre are used to track the allegations, the investigations undertaken and the outcomes. A project has been undertaken by the commission to improve the current logging and tracking system, with plans to begin publishing a summary overview of all allegations investigated across departments.

**Mr. Gerrard:** There—when we're dealing with conflicts of interest, there is the issue of conflicts of

interest being reported, but there is an extraordinarily important area where there is a conflict of interest that there be a very clear policy which is laid down.

\* (15:20)

Now, I mean, for example, when I have people coming to me over various matters, you know, there would be people who have cottages who are dealing with somebody in the parks branch who happens to have a cottage as well who is administering the rules around cottages, and there are concerns that people will be dealt with fairly. You may have people in—dealing with agricultural programs who are actually farmers in some instances. What is the specific policy that the government has in terms of how, when you have somebody who's got a potential conflict of interest, that you separate this so that you are assured that individuals who are being dealt with by government will be dealt with fairly and impartially without that individual bringing their particular biases to the table?

**Ms. Romeo:** We certainly have had since the '80s, I believe, a conflict of interest policy that guides employees. That policy has been updated a number of times over the years, and the Auditor General—the report speaks to the need to update that. As we noted in our response, a review of that policy was already under way and we have taken the advice of the Auditor General in that report and taken those comments and reviewed it in light of—so a further review and updating of the conflict of interest policy is well under way. But the policy does speak to requiring employees to make a declaration and with—together with management to find ways of—in terms of declaring and finding ways to mitigate, bring them out of the operation that you speak of. So that our policies do address that, we need—they obviously are—revisions are under way. Review is under way.

**Mr. Gerrard:** I would ask the deputy minister to provide those specific policies that would pertain to those circumstances to the committee, not right away, but we often have follow-up material submitted which can then be circulated, if that would be possible.

**Ms. Romeo:** We can certainly provide the current conflict of interest policy, of course.

**Mr. Gerrard:** Now, there's—the government is very involved in setting programs, right? And one of the concerns which comes up from time to time is that, for example, in a farm program or a parks program or it could be any other department of government,

you know, that you might have somebody who is a farm operator in some way who is involved in setting up that program, and they would be in a position to have the program so that they could get a better benefit from it. So what rules has the government got in terms of ensuring that somebody who could potentially benefit from a program is not involved in actually developing the program?

**Ms. Romeo:** Well, our—again, our conflict of interest policies speak to that; the existing one does. And conflict of interest is a shared responsibility with deputy ministers and the commission and labour relations, but the responsibility of each deputy to mitigate possible conflicts, and also executive financial officers of departments are often involved in these discussions, and it involves a segregation of duties as you—as those—just to provide you with an example of something. But the conflict of interest policy does address the personal benefit, the perceived personal benefits, those sorts of issues.

**Mr. Gerrard:** And, in terms of the policy, what sanctions would be in place if somebody doesn't report or somebody who, even have reported, participates in activities which they should not be?

**Ms. Romeo:** The violations of the policy are subject to disciplinary action.

**Mr. Gerrard:** Now, the deputy minister said earlier on that deputy ministers have a very important role in modelling behaviour, and one would presume that one of the modelling activities of deputy minister would be assuring that those who are their immediate—who report immediate to them are fulfilling their responsibilities.

And yet we learn from this Auditor General's report that only six of 42 ADMs had actually signed or had the appropriate documentation with regard to the conflict of interest. So can the deputy minister explain, you know, how this could happen?

**Ms. Romeo:** We certainly have been looking at ways in which we can improve the actual getting of the conflict of interest declarations onto the employee files and looking at the issue regarding why that number of declarations were missing. Was it simply that they didn't get on the file and—but were received? So those are matters that we're—we are following up on to improve the process.

**Mr. Gerrard:** You know, let me just read, very briefly, this. Given the requirement for ADMs to provide annual declarations, even if no change is incurred, we examined the personnel file of

42 ADMs from all departments. We found only six files, 14 per cent, where annual declarations were being signed after they'd been promoted to the ADM position.

And it would seem to me that this is, you know, an appalling comment on, you know, the—really, the deputy ministers who don't seem to be supervising those who are immediately underneath them and having appropriate reporting happening.

**Ms. Romeo:** I spoke a few minutes ago to a conflict of interest guide for managers that we have been developing, and this outlines the responsibility of all employees but it also outlines the role of managers in implementing the policy and provides concrete examples of conflict of interest situations that could arise and approaches for handling them. So we are taking a very active look at that and working with the HR community and with the deputies to deal with that.

**Mr. Chairperson:** Sorry. Honourable Dr. Gerrard.

**Mr. Gerrard:** I would just say that I think that it's extraordinarily important that people who are managers are in fact role models and role models not only in filling out their own forms but in monitoring those, particularly those who are immediately beneath them. So I would hope that this is something which is emphasized with great importance.

With that, I will now hand it back to my—

**Mr. Chairperson:** Mr. Pedersen.

**Mr. Pedersen:** Mr. Chair, and just following up on the questions just asked, if we were to do a survey today in—on conflict of interest completion forms, would it be any better than what it was when the Auditor General did their report?

**Ms. Romeo:** Well, we certainly have briefed all deputy ministers on the audit report and have provided information about it and these issues that have arisen and so we have taken steps. We've already done that and, as I say, we have had the—certainly the HR community has regular meetings and discusses these issues and the importance of making sure that these declarations are completed and also find their way to the files. So those steps are under way.

\* (15:30)

**Mr. Pedersen:** So everybody understands the importance of conflict of interest. You're telling us that you've gone back to the deputy ministers and

assistant deputy ministers, saying this needs to be done, but yet we have no proof from the Auditor General's report that there's actually been any improvement.

So I'll leave it as a, perhaps, if I can, a standing question, then, for you to report back as to how many conflict of interest forms are completed as of today that are current.

**Mr. Chairperson:** Any response, Ms. Romeo?

**Ms. Romeo:** If I could ask you to repeat that. Just looking to the numbers of ADM declarations, conflict declarations, that are on file?

**Mr. Pedersen:** Yes, that's what I'm looking for, is, as of today, if you were complying with the Auditor General's report, we would have 100 per cent conflict of interest forms completed and on file. So what I'm asking for is, can you give us a report as to percentage of completed current conflict of interest reports on file today?

**An Honourable Member:** How many are done as of today, you mean?

**Mr. Chairperson:** Mr. Minister, you have a question for—

**Mr. Struthers:** I was just clarifying. That's fine.

**Mr. Chairperson:** Mr. Pedersen, I guess the clarification is—you're looking for—this report said what percentage during the course of the report. What we're looking for today, as I understand Mr. Pedersen, is, as of today, what's the percentage that have been completed? Has it improved, is it the same, or are you tracking it at all?

**Ms. Romeo:** We can get you that information.

**Mr. Chairperson:** Thank you.

**Mr. Schuler:** On page 325 of the audit—Office of the Auditor General, there is a report that very clearly lays out almost 30 per cent of the public servants who did report misconduct experienced some form of retaliation. The numbers are there. There are other statistics which say individuals did not report because they were afraid of retaliations, and that was 53 per cent of the respondents. We have other reports that cite actual examples, individuals in the community that are known to have said that the fate of whistle-blowers appears bleak, so I don't think that the committee disputes that there is an issue.

What I think the committee would really like to know is, besides recommendation 14, which is on

page 325, we heard the acting Auditor General say perhaps within CSC there could be a designated person to field complaints, who then would not be tied to any department or any manager or any deputy minister, who would work independently, would not—public servants wouldn't have to fear, if they divulged their name, being able to give more information. It would be someone who would protect their anonymity.

I guess the question of the committee is to the acting deputy minister. Can she give us some kind of a timeline or target dates when these recommendations will be implemented that we could actually see a better response than what we see on page 325, which I believe the acting deputy minister said was alarming? Correction, the acting Auditor General said that the results were alarming.

**Ms. Romeo:** If I could ask for clarification. We're speaking about confidentiality and anonymity. I don't know that the acting Auditor General spoke to the issue of reprisal, and I understand that there have been reprisals. I'm not speaking about the report. But on the question of reprisals, I—how the anonymous tip line and reprisal go together, and perhaps that may be just the old lawyer in me asking the question, but they seem to me to be two different issues, and I'm—*[interjection]*

**An Honourable Member:** On a quick point of order.

#### Point of Order

**Mr. Chairperson:** Mr. Marcelino.

**Mr. Ted Marcelino (Tyndall Park):** I guess the clarity of the question is begging to be more clarified. The report on page 325 does not really say that there were reprisals, but it says where there were—they were afraid of retaliation—afraid of retaliation. The other one is also afraid of retaliation from co-workers. That's 53 per cent for—from management, 45 per cent from workers, and the other which is felt unsafe, threatened or experienced retaliation is 20 per cent of the 18 per cent.

So the question said that you have—I think it was a misquote or a misunderstanding of how to read feeling threatened and being afraid of retaliation. There's—that's the same point that I was raising before, that the survey is more a—more of a measure of the perceptions; not actual facts, but perceptions. So the—there are assumptions. The question does not lay the predicate, meaning there's no basis for it.

**Mr. Chairperson:** Thank you, Mr. Marcelino. I think we have a dispute over the facts on the issue here, but perhaps Mr. Schuler could refocus his question to the acting deputy minister.

\* \* \*

**Mr. Schuler:** And on that same page, if members would look up at—just a little bit further up on point No. 3, it says: "Of those that reported"—and this is a direct quote—"the misconduct, 29 per cent felt that they experienced some form of retaliation as a result." So I—unless members of the committee are suggesting that public servants are fabricating these things, there is actually a—the number is pretty clear.

To the deputy minister there is a clear correlation between reporting and some form of retaliation. And I'm not here to speak for the acting Auditor General, but if one looks at his recommendation, he's very clear that if an anonymous disclosure mechanism was put into place—and one of his recommendations here on the record was that within CN—CSC, designated person would be appointed to field complaints—then you would potentially have the reporting of misconduct and not have the prospect of retaliation.

And my colleague across the way is correct when he says there is also perception. There's a 53 per cent perception within the public service that there will be retaliation, so what there is is a culture of fear. And we say around this place, perception is reality. If there is a perception that there will be retaliation, that is enough to prevent people from reporting.

And I believe that's what this section deals with in large part, is how do we deal with that perception that if you report misconduct you will somehow pay for it with your career. That is scary for individuals who might be a single mother or a individual supporting family members. I—that perception, it's there, and I don't—I think we've gone through the committee and established that these numbers are large, it's a very good sample size, and if there is that perception, then we should deal with it.

And my question to the acting deputy minister is what kind of timeline and target does she have in place to deal with the kind of perception that's out there, because we're not going to get feedback from working men and women who fear that if they report something there is the chance that there will be retaliation. And a 53 per cent feeling that there might be and a 30 per cent report that there was retaliation,

those are very high numbers. And I make sure I quote this correctly, it was the acting Auditor General who said those numbers are alarming. That's actually what we're dealing with. Could we have some kind of a timeline, some kind of a target when this will be dealt with, because those are huge numbers insofar as statistics are concerned?

\* (15:40)

**Ms. Romeo:** We're looking at, again, a multipronged strategy. We're speaking about perceptions of fear. We're speaking about actual potential reprisals, and we don't know the extent or nature of those reprisals. People felt they had been—had reprisals. So timelines are always a dangerous thing, in my view. Timelines for implementations vary for the different recommendations, depending on the nature of the matter.

So we're working to implement these various pieces that the Auditor General report speaks to as a whole, that certain—they're not each independent recommendations. They work together as a whole and our plan, of course, is to move on each of them as quickly as possible, recognizing that some revising policies, consulting with those who are affected by the policies before they're implemented to make sure that they're workable and reasonable and don't lay—add layers of bureaucracy, critically important. And we've pointed to some areas that are complete, some areas that are well in hand and we continue to work at them.

We have some 14,000-plus employees and we want to ensure that the policies that we move forward with are workable, and so I think that that's the way I would look at it: a communications strategy implementing these pieces and understanding the full breadth of the types of retaliation.

I know that we've had discussions with the Auditor General's office a few months ago about the nature of some of the specific comments that might help to guide us a little more and we'll obviously be doing that again. So it—it's a multifaceted issue and they—it doesn't lend itself to easy answers on each one but we are moving forward. As we've indicated, a number of recommendations are done and a number are well under way.

**Mr. Schuler:** Yes, I think many would believe that timelines and targets are probably not dangerous; they're actually motivators. And what's dangerous is in the public service that there is a perception, more than half of those surveyed and—that didn't report misconduct, half of those didn't do so because they

felt there might be retaliation from management or co-workers or—the list goes on and on. That's dangerous.

And the deputy minister's correct. There are 14,000 employees doing a great job. We're very proud of our public service. They serve this province well. They are there for good reasons. For those of us who travel around the world and see how other countries conduct themselves, you come home and you want a professional public service, and that's what we have.

The fact that they report back to this Legislature and say that those who did report some kind of misconduct, 29 per cent of them felt that there was some kind of retaliation. And what that basically means, in layperson's terms, is their livelihood, their way of life, their job was somehow threatened. And the fact that people didn't report it to the tune of more than 50 per cent because of, you know, they felt that their livelihood, their job, the—what pays the bills was, they felt, potentially going to be threatened. That is dangerous. Those kinds of numbers out there are very dangerous to us as a province and to our public service.

And so again I would ask the deputy minister, can we see a little bit more—and I marked down some of the words of deputy—acting deputy minister mentioned multifaceted, multipronged, going to look at the extent, a full breadth of the retaliation. Those are all important, but we also have to send a message out to the 14,000 men and women that if they see something untoward, if they see misconduct, that they don't have to put their job on the line, their livelihood, the way they support their families, the way they support themselves, their way of life, on the line for that; that from this Legislature on down through the—through those who run the public service, that they will be protected, that they don't have to put everything on the line. And whether it's real—and my colleague across the way said, you know, a lot of this is feeling. Yes, it's a—that's accurate. I mean, a lot of them feel that there might be retaliation.

So, again, we're going to ask one more time is can we get some kind of indication from the CSC that there will be something forthcoming. Can we get some kind of a timeline, some kind of a target that at least those individuals, those more than 14,000 work for us, know that if they see something, that their way of life, their job isn't on the line? They don't

have to be prepared to put that on the line if they want to report something that's a—of a misconduct or an inappropriate behaviour?

**Ms. Romeo:** I can say two things. First off, as I mentioned, we do have investigative procedures as we move along and a more consistent form of investigating complaints, and we do specifically deal with respondents to caution them that any reprisal of those involved in allegations raised may result in disciplinary action up to and including termination. And issues of reprisal are in and of themselves misconduct and acted upon so that there are procedures in place. We do need to do a better job of communicating that, hence all of the communication and education pieces.

But the other piece—when we speak of the different implementation plans, the different policies, I spoke to the importance of the consultation, and part of that consultation is with the various management groups and other areas, and consultation is a big piece of having buy-in into policies and having employees more engaged and in recognizing those areas.

So I think those form very important pieces of our overall approach, and—

**Mr. Chairperson:** Thank you, Ms. Romeo. I do have a question for you. I've been listening to your responses today, and it's a very troubling report, as I'm sure you agree. It was issued in March, and, as you mentioned, we have 14,000 civil servants that are a big part of Manitoba. Can you tell me one concrete thing that has been done to improve the life of those civil servants with respect to this report?

**Ms. Romeo:** Well, I believe we've spoken to several of them and several that are under way. We have undertaken consultations on the conflict of interest policy, and that piece is well under way as well as the management guide piece, and have had consultations and discussions with supervisors to assist them in providing better information to their employees as people come forward with their concerns. So those pieces are well under way.

We are—

**Mr. Chairperson:** Anything else?

Well, I'm looking for something—if I were a civil servant—and I am, obviously; even though I'm elected, I am employed by the government. What has been done to make my life better with respect to this report so that I don't feel that I perhaps might be

victimized, that I might actually be willing to change my mind and go and report something? What one thing—concrete, not consultations—has actually been done to make my life better?

\* (15:50)

**Ms. Romeo:** Well, we do have the four recommendations that have been completed, and we've spoken to those already. And I think these are—these other pieces lead to concrete matters, and that would be the response. And we're working on an online training program that's well under way, so those pieces are there.

**Mr. Schuler:** Further to that question, the auditor—acting Auditor General reported that there was a survey sent out to all 14,000 public servants and a reminder notice, and all the responses were sent to a third party so that they didn't have to report back to a government email address. Their anonymity was reported.

My question to the acting deputy minister is: If that same survey was sent out today, does she feel that these numbers would change at all, considering that the report came out and we've had, as the Chair said, many months to deal with some of these recommendations? Does the deputy minister feel that these numbers would've changed at all for the positive?

**Mr. Chairperson:** Ms. Romeo, that's asking for an opinion, and I don't know that you can give us that. I see the minister has his hand up. Would you care to comment, sir?

**Mr. Struthers:** Well, I was just going to say that you're—the member is asking that—the acting deputy minister to speculate. He might as well ask her if the Chicago Blackhawks are going to win the Stanley Cup this year too, and maybe—I don't know what value that would be today. What the deputy—acting deputy minister has said very clearly several times this afternoon is that the Civil Service Commission understands the challenges that the Auditor General has pointed out, that there's a whole number of recommendations that have come forward that are being acted upon, a number of which have been completed.

This isn't being done just to hope that numbers get better; this is being done to make sure that those numbers get better. But to ask the acting deputy minister to speculate like that, I don't think, is a fair question.

**Mr. Chairperson:** I agree, Mr. Minister. Thank you.

Do you have a follow-up, Mr. Schuler? I have a question from Mr. Pedersen.

**Mr. Schuler:** I do actually have a follow-up question, and that is, you know, clearly we don't want to have the deputy minister feel that she should get into the realm of sports, seeing as her purview is the public service. I think the question is clear, and I'll reword it so that it's, as the minister said, a little bit more fair to the acting deputy minister. In everything that's been recommended and in everything that's been done, clearly there has to be an improvement, and, yes, we would like the numbers to look better. These are, as the acting Auditor General said, troubling numbers, and the whole point is that we see an improvement, that individuals feel they can come forth and be honest and forthright in what's going on and not just make for better public service but make for a better province.

I'll go back to my initial question to the acting deputy minister. When can we see, for instance, recommendation 14, which is on page 325—when could we see that implemented by the department?

**Ms. Romeo:** That is already—I mean, the investigations are already being logged and tracked. Those things are being done, and we will publish a summary overview of all the allegations investigated across the department in—I guess it's next fiscal year so that the—with the annual report next fiscal year. So, that—but that is already being done. Those matters are being investigated; investigation logs are kept; they're used to track allegations of investigations undertaken and the outcomes. We'll improve them. We certainly understand that we are working to improve them. Always improve. But it is being done and will be reported on next fiscal year obviously. This year's report is done.

**Mr. Pedersen:** To the acting deputy minister, first of all, I thank you for providing a written summary to your opening comments. It really helps us in our understanding of this issue.

In your written comments you had talked about when civil servants are hired they receive an orientation that reinforces ethical expectations of them. And then, in addition, there's—to the workplace-specific orientation, employees are expected to complete an online corporate orientation. Are those two different orientation sessions? *[interjection]*

**Mr. Chairperson:** Ms. Romeo.

**Ms. Romeo:** I apologize.

**Mr. Chairperson:** We need to recognize you for Hansard, so it knows who's speaking.

**Ms. Romeo:** Thank you so much. It was a question I could answer easily.

Yes, there are two separate. The corporate orientation is, indeed, the broad strokes being part of the government. The other orientation is one that would be more work-site specific, and those are, yes.

**Mr. Pedersen:** Is there a cost to do these orientations to the prospective employee?

**Ms. Romeo:** No.

**Mr. Pedersen:** I'll ask the acting Auditor General to respond to that question.

**Mr. Ricard:** I refer the member to page 315. We're talking about training on values and ethics, so the Civil Service Commission's training branch developed a workshop entitled Working in the Manitoba Government: Values and Ethics in the Manitoba Civil Service. That's the workshop to which there is a fee to departments of \$222 a session, not the orientation.

**Mr. Pedersen:** So the department then pays for this orientation? And then who—I know Hansard you can't see this, but the minister is shaking his—her head and not agreeing with that. So I'll look for some clarification from the deputy minister then. Mr. Chairman, if I can.

**Ms. Romeo:** The acting deputy Attorney General—I'm sorry, Deputy Auditor General. I'm used to Deputy Attorney General. In any event, the Auditor General is correct. I think the report speaks to a different program and a different course than the one you're speaking to. The corporate orientation one, there's no charge for that one. We were speaking about two different courses. So don't know if that's helpful or not.

**Mr. Pedersen:** I'm still trying to figure out, if somebody's paying a charge for something, who pays for what here?

**Ms. Romeo:** The course that you were speaking about, the working on the online training for working in government, which is the corporate orientation, there is no charge for that one to employees. That's a Civil Service Commission cost. I was just making the point that the one that the acting deputy Auditor

General spoke to was a different course, and there's a charge—there has been a charge for that one. That's all.

**Mr. Pedersen:** So can you enlighten me, then, on what this course is, and who pays for it, and the purpose of it?

**Ms. Romeo:** The corporate orientation or the other, the values and ethic—the working in government? The working in government course is one that we are undertaking some major changes to, and if you give me a minute, I'll find it in my binder.

\* (16:00)

We have a program, a one-day workshop called working in government on ethics-related issues, and there is—there are specific recommendations from the Auditor General on that piece, and it's open to any civil servants. There is a cost to departments to have their employees attend that. And this is the program that we are—has been an in-person training, and we're moving to an e-learning version of this course. And that's what—the course itself continues to be offered, of course, but in the meantime we are doing an e-learning version of it so that it will be available to more employees and will be more effective and available broadly. And it is a—it's a practical ethics application course for employees.

**Mr. Chairperson:** Thank you, Ms. Romeo.

The hour being 4 o'clock—committee had agreed to sit 'til 4 o'clock and then revisit—what is the will of committee?

**Mr. Pedersen:** Well, Mr. Chairman, in the Auditor General's report, it says it's based on—

**Mr. Chairperson:** Do you wish to sit longer or are you—

**Mr. Pedersen:** Based on the tone at the top, I would suggest we adjourn.

**Mr. Chairperson:** Okay.

What is the will of committee?

**An Honourable Member:** Committee rise.

**Mr. Chairperson:** Committee rise. All right.

Does the committee agree that we—[interjection] Okay.

This concludes the business before us. Thank you to the acting minister, the acting deputy minister, the acting Auditor General and staff and the Chair and Vice-Chair, to our clerks and researcher and

Hansard staff. And thank you and welcome to our new pages. You did a fabulous job today, so welcome.

Thank you to the committee, and before we rise, it would be appreciated if members would leave

behind any unused copies of the report so it may be collected again and reused at the next meeting.

Committee rise. It is 4:02.

***COMMITTEE ROSE AT: 4:02 p.m.***

The Legislative Assembly of Manitoba Debates and Proceedings  
are also available on the Internet at the following address:

**<http://www.gov.mb.ca/legislature/business/hansard.html>**