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Chair

The Honourable John McKay

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• (1200)

[English]

The Chair (Hon. John McKay (Scarborough—Guildwood, Lib.)): I'm going to call the meeting back to order. We are now no longer in camera.

We have with us our witnesses, and on behalf of the committee I'd like to welcome Madame Henry, Madame Hassard, and Mr. Wild.

I'm sure you're experienced before this committee and others, so as you know, you'll have up to 10 minutes to make a presentation, and then after that, of course, members will wish to ask you questions.

I'm assuming Madame Hassard is going to make the presentation. Thank you.

Ms. Patricia Hassard (Deputy Secretary to the Cabinet, Senior Personnel and Public Service Renewal, Privy Council Office): Thank you very much, Mr. Chairman.

Good afternoon, Mr. Chairman and members of the committee.

[Translation]

Mr. Chair and members of the committee.

[English]

I have with me today Ms. Joyce Henry, who is the director of appointments in Privy Council Office, and Mr. Joe Wild, who is the assistant secretary for machinery of government in Privy Council Office.

I am very pleased to appear before you today to discuss the appointment process for the next Public Sector Integrity Commissioner.

Section 39 of the Public Servants Disclosure Protection Act sets out the statutory requirements related to the appointment of the commissioner by the Governor in Council. This occurs only after consultation with the leaders of every recognized party in the Senate and the House of Commons, and the approval of the appointment, by resolution, of the Senate and the House of Commons.

[Translation]

Governor in Council appointments are those made by the Governor General on the advice of the Queen's Privy Council of Canada as represented by cabinet. The role of the public service in the appointments is to implement processes, agreed to by the government, to bring to the political decision-makers candidates who are qualified for the position.

[English]

The government is committed to competency-based, open, and transparent selection processes for Governor in Council positions. The Prime Minister set out his expectations with respect to Governor in Council appointments in "Accountable Government: A Guide for Ministers and Ministers of State".

The guide states that "It is essential for appointees to be well qualified, and senior government appointments must be chosen through a process that ensures broad and open consideration of proposed candidates." Further, it specifies that an important aspect of the appointment process is the desire to ensure that GIC appointments "reflect Canada's diversity in terms of linguistic, regional, and employment equity representation." Finally, the guide reiterates that some appointments—including those of agents of Parliament, such as the Public Sector Integrity Commissioner—are subject to parliamentary review and approval before they can be made.

The new commissioner will be appointed in accordance with the act and in a manner consistent with the practices introduced by the government to improve the transparency and rigour of the appointments system.

This guidance was first laid out for ministers in 2009 in a document entitled "A Guide to Managing the Governor in Council Appointments Process". I do have a copy of the guide in both official languages, Mr. Chairman, that I would be pleased to provide for the committee, should you wish.

The guide focuses on the key elements required for a rigorous process, including overall expectations and appropriate steps for recruitment to ensure the transparency of the process and to maximize access to appointments.

[Translation]

For context, I would like to provide you with a brief overview of the main elements of the selection process before focusing more specifically on the process to select the new commissioner.

Selection processes for Governor in Council appointments, including agents of Parliament, are comprised of three main elements.

The first is the establishment of selection criteria to reflect the key requirements necessary for a candidate to be considered qualified for the position.

The second is the development of a recruitment strategy which outlines how candidates for the position will be sought. This can range from posting the position on the Governor in Council appointments website and publishing it in the *Canada Gazette*, to a more elaborate process which may include engaging an executive search firm, a national advertising strategy and targeted outreach to, for example, professional groups and stakeholders.

The third is the assessment of candidates' qualifications against the established selection criteria. Normally this would involve interviews with a short-list of candidates and reference checks.

● (1205)

[English]

With respect to the appointment of the new commissioner, we will be making important changes to the process that was followed in 2007.

First of all, a selection committee will be established to steer all aspects of the process. This committee will determine the selection criteria for the position, approve the recruitment and advertising strategy, and assess the qualifications of candidates. They will then provide recommendations to the government.

The President of the Treasury Board will chair the selection committee, given his responsibilities for the promotion of ethical practices in the public sector pursuant to section 4 of the Public Servants Disclosure Protection Act.

I would underline that the selection committee members will include a mix of those from outside the public service and those from within. They will be highly respected individuals who have experience and knowledge relevant to staffing the position in the fields of law, ethics, public service, and agents of Parliament. Additionally, all will have senior leadership experience.

Secondly, an executive search firm will be engaged to ensure the broadest possible search for qualified candidates is undertaken.

Thirdly, in addition to interviews and reference checks, which are already a key part of our selection processes for leadership positions, psychometric assessment of the leading candidates will be undertaken. This is a tool we have only very recently introduced. It involves assessment by a psychologist to help ascertain an individual's qualities of character, thinking style, capabilities in relating to others as a leader, judgment, and response in stressful situations. It can also help to assess those attributes that staff and colleagues can find alienating, which is important when considering individuals for leadership positions.

[Translation]

Mr. Chair, as you know, the act establishes that the appointment of an interim commissioner is for a maximum of six months. Accordingly, the interim commissioner's term will end on June 18, 2011. The government plans to move as expeditiously as possible to recruit and select a commissioner for this important role.

[English]

The selection committee will begin its work, starting with the review of the selection criteria. I have brought with me, in both official languages, the selection criteria from the 2007 process. Mr.

Chairman, I'd be happy to table these documents with the committee, should you wish.

In closing, Mr. Chairman, because the commissioner is an agent of Parliament, once the government has identified a candidate, there will be a consultation with the leaders of all recognized parties in the House of Commons and the Senate before the nomination is tabled. Then Parliament will have the opportunity to review the qualifications of the candidate to satisfy itself that he or she is suitable for the position. Parliament plays an important role in vetting agents of Parliament prior to their appointments. In fact, no appointment can be made without Parliament's approval.

I know the Auditor General provided your committee with the collected thoughts of the current agents of Parliament on how to ensure robust parliamentary review of these appointments. This is a welcome development.

I would be pleased to answer any questions you may have on the selection and appointment process for the next Public Sector Integrity Commissioner.

Thank you. *Merci*.

The Chair: Thank you, Madame Hassard.

I'm assuming the committee wishes to have both the selection criteria and the guide, and I'm assuming they would prefer that sooner rather than later. So in the event you do have them with you, our clerk will be able to get them.

Ms. Patricia Hassard: Yes.

The Chair: Okay. On the second point, with respect to procedure, colleagues, I received a notice from Madame Coady. I propose taking five minutes at the end to deal with committee business, unless there's serious objection to the contrary. So with that, I'll ask—

● (1210)

Mr. Pat Martin (Winnipeg Centre, NDP): When did you receive the notice, Mr. Chair?

The Chair: During the break between our first and second sessions.

Mr. Pat Martin: Do we not usually need 24 hours' notice that there's a—

The Chair: I'm sorry?

Mr. Pat Martin: How often do we deal with a motion, or a notice of motion, within hours of—

The Chair: Yes, I appreciate that, but I still have to tell the committee that I received this motion.

Ms. Siobhan Coady (St. John's South—Mount Pearl, Lib.): If I may, all I asked was whether we were dealing with committee business, and if we were dealing with committee business, I had a motion. That was my question.

The Chair: Okay. I misunderstood it, then. I apologize.

Mr. Regan.

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

And thank you to the witnesses for appearing before us today.

Let me begin by asking you if each of you can provide the committee, by the end of business tomorrow, with a list of who you met with to prepare for today's meeting and a brief description of what was discussed. I see you nodding; I'll take that as a yes. Thank you.

Let me ask you, does the Privy Council Office have any lessons learned from this failure by the first integrity commissioner?

Ms. Patricia Hassard: Mr. Chairman, I'll try to answer that.

I think the fact that we are going to approach the new recruitment process somewhat differently is an indication that we feel the process could be stronger. As I mentioned, I think there are really three new elements in the recruitment process for the next Public Sector Integrity Commissioner.

The first is that the selection committee will have a mix of people on it from different backgrounds to represent the various points of view that will be necessary to find a commissioner of the highest calibre. They will be from both within government and outside government.

The second thing is that we will be hiring a search firm. We're doing this more and more. I think the reason is that not infrequently people who apply for positions are not necessarily all of the candidates you might want to look at. In the past, the senior personnel secretariat has acted as the search firm for Governor in Council appointees. But we find that if we can do a national search, there's a very broad consideration of many candidates.

As I mentioned, we will also be doing something that is relatively new. We've been doing it for the past year. It's a psychometric assessment of the leading candidates for some of our leadership positions. It's a new tool. In several processes that we've been involved in, we found it to be very helpful in being precise on who would be the right leader for a particular position.

Hon. Geoff Regan: You've probably seen the letter from Mr. Keyserlingk to this committee.

Ms. Patricia Hassard: Yes.

Hon. Geoff Regan: You know that he talked about the difficulty in choosing someone from within the existing public service. On the one hand, this person would naturally be more likely to get along with people who are colleagues and essentially peers at the same level, such as deputy ministers and so forth, and would therefore be reluctant to find wrongdoing. Secondly, in terms of the effect on his or her career by displeasing the Clerk of the Privy Council or other DMs, the person would be reluctant to find fault.

In view of his strong advice or his urging that the government or Parliament look outside the public service for the Integrity Commissioner, as he advised when he left office, and as he advised when the last Integrity Commissioner was chosen and his advice was ignored, and as he advises again, why do I not see that in your comments, or have I missed it?

Ms. Patricia Hassard: Mr. Chairman, in answer to that question, I would say that I don't think we should close the door on any particular type of background. I think you will find that if you look at the current officers and agents of Parliament, there are many with

strong public service backgrounds who have been successful in their roles. I don't think it should be a barrier to becoming the next Public Sector Integrity Commissioner.

On the other point you made about relationships, this position has a tenure of seven years, and the statute guarantees the independence of the individual. I think it gives you some assurance that the individual would be a strong overseer.

Hon. Geoff Regan: One would have thought so, but we didn't see that with the recently departed Integrity Commissioner, which is exactly what Mr. Keyserlingk predicted. He precisely pointed out the problem, and I'm concerned that it appears the PCO, and maybe the PMO as well, are ignoring his advice.

Let me move on. By what selection criteria did the Privy Council Office and the Prime Minister's Office think that Ms. Ouimet was a good candidate and the right candidate?

• (1215)

Ms. Patricia Hassard: Mr. Chairman, I think if you look at her curriculum vitae, you will see that every aspect of the selection criteria was met.

She had significant experience as a senior executive in the public service. She'd been an associate deputy minister in two departments, Agriculture and Agri-food and Public Works, over a period of four years. She was trained as a lawyer. She was the executive director of the Immigration and Refugee Board, which, as you probably know, is our largest administrative tribunal. She had good, solid, quasi-judicial experience.

She also had experience in managing investigations and in oversight, because she played a role as director of enforcement operations at customs. She was at the Public Service Commission as chair of the appeal boards for public service appointments, demotions, and dismissals. She also had several leadership roles as an assistant deputy minister in corrections and policing, and she was the chief executive officer of Consulting and Audit Canada.

Mr. Chairman, I think there were other characteristics that we and Parliament were looking for. She is a franco-Ontarian who is fully bilingual and was willing to take the position. We were confident that she would've been a good candidate.

Hon. Geoff Regan: So she looked good on paper, if you were going to hire a public servant, which is what Mr. Keyserlingk strongly advised against.

Who created the selection criteria for this Governor in Council appointment?

Ms. Patricia Hassard: The selection criteria were a joint effort. In fact, we consulted Mr. Keyserlingk about the selection criteria. He commented on them, and in the end it was the Privy Council Office that finalized the criteria.

Hon. Geoff Regan: Who was on the selection committee when Ms. Ouimet was chosen, and who was the chair?

Ms. Patricia Hassard: We did not have a formal selection committee.

Hon. Geoff Regan: Was she chosen by the Clerk of the Privy Council, by the Prime Minister...?

Ms. Patricia Hassard: I should probably back up a little bit.

As you may know, this position was advertised in the *Canada Gazette* and on the Governor in Council website. The selection criteria were there, and the notice of vacancy. Twelve individuals applied through the advertised process, and when those applications were screened, it was clear that none of those individuals met the selection criteria, in which case, because we did not have a search firm, the senior personnel secretariat, in effect, became the search firm. We referred six individual names for discussion, and of those, the one who most closely met the criteria was Madame Ouimet.

Hon. Geoff Regan: When you were talking a moment ago about who created the selection criteria for this appointment, were you referring to this time or to the time when she was appointed?

Ms. Patricia Hassard: I'm sorry. I thought you were asking about the time in 2007.

Hon. Geoff Regan: Thank you.

Has someone different created the criteria this time?

Ms. Patricia Hassard: We haven't finalized the criteria this time.

As I mentioned, what we will be doing is setting up a selection committee, chaired by the President of the Treasury Board. That committee will finalize the selection criteria.

The Chair: Thank you, Mr. Regan.

Madame Bourgeois, vous aurez huit minutes, s'il vous plaît.

[Translation]

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

Good morning, ladies. Good morning, Mr. Wild. Thank you for being here today.

Ms. Hassard, on page 2 of your opening statement, you say: “In this context, the role of the public service in appointments is to implement processes, agreed to by the government...”

What do you mean by “agreed to by the government”?

[English]

Ms. Patricia Hassard: Yes, certainly.

Mr. Chairman, the policies that are followed in the recruitment and selection of Governor in Council appointees are policies of the Government of Canada, not policies of the Privy Council Office. They are policies agreed to by the government.

• (1220)

[Translation]

Ms. Diane Bourgeois: Did you also mention Privy Council policies? I did not completely understand.

[English]

Ms. Patricia Hassard: The policies we follow in the recruitment and selection of Governor in Council appointees are policies set out in the document “Managing the Governor in Council Appointments Process”. That set of guidelines was approved by the government.

[Translation]

Ms. Diane Bourgeois: On page 4 of the same document, you say: “First of all, a selection committee will be established...”

You say that important changes will be made to the process that was followed in 2007. That is why the rest of page 4 is written in the future tense. Are you saying that Ms. Ouimet was selected by the Privy Council Office in 2007 using a process that was not well conceived in comparison with the new process that you have just described to us? The differences were enormous. Is it possible that Ms. Ouimet was persuaded to submit an application by people in the Privy Council Office who knew her?

[English]

Ms. Patricia Hassard: Mr. Chairman, I think I was explaining that when the twelve individuals who applied for the position were matched up against the selection criteria, none met all of the selection criteria. In a case like that, when we are looking for individuals for a particular position, we rely on our own sources—in this case, our own database of individuals, our own knowledge of the senior leadership.

In this case, Madame Ouimet was identified and her qualifications matched up, and it was a very good match. She was considered a good candidate for this position.

[Translation]

Ms. Diane Bourgeois: One thing surprises me, Ms. Hassard. In your presentation today, you say that you are going to be using psychometric assessment. That seems to be something new for you. Psychometric assessment has existed for more than 20 years. I have used it myself with various appointments to CLSCs, groups in Quebec. I do not understand how you at the Privy Council Office have so few tools for finding candidates.

Mr. Martin has made us aware of Mr. Keyserlingk's observations. He says in his document that he has met you and that you agreed with some of his observations. But today, we can see that you did not put them into effect at all.

Ms. Hassard, is this saying that, for Ms. Ouimet's appointment, the Privy Council Office did what it liked, that there was no way anyone was going to mess with the appointment at the time, and that it was predetermined and biased?

[English]

Ms. Patricia Hassard: Mr. Chairman, when Mr. Keyserlingk came in—I believe that was before my time in this role, because he did not meet with me—I understand that he had some views about the selection criteria. Not all of his views were incorporated into the final document.

We left it so that a person with experience in either the private or public sector could be considered for this position.

[Translation]

Ms. Diane Bourgeois: Ms. Hassard, after Ms. Ouimet left and after this disaster and all this kerfuffle surrounding the position of Public Service Integrity Commissioner, Ms. Fraser, the Auditor General of Canada, appeared before this committee to report to us on the situation. That was December 14, 2010. On the afternoon of the same day, Stockwell Day appointed an interim commissioner. So that means that neither your office, nor Stockwell Day had any knowledge of what the Auditor General of Canada and Mr. Keyserlingk had said. So you learned nothing from Ms. Ouimet's appointment. I find that appalling.

• (1225)

[English]

Ms. Patricia Hassard: Mr. Chairman, I have a couple of points to make in response to that question.

The first one is that under the statute an interim commissioner is only appointed for six months. It's meant as a transitional measure while we do a thorough and rigorous search for the next Public Sector Integrity Commissioner.

I think I'll stop there.

[Translation]

Ms. Diane Bourgeois: Ms. Hassard, the new process seems to indicate that you are going to learn from this experience. Has it started, or have you just established the framework?

[English]

Ms. Patricia Hassard: Well, it has started to the extent that we're looking at the selection criteria, we have a chair of our selection committee, and we're in the process of confirming the other members of the selection committee. That would be our first step.

The next step would be to have a meeting of that committee at which they review the selection criteria and the approach to advertising and recruitment and the selection of a search firm.

[Translation]

Ms. Diane Bourgeois: In terms of the selection criteria, Mr. Keyserlingk recommended the possibility of appointing someone from outside the public service. As he explains it, you have to consider human behaviour. In the course of doing the job, this senior official, with the responsibility for passing judgment on untoward actions, could be called upon to judge the actions of his colleagues. Are you going to consider that recommendation from Mr. Keyserlingk?

[English]

The Chair: Very briefly, please.

Ms. Patricia Hassard: I can be very brief, Mr. Chairman.

I'll just say that in the criteria, I think we would want to include "experience in either private or public". I don't think we want to dismiss the idea that a person with a public sector background could be a fantastic candidate for this position.

The Chair: Mr. Regan has suggested to me, for the purposes of people who may be watching this, that we should describe who Mr. Keyserlingk is. He has a doctorate and a master's in law, and he has

given advice on the issue of the Public Sector Integrity Commissioner of Canada.

Hon. Geoff Regan: As he says in his letter, he was appointed as the public service integrity officer, which preceded this role of the commissioner. It's just a point of information.

Thank you.

The Chair: I don't think we need to go beyond that. Thank you.

I think it's Mr. Calandra and/or Monsieur Gourde.

Mr. Paul Calandra (Oak Ridges—Markham, CPC): As you can see, this committee in particular is balanced, and of course the chair is an opposition chair, and he's doing a great job.

But I was wondering, can you tell me when this office was actually created?

Ms. Patricia Hassard: It was created in 2006.

Mr. Paul Calandra: What act created it?

Mr. Joe Wild (Assistant Secretary to the Cabinet, Machinery of Government, Privy Council Office): The office was created under the Public Service Disclosure Protection Act, which had been amended by the Federal Accountability Act.

Mr. Paul Calandra: That was principally an act that came out as a result of the sponsorship scandal of the previous government, and of course trying to end the corruption of the previous Liberal government and restore some accountability to this place. So thank you for clarifying that for me.

I looked back because we were talking just a bit about how the process happened, and I came across a couple of quotes. The Honourable Diane Marleau, June 14, 2007: "Mr. Speaker, the Standing Committee on Government Operations and Estimates met earlier today" basically to concur and to approve the appointment of Christiane Ouimet, the former commissioner. All the members agreed. I'm not sure which members here were on the government operations and estimates committee there, but it appears to me that it was a unanimous decision at that time.

I looked a bit further, and I had a comment from the Honourable Liberal Senator Serge Joyal: "Ms. Ouimet is a stellar example of someone who will be able to discharge her function with a high degree of competence". He went on to extol a lot of the virtues of Ms. Ouimet at the time.

I'm trying to find some areas where there was disagreement.

Hopefully you can explain this a bit further to me, because this appointment is a bit different. It's subsection 39(1):

The Governor in Council shall, by commission under the Great Seal, appoint a Public Sector Integrity Commissioner after consultation with the leader of every recognized party in the Senate and House of Commons and approval of the appointment by resolution of the Senate and House of Commons.

This is the process that was followed under the last appointment, and you've made some changes to it. I'm not going to ask you whether there were any disagreements, because obviously we had a commissioner appointed, so clearly there were no disagreements, and I haven't been able to find any.

But are you changing that at all? Will there be any changes to the fact that there will be consultations with the leaders and there needs to be a House of Commons and Senate resolution?

• (1230)

Ms. Patricia Hassard: No, Mr. Chairman. Once the government has identified a nominee, that person's name and curriculum vitae are sent to the leaders of the opposition parties by the government for consultation. So there is an opportunity at that time, if there are issues to raise.

There's also a secondary step in Parliament, as I'm sure you're aware, where both the Senate and the House of Commons must consider the candidacy and pass resolutions to approve that individual before the government can issue an order in council making that person the Public Sector Integrity Commissioner. So it is a fairly elaborate process.

Mr. Paul Calandra: Can you explain just a bit further the one change, the psychometric assessment? What are some of the elements of that? If you could, just describe that a bit more in depth for me.

Ms. Patricia Hassard: Yes.

I take the point that psychometric assessments have been used for several years. We're relatively new to them as a tool, and I must say we're finding that they're very useful. The way they are done is that a trained psychologist will interview the individual candidates—in our cases, we have done it with usually the short short list of candidates—and will assess over a series of tests online and in person what the person's quality of character is, how they think, whether they are strategic thinkers, what their relational capabilities with other individuals are, how they make judgments, how they operate under stress. It's a very interesting way to assess the qualities of a candidate for some of our leadership positions, and I think it is one that has helped us make distinctions among final candidates. In other words, we have used it to help in deciding which candidate on the short short list is the right candidate for that organization at that moment.

Mr. Paul Calandra: Here is a last question, and then I'm going to turn it over to Mr. Holder.

If there is any unfortunate reason that a public service integrity commissioner needs to be removed from office, what is the process for removing an officer of Parliament?

Ms. Patricia Hassard: Well, it's not a process we know very well, because it has not been used. In the statute, essentially a person who is an agent of Parliament.... The Public Sector Integrity Commissioner could only be removed for cause after address of both houses of Parliament.

The Chair: You have two minutes and fifteen seconds, Mr. Holder.

Mr. Ed Holder (London West, CPC): Thank you, Chair. Thank you to our guests as well.

Madam Hassard, we've referred to Mr. Keyserlingk's thoughtful note to Mr. Martin back on December 15, 2010. I've just seen it now. What was his background prior to his role as stated? Do you know offhand?

Ms. Patricia Hassard: I don't know Mr. Keyserlingk.

Mr. Ed Holder: I heard one of our colleagues opposite say that he would exclude past or current civil servants regardless of their talents. I find that interesting, because I guess, based on that, the Speaker of the House should not come from our list of parliamentarians because there's the potential for bias. And I would suppose that the Governor General should never be a former parliamentarian, as Madame Jeanne Sauvé and Mr. John Bosley and even the New Democratic Premier Ed Schreyer were, because of their past political relationships. And I suppose even the Ambassador to the United States, the Honourable Gary Dewar, should not be the ambassador because he had past relationships. I was a little curious about that step of logic.

You have mentioned that June 18, 2011, is the time when the interim commissioner's role will be complete. Will that give you sufficient time, with all the things you need to do in putting the committee together and all, to find an appropriate replacement?

• (1235)

Ms. Patricia Hassard: I believe it will.

Mr. Ed Holder: Okay.

The interesting thing, Chair, and I would say this to all committee members as a former employer with some 30 years of background in which I have literally hired hundreds of people over my time—many of them quite personally, before I had a group of experts to assist me, people who are much more skilled than I am—is that this really becomes an issue sometimes of learning the things that you've done right. Often, you don't even know until you get someone in the chair how effective and how exceptional you hope they will be, and sometimes that process, notwithstanding all our best plans, becomes one of those situations in which, unfortunately, it's not the right fit. But what I'm impressed by is that, from what I see of what you're doing, you're putting processes in place to go forward. I think that is the key. And you have indicated that from your standpoint this—a case of someone stepping down from this position—is a first-time experience as well.

So I commend you for taking the proactive role in going forward. I think that is important.

That wasn't a question; it was more a comment, Chair. Thank you.

The Chair: Mr. Martin, you have eight minutes.

Mr. Pat Martin: Thank you, Mr. Chair.

I think that we as a committee should begin with an apology to all of the courageous whistle-blowers who came forward with information to save the country money, or for whatever reason they came forward; we let them down profoundly. The appointment process was the genesis of that failure.

I was shocked to learn, and the scuttlebutt is in the senior bureaucracy, that she didn't apply for that job at all. In fact, she was head-hunted; she was specifically sought out because the government was looking for a compliant stooge who wouldn't rock the boat. That's the horrifying thing to me. Twelve qualified people applied and were turned away. Another short list of six was developed, and they chose this one person, who turned out to be a maniacal despot the likes of which we haven't seen since George Radwanski.

You say, Ms. Hassard, that we've never exercised this right to fire an officer of Parliament. We did in fact run George Radwanski out on a rail—he's lucky he wasn't tarred and feathered—and his golden parachute was clawed back.

I'm a former union rep and I've dealt with a lot of severance issues. In what lunatic universe does a person get a golden parachute like that when they quit their job? It's unprecedented.

My question is, who negotiated this insane severance package? Why is a gag order a part of that severance package? And what active steps is the PCO taking to get back every penny of that severance package—and I would argue even further, to claw back the wages she was paid, because she didn't do her job?

What steps are actively being taken by you to get that money back?

Mr. Joe Wild: It's difficult to figure out exactly what the question is under the list of questions that were asked.

Mr. Pat Martin: Start with the last one. What are you doing to get us our money back, Joe?

Mr. Joe Wild: There's absolutely nothing incongruous with the settlement arrangement the government arrived at with the former commissioner. That agreement follows standard—

Mr. Pat Martin: Incongruous is a strange choice of word. What does it mean?

The Chair: Mr. Martin, let Mr. Wild finish, please.

Mr. Joe Wild: The agreement follows standard practice in providing both weeks of severance as well as pay in lieu of notice, in light of the fact that this is a person who approached the government to—

Mr. Pat Martin: But she quit; she wasn't fired. You have said so.

Mr. Joe Wild: —resign her position when she had four years left on a seven-year mandate. The government was of the view that it was in the public interest at that time, when Madame Ouimet approached the government to resign, to negotiate an appropriate package that would allow the office to be able to move forward with an interim commissioner to address the issues. Basically, that was the view: that this is what would be necessary in order to arrive at an agreement.

• (1240)

Mr. Pat Martin: I don't blame you personally, Joe, but you are rewarding bad behaviour in the most ridiculous way. It would be different if the government went to her and said, we want you to resign and here is the offer; take it or leave it. But she quit—or the government would have us believe that she quit—her job. She wasn't fired; she wasn't let go, as it were.

This is what makes Canadians' blood boil: not just that she failed 250 honest, courageous whistle-blowers, but that she ran a reign of terror in her office, humiliating, browbeating, harassing employees. The employees who wanted to do a good job were harassed and browbeaten by this woman. It was a horrible experience.

We listened to Mr. Keyserlingk. He laments this, because a lot of those employees were his former employees—dedicated, dutiful employees whom he convinced to stay on when he left—and he feels that he's let them down as well.

You didn't listen to a word of what Dr. Keyserlingk had to say in his recommendations. He's abundantly clear that he doesn't think this appointee should be a public servant, because there's an inherent bias that develops among ADMs and deputy ministers, a sympathetic synergy with other ADMs and managers. When a whistle-blowing event takes place, there's a sympathy that may have developed over the years of working with her colleagues. They may be former colleagues whom she's being asked to investigate. It's an untenable situation for a former ADM to do this job and investigate in any aggressive kind of way.

Nothing I've heard today changes my opinion that you were looking for a compliant stooge who wouldn't rock the boat in that very sensitive office.

Joe, you were part of the Federal Accountability Act; you were the point guy. You essentially wrote it on behalf of the government, and I appreciate the work that went into it. But part of that was a Public Appointments Commission—which exists, even though it has never really been given any substance. Was this appointment vetted by the Public Appointments Commission to test the integrity of the selection?

Ms. Patricia Hassard: Mr. Chairman, the honourable member is quite right, in that the Public Appointments Commission legislation exists—

Mr. Pat Martin: Well, the office exists.

Ms. Patricia Hassard: The office exists, but it has not been established by the government to this point.

Mr. Pat Martin: There are personnel there, are there not, Patricia?

Ms. Patricia Hassard: There is one executive and one administrative staff.

Mr. Pat Martin: The Maytag repair man.

Ms. Patricia Hassard: They don't have a mandate at this point to oversee appointments of Governor in Council appointees. So no, this appointment was not vetted at the time.

Mr. Pat Martin: I see.

Would you agree, Mr. Wild, that if a Public Appointments Commission were in full force and effect as contemplated by the Federal Accountability Act, we might have had a better selection process for these senior officers?

Mr. Joe Wild: Mr. Chair, I wouldn't want to speculate as to what would have happened had the Public Appointments Commission been in place. I would simply note that the mandate of that commission is to provide advice to the government on establishing selection processes and that work has been done by those who were set up in the secretariat of that commission to that effect. That has been taken into account in the guidelines that have been established around selection processes.

Mr. Pat Martin: Can you answer what the reasoning was behind the gag order associated with the severance package? That's pretty unusual, is it not?

Mr. Joe Wild: Mr. Chairman, I'd like to know exactly what the gag order is that the member is referring to. I'm not clear what he's referring to.

Mr. Pat Martin: We were told she's not allowed to divulge the details: the terms and conditions of her appointment, her term in office, or her severance arrangements.

Mr. Joe Wild: There is standard language in the settlement agreement around the confidentiality of the terms and conditions of the agreement, which you will find in any settlement agreement in any labour situation. In—

• (1245)

Mr. Pat Martin: Well, how does anybody know all the terms that —

Mr. Joe Wild: In addition to that, though—excuse me, Mr. Chair—the agreement has a clause in it that makes it very clear that the government, in order to discharge the responsibility of ministers to account to Parliament, can make public the terms and conditions of that agreement, and in effect that agreement was provided to a parliamentary committee when that committee asked for it.

The Chair: Madam Coady, you have five minutes.

Ms. Siobhan Coady: Thank you very much.

And thank you for taking the time to be here today. I think you're sensing a fair amount of frustration, not only on the part of this committee but also on behalf of Canadians, concerning Madame Ouimet, and also on behalf of the 228 people who came forward with information that they thought was important enough to bring forward to her, whistle-blowing on behalf of this government.

I want to make a point of information here. We've been talking about Mr. Keyserlingk. I just want to point out that he was appointed in 2001 as the public service integrity officer. There was a change in 2007, and I want to know, for clarity, that the position now is that of an independent officer of Parliament.

Is that correct, yes or no?

Ms. Patricia Hassard: Yes.

Ms. Siobhan Coady: Great.

Well, I'm a little appalled today, because when I was listening to your comments and hearing about the appointment of a new Public Sector Integrity Commissioner, I heard from you that the chair of the selection committee is going to be none other than the President of the Treasury Board.

This is supposed to be an independent officer of Parliament. The role of this particular officer is to investigate instances that are brought forward to this individual and to that department when there are concerns about the government, concerns about managers, concerns about happenings within government. She is supposed to investigate those to see whether there is merit.

We know that she had—and this is a quotation from her—a “bias toward prevention”. Now, how she could have a bias toward “prevention” when she should have been investigating and taking seriously these 228 instances of people saying that there is a concern within government....

My first question is, how do you justify having the President of the Treasury Board? I see that you said it's because of the responsibilities for the promotion of ethical practices. If we're truly

looking at that, why would the President of the Treasury Board be chair of the selection committee? That's my first question.

My second question is this. There doesn't appear to be much urgency around this. The gag order on Madame Ouimet was issued in early October of 2010, and yet you do not have this selection committee struck, nor do you have the selection criteria established. That was six months ago.

Those are my first two questions, if you would be so kind as to respond. Thank you.

Ms. Patricia Hassard: Thank you very much for the questions.

I think there is a very good rationale for the President of the Treasury Board to chair this committee. In the end, it is the government that will nominate an individual, so the government has to be comfortable with putting forward that person's name. And the President of the Treasury Board does have responsibilities, as I mentioned, for ethical practices in the public sector.

I would also point out that when the current Auditor General was chosen 10 years ago, there was a minister in the chair of that selection committee; it was the President of the Treasury Board. And in the search for the new Auditor General, the President of the Treasury Board is in the chair.

I think it is a case in which the government is the body nominating this individual, so I don't see that this is an issue. The committee will be well-rounded.

In terms of your second question, on the timeliness, as I mentioned earlier we have a timeline that will allow us to name a new Public Sector Integrity Commissioner before June 18, and I think that is what's important.

Ms. Siobhan Coady: Could you please table that timeline so that this committee can be reassured about how we go forward?

My concern here is that there seems to be a relationship between the integrity commissioner and the PCO and the PMO, and there should be independence there, because they are actually investigating concerns within government. We know that there has been an e-mail going around, certainly in the public realm. That is the current interim commissioner actually e-mailing Mr. Wouters, who is the chief of the Privy Council, talking about wanting to give him a heads up, that there is one issue his office is currently not privy to, that the clerk must be briefed on, and that he'd be pleased to provide details to the PCO to ensure that Wayne is not blindsided.

So there is this interaction that I have some real concerns about. What we don't want to see is that this person is no longer an independent officer of Parliament. We want to make sure they are actually able to work on behalf of the whistle-blowers who come forward.

There is where the concern lies. If you're truly independent of that—and again, they're protecting whistle-blowers—they should have a disengaged relationship.

• (1250)

The Chair: Could you give a very brief answer?

Your five minutes is up.

Ms. Patricia Hassard: Yes, Mr. Chairman.

I would say it is important that agents of Parliament understand government and that they have professional relationships with senior leadership in the government. I think you could say that about every single one of them. They do that, and they meet. We have cordial relations with all of them. It is important to the fulfillment of their duties.

The Chair: Thank you.

Monsieur Vincent, pour cinq minutes.

[Translation]

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

I am going to share my time with my colleague.

According to your testimony, Ms. Hassard, Ms. Ouimet was appointed by the government. Is that correct?

[English]

Ms. Patricia Hassard: Yes, technically, the government nominated her. She went through a parliamentary approval process, and the government then issued an order in council.

[Translation]

Mr. Robert Vincent: You also mentioned that 12 people had applied for the position. I am surprised to hear you say that those 12 people could not read, did not know what a job application was, nor what the criteria were. Personally, if I saw that job criteria advertised in the paper did not match my qualifications, I would not apply. So you are telling us that the 12 people did not understand the application at all, nor the selection criteria, and did not meet the requirements of the position. Is that what you are telling me?

[English]

Ms. Patricia Hassard: I'm saying that those 12 individuals self-selected to apply for this position. They submitted applications. Based on the screening, they did not meet the selection criteria. I don't know whether it means they did not understand the selection criteria or whether there's an underlying reason.

[Translation]

Mr. Robert Vincent: Who are the people who decided that the 12 applicants did not meet the criteria and that the government would look for someone else?

[English]

Ms. Patricia Hassard: They were screened in my office.

[Translation]

Mr. Robert Vincent: Could you tell us how the selection was done? Did you make the decision? Or did you get a missive saying that someone had already been picked, that the 12 applicants were not the best people, that they had found who they were looking for and she was going to be appointed? Did you get a missive like that?

[English]

Ms. Patricia Hassard: No, Mr. Chairman. I think the situation points out the need for a search firm in certain cases. They can provide services that allow you to broadly look for candidates and to ensure that you've had a good look at who's out there and what the skill sets are. I think there really is a lesson in that.

[Translation]

Mr. Robert Vincent: If I understand correctly, a psychologist will decide on the next candidate. So the government is going to decide based on a psychologist's opinion. The same mistake cannot happen again. You can't appoint someone, make a mistake and then hand them a golden parachute so that they will not only leave, but submit their own resignation. It is easy to wash one's hands of the whole thing by turning it over to a psychologist who can put his stamp of approval on everything. Isn't that so?

[English]

Ms. Patricia Hassard: Mr. Chairman, I think I should reply to that by saying I may have oversold the psychometrics. It's only one part of the input into a decision that needs to be very well rounded to make the right decisions about people.

[Translation]

Mr. Robert Vincent: Thank you

[English]

The Chair: You have two minutes.

[Translation]

Ms. Diane Bourgeois: Ms. Hassard, I have been listening to what has been said around this table for some time. If I understand correctly, the government chooses the candidate. I think back to Thursday, June 4, 2007 when the parliamentary secretary to the Prime Minister's Office was at this table to ask questions of Ms. Ouimet, who was a candidate at that time. Now that you tell me that the government chooses the candidate, I see that the Prime Minister's parliamentary secretary was present because Ms. Ouimet was their candidate.

By the way, Ms. Ouimet played her role very well. When she came to testify, she knew how she was supposed to do the job. She changed her approach while she was in the position, meaning that she had something to accomplish and actions to take. Subsequently, when she left, she was given a huge lump sum to thank her for doing such a good job. Now we have Mr. Dion, the new interim Public Service Integrity Commissioner. As he is in an interim position, I don't think that it will be he who will be dealing with the 225 or so integrity cases that are pending—unless someone can prove to me the opposite. Where is this going exactly?

Thank you, Mr. Chair.

• (1255)

[English]

The Chair: Respond very briefly, Madam Hassard.

Ms. Patricia Hassard: Thank you, Mr. Chairman. I think I do need to respond to the assertion that the government chooses the candidate.

The government nominates an individual, and then it's Parliament that actually approves the person.

Concerning the acting commissioner, I understand that he is reviewing the cases that were done under the tenure of Madame Ouimet and that he expects to file a public report on that review.

The Chair: Thank you.

Madam Hassard, Mr. Wild, Ms. Henry, we are almost out of time. On behalf of the committee, I want to thank you for your testimony. That was very helpful.

Colleagues, when I talked about the procedure, I did not realize that we had actually reserved time for committee business in the orders of the day. Therefore, what I thought was out of order is actually in order, namely Madam Coady's motion.

I will ask that Madam Coady move her motion, and in the time remaining we will deal with it.

Ms. Siobhan Coady: Thank you very much, Mr. Chair.

Yes, I did note on the agenda that there was some time left for committee business, and because we're starting our advertising study, I certainly want to make a motion today to ask for information. I don't think I need to read it into the record; it is available in both official languages. What we are requesting is the information that we will need to ensure that we have a robust study.

The Chair: Is there any comment?

Did they get the motion?

Ms. Siobhan Coady: Yes. It's in front of you.

The Chair: Do you want to read it into the record?

Ms. Siobhan Coady: Sure.

It is that with regard to government expenditures on advertising for the fiscal year 2010-11, this committee requests that the Government of Canada provide it with the following information, by department, in electronic format, in five days: one, how has the money been allocated; two, what government program or service was it advertising; three, in what medium—print, radio, television, or other; four, what amount was spent; five, in what geographic area; and six, what was the total amount spent on advertising to date and the anticipated spending.

I'm sure all of that is available. We just need to have it pulled together and given to committee for our study on advertising.

Thank you.

The Chair: Mr. Warkentin.

Mr. Chris Warkentin (Peace River, CPC): I suspect that five business days would not provide enough time for the respective departments.

Was it for every department and agency? Were there specific departments outlined? Who are we asking, in that motion, for this information?

The Chair: Go ahead.

Ms. Siobhan Coady: Thank you. I wasn't sure I was allowed to speak.

There's \$100 million that has been spent, so we want the government to provide information on all government advertising. We are starting a study on this, and I think it's important—

• (1300)

Mr. Chris Warkentin: But in the motion, who are we calling on to supply the information?

Ms. Siobhan Coady: It's all departments of government—anyone who has moneys allocated for advertising.

Mr. Chris Warkentin: So we're sending the motion out into the ether and saying—

Ms. Siobhan Coady: It's not to the ether. It is Public Works and Government Services Canada that is ultimately responsible, of course, for contracting. They would have the list, I'm sure, of the information we're requesting.

Mr. Chris Warkentin: So we're directing Public Works to coordinate—

Ms. Siobhan Coady: PCO would have a piece of this as well, because they are the overseers of government advertising. Each department would have information as well, going up to both of those departments. Whoever is spending the money with regard to advertising would have that information.

The Chair: We're at one o'clock. We have folks wanting to use this room. I have to bring debate to a close. Is anybody prepared to defer it?

Ms. Siobhan Coady: No, I'd like to go to a vote.

Mr. Chris Warkentin: I think we need to figure out exactly what we're asking for, to whom we're asking, and what specific information we're asking for.

Ms. Siobhan Coady: We're very specific in this.

Mr. Chris Warkentin: Well, it's about as broad as the average barn. It's not a very targeted ask; therefore, we're asking basically for every single document as it relates to advertising in the entire Government of Canada. I don't think that can be compiled in five days.

The Chair: Those in favour of—

Mr. Chris Warkentin: No. I think there are still common questions with regard to it.

The Chair: Then I have to say we've run out of time. We'll have to therefore defer it.

The meeting is adjourned.

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