

**FOLLOW-UP TO THE HOUSE OF COMMONS STANDING COMMITTEE ON
GOVERNMENT OPERATIONS AND ESTIMATES
Treasury Board Secretariat of Canada
May 8, 2020**

1. Contracts (OCG)

(CPC) Mrs. Kelly Block (Carlton Trail—Eagle Creek): All right. I will definitely be asking that question of PSPC when they appear before committee again. I'd like to turn to the \$4.4 billion promised by the government for protecting health and safety, and more specifically, the \$2 billion for personal protective equipment and supplies. Can you tell us if the contracts that have been struck, and perhaps even according to the guidelines and measures that have been put in place, the emergency limits, allow for prepayment?

Ms. Kathleen Owens (Assistant Comptroller General, Acquired Services and Assets Sector, TBS): Again, the specifics of each contract are something you'd have to ask the contracting organization, likely PSPC in this case.

Mrs. Kelly Block: Okay, but do your guidelines allow for the prepayment of contracts, regardless of—

Ms. Kathleen Owens: Advance payments are allowed within financial management policy, generally, subject to certain conditions.

Mrs. Kelly Block: What would those conditions be?

Ms. Kathleen Owens: I am not an expert in the financial rules around them, but in general, advance payments are for receipt of goods or services within the upcoming year. They can't cross fiscal years.

Mrs. Kelly Block: Are you familiar with any limits on how much can be prepaid?

Ms. Kathleen Owens: It has to be within the value of the contract. I can check with my financial management colleagues and get back to you on those specifics.

Mrs. Kelly Block: I would appreciate that.

Response

Departments are responsible for ensuring that advance payments are made in accordance with a contract, only under exceptional circumstances and when payments are considered essential to achieving program objectives.

The conditions placed on advance payments are that they be aligned with the fiscal year in which the goods or services are received, and that any excess amounts paid are to be immediately recovered. More detail is available in the Treasury Board's Directive on Payments paragraph 4.1, which can be found at: <https://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=32504>.

2. Collective Agreements (OCHRO/EMS)

(NDP) Mr. Matthew Green: As it relates to the outstanding payback that is accrued or owed, can you expand on that, please?

Ms. Nancy Chahwan (Chief Human Resources Officer, TBS): Yes. I don't have the precise numbers. I'm not sure if Glenn Purves is on the call with us, given the technical difficulties. If not, I can get back to you with the...we can send that information after the call, but I can say—

Response

The liability for outstanding 'back pay' as of March 31, 2020 will be estimated in preparation for the 2020 Public Accounts, which are expected to be tabled in Parliament in Fall 2020.

3. Paid Leave (OCHRO)

(CPC) Mr. Kelly McCauley: Great, thanks very much. Ms. Vignola was talking, and I'm sorry I missed some of the answers, about the public sector working at home. We don't have an exact number of how many are working from home besides the vast majority, but do we know how many are working from home or how many are on paid leave right now because they're not able to productively or properly work from home either because of just reality or lack of proper equipment?

Hon. Jean-Yves Duclos (President of the Treasury Board): Nancy, would you like to provide whatever information we have at the level of the Secretariat?

Ms. Nancy Chahwan (Chief Human Resources Officer, TBS): We have very little aggregate information at this point. Departments are collecting that and we are working at aggregating it, and we should have data towards the end of the month. The vast majority of people are —

Mr. Kelly McCauley: Could you provide that to our committee when you have that?

Ms. Nancy Chahwan (TBS): Absolutely.

Mr. Kelly McCauley: Thanks. Also, there's an amount of those who were on paid leave for a shorter period and have now received equipment or access to the system and are back to work, so to speak, if you could provide that as well.

Response

The government can confirm that the vast majority of public servants continue to work full-time to deliver services to Canadians under these unprecedented circumstances.

The Treasury Board Secretariat continues to work with departments to collect and aggregate workforce data and will provide the data to the committee as soon as it becomes available.

4. Cost of Internet Subscription (OCIO)

(CPC) Mr. Kelly McCauley: ...

How much are we paying for public sector employees to be working at home? We're covering Internet, I assume, or other equipment. Would you provide how much we're paying for this?

Hon. Jean-Yves Duclos (President of the Treasury Board): There is a direct link on the question asked by a member of Parliament. If you would allow just a moment, we can—

Mr. Kelly McCauley: It's not specifically for covering Internet access, I don't think.

Hon. Jean-Yves Duclos (TBS): That's right. Your question is even more specific. In that case, who on the team would be best able to answer?

Mr. Kelly McCauley: You can get back to us at the same time you're providing the other information.

Response

In response to the question by the Honourable Member, the Treasury Board of Canada Secretariat has provided departments and agencies with guidance on the factors they ought to consider when making decisions about when and how to equip employees working remotely, which includes a recommendation that employees not be compensated for internet unless circumstances require it.

Any equipment provided or procured by the government for use at home by an employee is and remains a departmental asset.

The Comptroller General has advised Chief Financial Officers that they should be prepared to track COVID-19 related expenditure. Given the time to process invoices and the fact that COVID-19 is still a relatively new development, no central information on the cost of providing equipment to public servants to work from home is available.

5. Transparency (OCIO)

(CPC) Mr. Kelly McCauley: ...

Minister, we've been talking to the Information Commissioner, Ms. Maynard, about access to information. She's trying to get the government to be more proactive with transparency. We've seen all ATIPs put on hold. When will we actually start seeing members of Parliament and Canadians have access to the access to information requests, and what are we doing to proactively ensure transparency in this time?

Hon. Jean-Yves Duclos (President of the Treasury Board): I had, indeed, a very good discussion—

The Chair: Unfortunately, minister, while it's an excellent question, we're out of time. I would ask if you could provide a full and complete answer to Mr. McCauley's question in writing and write to our clerk who will then distribute that answer to all committee members.

Response

Access to information request processing

Openness, transparency and accountability are guiding principles of the Government of Canada. While the public health measures established to curb the spread of COVID-19 and to protect the health and safety of federal employees have affected capacity to process access to information requests, the Government remains committed to making best efforts to respond to access to information requests and to continue to proactively publish key information.

Most federal employees, including ATIP Office staff, are working from home, without full access to all of the documents and information systems that they would use to respond to requests. As well, in many cases ATIP Offices have had to suspend consultations with outside businesses concerning the release of records that they have provided to government, since those businesses are also affected by the crisis.

On March 20, 2020, the Treasury Board Secretariat issued an [Access to Information and Privacy Implementation Notice](#) advising institutions to make best efforts to respond to requests and to meet proactive publication requirements, in accordance with operational realities and the need to comply with direction from public health authorities. The Implementation Notice also asked institutions to notify requesters of their reduced capacity to respond to requests and the potential for delays. TBS also posted a notice on the [ATIP Online Request Service](#) to advise of potential delays in meeting access request and proactive publication deadlines.

Institutions are progressively working to increase their request-processing capacity. TBS collects data weekly on the status of ATIP Offices.

As of June 16, 2020:

- 46 institutions indicate that they are operating at full capacity (full list provided in Annex)
- Canadian Heritage indicates they have no capacity to respond to requests at this time.
- The remaining institutions have partial capacity to respond to requests.

Despite the challenges, institutions are finding ways to move forward on requests, within their individual circumstances, such as:

- offering to provide electronic-only records to requesters
- establishing new digital processes to replace paper-based business processes
- accessing the network afterhours to be able to advance the work on requests packages
- utilizing e-post where possible to provide responses to requesters.

TBS is hosting discussions with institutions to support them in sharing and implementing best practices, as well as to identify measures that would support them to deal with a backlog of requests once institutions are able to resume more regular operations.

To assist requesters and institutions, development work is underway to add additional tools and functionality to the ATIP Online Request Service to make the request process more efficient and secure, and to avoid responses on paper and compact discs. This will improve the resiliency of the process.

At the same time, the Government is undertaking a procurement process for new ATIP request processing software to help ATIP offices be more efficient.

As part of the upcoming review of the *Access to Information Act*, we will explore how new tools and approaches could be effective in helping to provide faster responses to requests and increase resiliency.

Ensuring transparency

Proactive publication of information is an important tool for our Government to provide transparency and accountability to Canadians during the COVID-19 pandemic.

As announced by the Prime Minister on April 17, 2020, the [Open Government Portal](#) will host open data related to the applications received and processed under the Canada Emergency Response Benefit.

As of May 12, 2020, the open.canada.ca portal provided 35 COVID-related open datasets and 92 open information records.

The President of the Treasury Board, in his capacity as designated Minister for the administration of the Access to Information Act across the federal government, and as a member of the Cabinet Committee on the federal response to the coronavirus disease (COVID-19), has written to Cabinet colleagues encouraging Ministers to have institutions proactively publish as much information as possible as well as remind them of the importance of ensuring best practices in information management.

ANNEX - Institutions operating at full capacity, week of June 16, 2020

Administration portuaire de Trois-Rivières
Administrative Tribunals Support Service of Canada
Atlantic Canada Opportunities Agency
Atlantic Pilotage Authority
Atomic Energy of Canada Limited
Business Development Bank of Canada
Canada Council for the Arts
Canada Economic Development for Quebec Regions
Canada Energy Regulator
Canada Foundation for Innovation
Canada School of Public Service
Canadian Commercial Corporation
Canadian Forces Morale and Welfare Services
Canadian Mortgage and Housing Corporation
Canadian Museum for Human Rights
Canadian Northern Economic Development Agency
Canadian Space Agency
Canadian Tourism Commission (dba Destination Canada)
Civilian Review and Complaints Commission for the Royal Canadian Mounted Police
Department of National Defence and the Canadian Armed Forces
Export Development Canada
Financial Consumer Agency of Canada
FinDev Canada
First Nations Tax Commission
Immigration, Refugees, and Citizenship Canada
Infrastructure Canada
Les Ponts Jacques Cartier et Champlain Incorporée
Military Grievances External Review Committee
Military Police Complaints Commission of Canada
Nanaimo Port Authority
National Battlefields Commission
National Research Council of Canada
Office of the Auditor General of Canada
Office of the Commissioner of Official Languages
Office of the Correctional Investigator
Office of the Information Commissioner of Canada
Public Sector Pension Investment Board
Sept-Îles Port Authority
Shared Service Canada
St. John's Port Authority
Standards Council of Canada

Toronto Port Authority
Vancouver Fraser Port Authority
Veterans Review and Appeals Board
Western Economic Diversification Canada
Yukon Environmental and Socio-economic Assessment Board