
Review of the Draft Multicultural Strategic Outreach Plan

March 2013



March 14, 2013

Honourable Christy Clark, Premier
Members of Executive Council

Dear Premier Clark and Members of Cabinet:

On February 28, 2013, you directed me to assemble a select team of senior government officials to investigate the draft Multicultural Strategic Outreach Plan, and identify whether government resources were inappropriately used or if violations of the *Public Service Act* (Public Service Standards of Conduct) were committed. Please find attached that review.

The review team was structured in a manner to appropriately respond to the scope of the review, and includes the most senior public servants who have full authority to examine all government financial transactions, public service conduct and government resources and records. The team also consulted with the Deputy Attorney General to confirm and clarify the legal and constitutional conventions related to the role of the public servants in these circumstances.

As part of the review, 27 interviews were conducted. Approximately 10,000 pages of documents were gathered, including government records from personal e-mail accounts. As you might expect, there have already been a number of FOI requests related to this review. With the completion of this review, the team has given these records to Information Access Operations in the Ministry of Citizens' Services and Open Government with instruction that necessary severing under the *Freedom of Information and Protection of Privacy Act* be applied and that the documents be prepared for public release on the Open Information website within 60 working days from release of this report.

Sincerely,

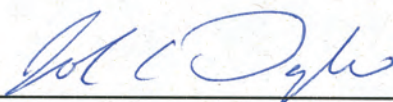
John Dyble
Deputy Minister to the Premier, Cabinet Secretary
and Head of the BC Public Service

Review Team for

The Review of the Draft Multicultural Strategic Outreach Plan

Lead Reviewer:

John Dyble
Deputy Minister to the Premier,
Cabinet Secretary and
Head of the BC Public Service



Signature

March 14, 2013

Review Team:

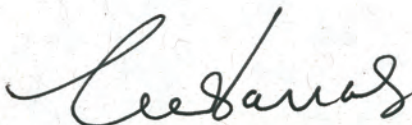
Peter Milburn
Deputy Minister
Ministry of Finance



Signature

March 14, 2013

Lynda Tarras
Head
BC Public Service Agency



Signature

March 14, 2013

Kim Henderson
Deputy Minister
Ministry of Citizens' Services
and Open Government



Signature

March 14, 2013

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EXECUTIVE SUMMARY

A draft Multicultural Strategic Outreach Plan was prepared in late 2011 and early 2012 and made public in February, 2013 (see appendix b). The draft plan includes potential partisan activities and those of the provincial government.

On February 28, 2013, John Dyble, Deputy Minister to the Premier, Cabinet Secretary and Head of the BC Public Service was asked by Premier Christy Clark and Cabinet to undertake a review of the draft Multicultural Strategic Outreach Plan to ensure that no government resources were inappropriately used or violations of the *Public Service Act* (Public Service Standards of Conduct) committed.

The Review Team

John Dyble formed a team of senior public servants to undertake the review including Peter Milburn, Deputy Minister of Finance; Lynda Tarras, Head of the BC Public Service Agency; and Kim Henderson, Deputy Minister, Citizens' Services and Open Government. This team was structured in a manner to appropriately respond to the scope of the review. The review team comprises the most senior public servants who have full authority to examine all government financial transactions, public service conduct and government resources and records.

In conducting this review, the team conducted a review of all relevant physical and electronic records, constructed a chronology of events, conducted twenty-seven interviews with people who played a role in the events, collated and analyzed the findings and produced this report.

The unusual step of using names in this report has been taken because the events discussed in this report are complex, and the team believes it is necessary to include names in order to comply with the terms of reference. Given this departure from usual practice in dealing with public service employment matters, caution has been exercised to ensure that only the persons who were previously identified publicly, or public servants acting in the course of their normal duties, are identified in this report. The circumstances of this matter have been considered to be unusual, and the form of this report should not be considered a precedent.

Other than the employees specifically named in the Analysis and Conclusions sections of this report, the review team found that the other employees identified acted with integrity and in an exemplary manner in all aspects of their work and their involvement with the issues discussed in this report.

Chronology

This report covers a series of events beginning in March, 2011, with the establishment of an office of the Minister of State for Multiculturalism and ends with the tabling of the draft Multicultural Strategic Outreach Plan in the legislature on February 27, 2013. A detailed chronology of events is attached as appendix d.

Government Context

To understand the events described in this document, it is important to also understand some fundamental concepts about the role of elected officials and their connection to political parties, government's policy direction and public servants.

This report provides a review of the legislative and policy context that guides the conduct and actions of public servants including: the Public Service Act and the Public Service Standards of Conduct (appendix h), the *Freedom of Information and Protection of Privacy Act*, the *Supply Act* and the *Financial Administration Act*, Information Management/Information Technology Policy, and government's Core Policies and Procedures related to government procurement.

Summary of Events and Facts

The Deputy Chief of Staff called a meeting for December 1, 2011, to discuss multicultural outreach. The meeting, held in a caucus meeting room at the legislature, involved eleven people including: six government employees (Kim Haakstad, Brian Bonney, Dave Ritchie, Mike Lee, Barinder Bhullar, Pamela Martin); one from the BC Liberal Party (Fiera Lo) and four BC Liberal Caucus employees (Primrose Carson, Jeff Melland, Lorne Mayencourt and a fourth caucus employee). Attendees generally agree that the meeting, chaired by the Deputy Chief of Staff, was an effort to capture current activities of the attendees related to multiculturalism and to bring better coordination among the three groups. Given the environment that was created, this provided an opportunity to also brainstorm new ideas. No editing of those ideas occurred at that time.

Several attendees recall that the discussion recognized a need to be clear about the boundaries of what was appropriate for government, caucus and party activities. The documents that were produced do not reflect any distinction. It was unclear to several of the participants whether this was a government meeting or a partisan meeting.

The Documents

Following the meeting government staff took away the notes of the meeting and created the first draft of a spreadsheet which would become known as the work plan. The draft work plan was shared back and forth between government and caucus computers. Later, Stephen Harris, a caucus employee created the first draft of a strategic document which was intended to knit together the specific elements of the work plan. This became known as the draft Multicultural Strategic Outreach Plan.

Three follow-up meetings occurred to discuss progress against the work plan with various participants attending. All participants reported that no further action took place on the assignments within the spreadsheet, or the strategy document, except where it reflected their current work related activities.

Subsequent Actions

In reviewing the document it contains elements that are partisan and those that are linked to government activity. During the period of time covered by this review, regular government business continued. The focus of this review is new business that could be seen to have been connected to the plan. This report examines five areas of potential new business.

1. Treasury Board Decision

A submission was approved by the Minister of Finance as Chair of Treasury Board on May 3, 2012, to authorize a grant program, contracting for community liaisons, the hosting of multicultural tables and gifts. The Treasury Board minute required that appropriate accountability mechanisms and procurement models be put in place to spend the funds.

2. Caucus Outreach Workers and the Community Liaison Contractors

The December 2011 spreadsheet indicates that three outreach staff were to be hired and that two were already in place. This creates the potential for confusion because there were two types of outreach or liaison workers. Two caucus outreach workers were already in place. In addition, government was making plans to contract with three community liaison contractors. There is a lack of clear distinction in the December, 2011, spreadsheet between these two types of contractors.

This report finds that caucus outreach workers and community liaison contractors were used and supervised interchangeably resulting in a blurring of the lines between caucus and government business. In addition, the report concludes that there was a breach of the terms of the procurement standards of conduct when two members of the public service assisted three prospective community liaison contractors in the development of their Request for Qualifications (RFQ) submission.

3. Databases and Lists

The December 2011 spreadsheet makes specific reference to WIN 2013 software for the ability to create “ethnic lists” and the creation of an “ethnic database”. Every person interviewed was clear that no database was ever developed. During the records search, no evidence was found of a database having been created.

4. Anonymous Calls

Between September 26, 2012, and early October ministry staff received at least three different anonymous calls suggesting that government staff asked roundtable participants to provide personal information and information about their members.

The program Assistant Deputy Minister and Director tried to investigate the complaints but all the calls were anonymous and untraceable and cannot, therefore, be substantiated.

5. Other Financial Considerations

This review also examined the expenditure of funds related to the spending plan that was approved by Treasury Board and other expenditures initiated by the Multiculturalism program. Nothing was identified by Ministry of Finance staff that would suggest that government resources were inappropriately used. The grant process described in the Treasury Board Submission was managed according to the standard process followed for other community gaming grants. This process is managed by the Gaming Policy and Enforcement Branch. The gifts and multicultural tables components of the Treasury Board submission met financial policy requirements.

Analysis and Conclusions

It is the conclusion of the review team that there were violations of the Public Service Standards of Conduct. There were also differences in the level of participation and culpability of the participants in these actions. This ranged from passive participation to active leadership and execution of clearly inappropriate actions. Kim Haakstad, the most senior official involved, permitted the development of the draft Plan. This action set in motion a series of events that resulted in the need for this review. Brian Bonney used the opportunity to take actions that violate Public Service Standards of Conduct and financial and procurement policy. Brian Bonney did not create a clear distinction between his volunteer role with the BC Liberal Party and his role in the public service. His actions result in a serious breach of the Standards of Conduct.

There are two notable areas where the team determined there was a misuse of government resources. In one case, a payment was made to one of the community liaison contractors for work that was approved by Minister Yap in the absence of a signed contract. In the second case, it is clear that at least a portion of Brian Bonney's salary was paid for time when he was doing partisan work.

Where conduct is found to be a breach of the Standards of Conduct, there can be a range of consequences up to and including dismissal from employment with the public service. In considering the appropriate response, employers are legally required to weigh not only the nature and consequences of the conduct in question, but also other factors such as the employee's record of employment, including length of service and any performance issues, discipline or exemplary work; condonation by the employer; and any other factors that may help to explain the conduct. The purpose of this report is not to provide any particular recommendations on discipline for any of the employees involved, but to lay out the facts and an analysis of those facts against the Standards of Conduct.

The Terms of Reference for this review does not extend to making findings with respect to Cabinet Ministers or caucus employees. The Public Service Standards of Conduct do not apply to these groups. Therefore, this report makes no assessment of their conduct.

Recommendations

Recommendation 1:

The Chief of Staff should consider the involvement and culpability of each of the political staff engaged in the events discussed in this report and take appropriate disciplinary and corrective action. These actions must consider other appropriate factors including the level of their participation, authority in the organization and their employment record.

Recommendation 2:

The Chief of Staff should set expectations for all political staff to ensure that all financial and administrative policies of government pertaining to procurement, records management and the supervision of government contractors are followed without exception.

Recommendation 3:

Specific direction should be provided to all staff employed in ministers' offices and in Government Communications and Public Engagement to ensure that they understand their obligations with respect to the use of government email and the appropriate use of personal computers for government purposes, as outlined in Government Core Policy.

Recommendation 4:

The Legal Services Branch of the Ministry of Justice should take appropriate action to secure any government records in the possession of former public servants and caucus employees named in this report and seek an undertaking that these records have not been used for inappropriate purposes.

Recommendation 5:

The Head of the Public Service Agency should conduct a review of the various policies in place to govern the Standards of Conduct for both political and public service staff across other Canadian and international jurisdictions and make recommendations to the Cabinet on potential legislative and policy changes in BC.

Recommendation 6:

As required by the *Financial Administration Act* Section 33.2, the findings in this report will be referred to the Comptroller General to determine if any recovery of expenditures or payments is necessary.

SCOPE OF REVIEW

A draft Multicultural Strategic Outreach Plan (the “Plan”) was prepared in late 2011 and early 2012 and made public in February, 2013 (see appendix b). The draft plan includes potential partisan activities and those of the provincial government.

On February 28, 2013, John Dyble, Deputy Minister to the Premier, Cabinet Secretary and Head of the BC Public Service was asked by Premier Christy Clark and Cabinet to undertake a review of the draft Plan to ensure that no government resources were inappropriately used or violations of the *Public Service Act* (Public Service Standards of Conduct) committed.

The Terms of Reference for the review were to:

- Conduct interviews and review all documents and information related to the draft Multicultural Strategic Outreach Plan.
- Scope of the review is to include the Premier’s Office, Ministry of Advanced Education, Innovation and Technology and Minister Responsible for Multiculturalism, Ministry of Jobs, Tourism and Skills Training, Intergovernmental Relations Secretariat, Government Communications and Public Engagement and relevant minister’s offices.
- Review to be conducted immediately with findings and recommendations reported as expeditiously as possible.
- Provide a written report.

Project Team

John Dyble formed a team of senior public servants to undertake the review including:

Peter Milburn, Deputy Minister of Finance
Lynda Tarras, Head of the BC Public Service Agency
Kim Henderson, Deputy Minister, Citizens’ Services and Open Government.

The review team was structured in a manner to appropriately respond to the scope of the review. The review team includes the most senior public servants who have full authority to examine all government financial transactions, public service conduct and government resources and records. The team utilized government staff in undertaking this review as appropriate.

The team also consulted with the Deputy Attorney General to confirm and clarify the legal and constitutional conventions related to the role of the public servants in these circumstances. In addition, John Langford, Professor at the School of Public Administration at the University of Victoria, and co-author of the book *The Responsible Public Servant*, was consulted on his views concerning the contemporary roles and responsibilities of public servants, the evolving relationship between public servants and the political sphere and developments in standards of conduct for public officials. Dr. Langford was not asked to review the summary of events and facts or provide analysis of the conduct of specific employees.

Key Work Elements

The review team took the following steps in undertaking this review:

1. Records gathering, including a review of all general administrative records, personnel and related financial records and Treasury Board records through:
 - An electronic search of all potential documents; and
 - A paper records search.
2. A review of the chronology of events;
3. The development of a list of people named or involved and assessment of their roles;
4. The development of a framework for interviews and interview questions;
5. Twenty-seven interviews conducted;
6. Collation and analysis of the findings; and
7. The preparation of this report.

Appendix g describes the approach to the electronic search of records and the paper records search. In total, approximately 10,000 pages of records were provided as part of the review. Government IT Security staff were used to examine the electronic trail of emails and documents. In addition, the review team was provided with documentation from the House Leader of the Official Opposition. The Chief of Staff to the Premier also asked his staff who were involved to provide personal emails and other relevant records to the team. Those personal records were also catalogued and considered by the review team.

Appendix e shows a list of all of the people involved in this issue or who played a role in supporting the Minister of State for Multiculturalism during the period covered by the review.

For consistency, two Deputy Ministers conducted all of the interviews. The list of interviewees is provided as appendix f.

The scope of the review does not include external partisan activities or activities that relate to the use of caucus resources. That said, the team did review partisan and caucus activities that relate directly to the use of government funds, activities by government employees using government resources or direction to government employees based on non-government policies.

The review team was not asked to comment on the content of the Plan itself; however, the team feels it is important to state that the language and characterization of the strategy is offensive and inflammatory. This report will not comment further on the elements of the draft multicultural strategic outreach plan, but will focus on the Standards of Conduct and whether there was inappropriate use of government resources.

The unusual step of using names in this report has been taken because the events discussed in this report are complex, and the team believes it is necessary to include names in order to comply with the terms of reference. Given this departure from usual practice in dealing with public service employment matters, caution has been exercised to ensure that only the persons who were previously identified publicly, or public servants acting in the course of their normal duties, are identified in this report. The circumstances of this matter have been considered to be unusual, and the form of this report should not be considered a precedent.

Chronology

To understand the review, it is important to understand the time frame over which events occurred. The following is a summary of the key events, a more detailed chronology is included in appendix d.

September 26, 2011	Harry Bloy appointed Minister of State for Multiculturalism, Ministry of Jobs, Tourism and Innovation
December 1, 2011	Kim Haakstad calls the coordinated outreach meeting on multiculturalism
December 5, 2011	First draft of the spreadsheet (work plan) prepared
December 20, 2011	First draft of the strategy document prepared
January 10, 2012	Draft strategy document and work plan circulated by Kim Haakstad
March 16, 2012	Order in Council (OIC) for Harry Bloy as Minister of State for Multiculturalism rescinded
March 24, 2012	John Yap appointed as Minister of State for Multiculturalism
May 3, 2012	Treasury Board approves the spending plan on multiculturalism
June 11, 2012	Request for Qualifications for community liaison contractors posted
July 4, 2012	Request for Qualifications closes
August 3, 2012	Ministry makes decision on community liaison contractors shortlist
September 5, 2012	Minister of State Yap becomes Minister of Advanced Education, Innovation and Technology (AEIT) and Minister Responsible for Multiculturalism and with this change the program team moves to AEIT
November 9, 2012	Contract process for community liaison contractors is cancelled

GOVERNMENT CONTEXT

To understand the events described in this document, it is important to also understand some fundamental concepts about the role of elected officials and their connection to political parties, government's policy direction and public servants.

Cabinet Ministers are appointed as members of the Executive Council under the Constitution Act, Section 9. The annual *Supply Act* provides an appropriation to government. Ministers are responsible for expenditures in accordance with the terms of the appropriation applicable to their Ministry. Authority with respect to expenditures is delegated to public servants under the authority of the *Financial Administration Act*. Ministers, and those with delegated authority, are required to comply with the requirements of the *Financial Administration Act* in relation to any expenditure.

Government policy can be determined by a number of sources including Cabinet, Treasury Board and Ministers. It is an appropriate role of the Minister to provide direction to Ministry staff with respect to government policy. This policy direction, however, must be within the public interest and the laws of the province, and is usually the outcome of briefings and advice from senior public servants.

Partisan versus Government Activities

It is recognized within the Canadian political system that Cabinet Ministers, as members of a political party, will hold partisan views and will themselves be engaged in political activity.

In recognition of this, there has developed both a legal requirement and a convention that Cabinet Ministers maintain a separation between their partisan activities and their government duties.

This distinction is particularly relevant in the context of (a) the interaction of the Minister with government staff appointed under the *Public Service Act*; and (b) the use of resources which are funded through a *Supply Act* appropriation.

Legal and Constitutional Conventions

The legal constraints that prevent Cabinet Ministers, or others who are involved from a political perspective, from directing public servants to engage in partisan work or functions are as follows:

- a. A Cabinet Minister can only direct public servants within lawful authority. The authority of a Cabinet Minister is limited to directing and administering the Ministry and staff in accordance with the Ministry's authorizing statutes.
- b. A Cabinet Minister does not have legal authority to direct public servants to do work that would be a violation of their public service oath. The oath expressly includes the Standards of Conduct, and requires public servants to conduct themselves in a manner that maintains and enhances the public's trust and confidence in the public service. Public Servants must avoid conflicts of interest, protect confidential information and not divulge it, unless authorized by law, and to serve impartially.

There is a constitutional convention of public service neutrality that is based on a principle that has its origin in the rule of law. The Supreme Court of Canada has recognized the existence of this constitutional convention. If a minister directs ministry staff to engage in partisan work that would be accurately described as unconstitutional direction by the minister.

The separation between the partisan role and the public service role of a Cabinet Minister, at least in relation to direction to the public service, is therefore both legal and conventional.

That said, ideas that are generated from partisan activities can proceed to become government policy. In fact, political parties are elected to do just that. This is proper as long as Cabinet and Treasury Board directives and processes are followed and expenditures are made to advance public policy objectives and the general benefit of the public.

POLICY AND LEGISLATIVE CONTEXT

A number of legislative and government policy elements relate to the role of government employees and the exercise of their duties.

Public Service Employees

The *BC Public Service Act* is the legislation covering all employees of the BC Public Service. The Act permits three distinct types of appointments. These appointments distinguish between categories of employees who are generally all known as “public servants”. Section 8 of the Act refers to merit-based appointments, covering the vast majority of the 28,000 employees of the BC Public Service. Assistant Deputy Ministers, Associate Deputy Ministers and Deputy Ministers are appointed under Section 12. These appointments are distinct from Section 8 because the appointments are made by the Lieutenant Governor in Council (LGIC).

Section 15 appointments are also made by the LGIC but this Section sets as distinct, employees who are in a position to act in a confidential capacity to the Executive Council (members of Cabinet), or specific employees who require special professional, technical or administrative qualifications. Staff that work in the Office of the Premier, staff supporting Minister’s offices (Ministerial Assistants and Executive Assistants) and staff who work for Government Communications and Public Engagement (GCPE) are all Section 15 appointments.

In the public service vernacular, Section 15 staff working in the Office of the Premier and those supporting a Minister’s office are known as “political staff”; the majority (with the exception of administrative staff) change with the government of the day. These staff all report through to the Premier’s Chief of Staff. (In British Columbia, “Chief of Staff” is a title reserved for the Premier’s Office and is not used for staff in Ministers’ Offices).

It is well understood across the Canadian public service context that these “political staff” are, by nature, political operatives and provide political advice and support to elected officials. The following is an excerpt from the Canadian Government’s guide for Ministers and Ministers of State:

The purpose of establishing a Minister’s or Minister of State’s office is to provide Ministers and Ministers of State with advisors and assistants who are not departmental public servants, who share their political commitment, and who can complement the professional, expert and non-partisan advice and support of the public service. Consequently, they contribute a particular expertise or point of view that the public service cannot provide.

Excerpt from Standards of Conduct, Political Activity:

BC Public Service employees may participate in political activities including membership in a political party, supporting a candidate for elected office, or seeking elected office. Employees’ political activities, however, must be clearly separated from activities related to their employment.

If engaging in political activities, employees must remain impartial and retain the perception of impartiality in relation to their duties and responsibilities. Employees must not engage in political activities during working hours or use government facilities, equipment, or resources in support of these activities.

Partisan politics are not to be introduced into the workplace; however, informal private discussions among co-workers are acceptable.

In addition, it is understood that the working hours for these employees do not follow a set time such as 8:30 to 4:30. They are required to work at the pleasure of Cabinet and often this requires a very flexible schedule.

The role of partisan public servants is evolving in the Canadian context. It is for this reason that many jurisdictions across Canada have decided to develop separate and specific codes of conduct for these groups.

Prior to 2001, government communications staff were Section 8 appointments. A change was made that year to make these employees Section 15 appointments. In addition, there was also a change in the structure that had these employees report as part of a centrally managed organization — today named Government Communications and Public Engagement (GCPE). Staff working at GCPE report to a Deputy Minister and through to the Deputy Minister to the Premier. Although the appointment and general terms of employment for this group are different than other public servants by virtue of their work, they are expected to provide non-partisan advice and are considered to be part of the non-partisan public service.

To help put context on the above distinctions, most of the government staff referred to later in the document are “political staff”. The main exception to this is the former GCPE Communications Director, Brian Bonney.

In BC, the Standards of Conduct is a policy statement that applies to all employees appointed under the *Public Service Act* — Section 8, Section 12 and Section 15. Section 21 of the Act requires all employees to swear or affirm an oath to these standards as a condition of employment. These standards cover a series of topics including loyalty, confidentiality and workplace behaviour. The conduct of employees must instill confidence and trust and not bring the BC Public Service into disrepute.

The Standards of Conduct state that the honesty and integrity of the BC Public Service demands the impartiality of employees in the conduct of their duties. They specifically address political activity and volunteer work. Regarding volunteer work, employees may engage in volunteer activities provided they do not:

- interfere with the performance of their duties as a BC Public Service employee;
- bring the government into disrepute;
- represent a conflict of interest or create the reasonable perception of a conflict of interest;
- appear to be an official act or to represent government opinion or policy;
- involve the unauthorized use of work time or government premises, services, equipment, or supplies; or
- gain an advantage that is derived from their employment with the BC Public Service.

No matter the administration, it is not unusual for staff within the Office of the Premier and those supporting ministers’ offices to have formal or informal roles with their party and the caucus. It is expected that they separate those activities in relation to their work with the public service, but not necessarily in relation to their advice to Cabinet or to their minister. For this reason, the Public Service Standards of Conduct (see appendix h) may not be adequately designed for this group of people and may need to be examined more closely for the future.

Public Service Act

All employees are bound by the Public Service Oath of Employment
All employees are bound by the Standards of Conduct

Section 8 Employees	Section 12 Employees	Section 15 Employees	
<ul style="list-style-type: none"> Covers the majority of the 28,000 employees; All report through to a Deputy Minister; Provide non-partisan advice. 	<ul style="list-style-type: none"> Applies to Deputy Ministers, Associate Deputy Ministers and Assistant Deputy Ministers; Provide non-partisan advice. 	Political Staff	Communications Staff
		<ul style="list-style-type: none"> Report through to the Chief of Staff to the Premier; Support the Minister in government and partisan role. 	<ul style="list-style-type: none"> Report through to a Deputy Minister; Provide non-partisan advice.

Where conduct is found to be a breach of the Standards of Conduct, there can be a range of consequences up to and including dismissal from employment with the public service. In considering the appropriate response, employers are legally required to weigh not only the nature and consequences of the conduct in question, but also other factors such as the employee’s record of employment, including length of service and any performance issues, discipline or exemplary work; condonation by the employer; and any other factors that may help to explain the conduct. The purpose of this report is not to provide any particular recommendations on discipline for any of the employees involved, but to lay out the facts and an analysis of those facts against the Standards of Conduct.

The Terms of Reference for this review does not extend to making findings with respect to Cabinet Ministers or caucus employees. The Public Service Standards of Conduct do not apply to these groups. Therefore, this report makes no assessment of their conduct.

Freedom of Information and Protection of Privacy Act

The *Freedom of Information and Protection of Privacy Act* (FOIPP Act), which applies to government ministries and 2000 other public bodies in British Columbia, governs both access to information and protection of personal privacy. It provides the public with a right of access to records held by, or under the control of, public bodies (subject to limited exceptions) and establishes a set of rules that must be followed by public bodies when collecting, using or disclosing personal information. The FOIPP Act also establishes the role and powers of the Information and Privacy Commissioner.

While B.C.’s FOIPP Act does not specifically include or exclude records created or transmitted using non-government email accounts, its broad coverage essentially includes any record that is created on behalf of a public body. As such, a record related to government business created by a government employee or service provider would be presumed to be covered by the Act, regardless of where that record was located or the medium used to create or transmit that record.

With respect to privacy protection, the FOIPP Act requires public bodies to only collect the personal information that they need and have authority to collect, and, subject to limited exceptions, to collect it directly from the person it is about and to inform him or her of the purpose and authority for its collection. Once information is collected, a public body is responsible for its security and for only using or disclosing the information for the original purpose it was collected or for another purpose authorized by the Act. As is the case in other jurisdictions in Canada, the specific rules governing how personal and other confidential information must be secured, and the appropriate tools, systems and conditions for creating, storing and transmitting that information, is covered in policy — specifically Chapter 12 of government’s Core Policy and Procedures Manual (titled Information Management/Information Technology (IM/IT) Policy) . Government is able to adjust and add to these specific rules as new technologies and ways of doing business are introduced or new threats emerge.

Information Management/Information Technology Policy

Chapter 12, Section 3, of government’s Core Policy and Procedures Manual (CPPM) speaks to the appropriate use of government information technology (IT) resources. The policy requires employees to use government-provided IT resources, including government email, as the business tools for their work and to use these resources in accordance with the Standards of Conduct. The policy also requires employees not transmit or expose sensitive or personal information to the internet, to use approved security measures when accessing the government network from a non-government computer, and not download or store confidential and/or personal information to a non-government computer or device.

With respect to personal use of government IT resources, employees must have their manager’s permission and comply with the Standards of Conduct. The policy was amended in December 2009, removing a restriction on accessing personal email accounts from government workstations, to help foster work-life balance by allowing employees to use government resources to conduct reasonable personal affairs.

Financial Process Legislation and Rules

In the BC Provincial Government, the *Supply Act* authorizes government spending for the fiscal year based on the Estimates approved by the Legislative Assembly. The Estimates are split up into votes, each describing a set of allowable expenditures and recoveries for specific ministries and programs within ministries. Expenditures can only be made if the vote is approved and passed through the *Supply Act* and if the vote description provides for that expenditure.

The *Financial Administration Act* provides the legislative framework for how money is spent and managed. It establishes the role of Treasury Board to address a variety of matters including government financial management and control. Treasury Board has approved the Core Policy and Procedures Manual, which sets government’s rules for spending and procurement. Within each ministry, the Minister is responsible for the administration of the financial affairs of his or her ministry, under the general direction of the Minister of Finance and Treasury Board. The Deputy Minister delegates authority to spend funds to specific employees in the ministry.

Under the *Financial Administration Act*, government may only spend money when:

- An approved voted appropriation exists;
- The appropriation will not be exceeded;
- It is for a purpose contemplated by the vote description;
- The person authorizing the expenditure has the appropriate delegated authority; and
- Goods or services have been received.

Procurement rules, established by the Core Policy and Procedures Manual, require the tendering of contracts to be competed in a fair, open and transparent manner and ensure the best value for the dollars spent. There are provisions for the direct award of contracts, but only under very limited situations, which require documented justification for the decision.

Signed contracts should be in place before work starts and should describe the specific deliverables, time lines and payment terms. Contract work should be monitored by a government employee who is in the best position to certify whether the goods or services were received. Payments against the contract must follow the same rules as any other expenditure.

SUMMARY OF EVENTS AND FACTS

Using the documents that were obtained as part of this review and the interviews that took place, the review team has constructed a summary of the events and facts that relate to the review. A more detailed chronology is provided in appendix d to support an understanding of what occurred.

The Meeting

The Deputy Chief of Staff (Kim Haakstad) called a meeting for December 1, 2011, to discuss multicultural outreach. The meeting, held in a caucus meeting room at the legislature, involved eleven people including: six government employees (Kim Haakstad, Brian Bonney, Dave Ritchie, Mike Lee, Barinder Bhullar, Pamela Martin); one from the BC Liberal Party (Fiera Lo) and four BC Liberal Caucus employees (Primrose Carson, Jeff Melland, Lorne Mayencourt and a fourth caucus employee).

Attendees generally agree that the meeting, chaired by the Deputy Chief of Staff to the Premier, was an effort to capture current activities of the attendees related to multiculturalism and to bring better coordination among the three groups. Community stakeholders had made complaints to both government and caucus indicating a duplication of efforts, and the need for better coordination arose from the issue of scheduling community events. Given the environment that was created, this also provided an opportunity for participants to brainstorm new ideas. As one participant described it, some were good ideas, some were bad ideas. There was no editing of the ideas at that point; it was just brainstorming, allowing everyone to have their ideas heard.

Several attendees indicated that the issue of sharing information between government, party and caucus was raised as a concern in the discussion. These attendees recall that the discussion recognized a need to be clear about the boundaries of what was appropriate for government, caucus and party activities. The document that was produced does not reflect any distinction. In interviews, a few of the participants indicated that they thought the meeting was more of a government meeting as they saw themselves attending as government employees and had simply discussed their current roles and activities they were already undertaking within those roles. One participant had never previously met the party and caucus employees. Other participants clearly felt the meeting was political in nature.

The Documents

Following the December 1, 2011 meeting, Mike Lee took the notes away and prepared on his work computer a first draft of the spreadsheet capturing the ideas and activities that were discussed in the meeting. The IT security investigation shows that the document was shared with Dave Ritchie, Executive Assistant to the Minister of State for Multiculturalism, and then with Primrose Carson, the Executive Director of the BC Liberal Caucus. A draft of this spreadsheet is part of the materials released by the Official Opposition during the week of February 25, 2013.

Later in December a decision was made to create a more strategic document to knit together the elements of the spreadsheet. The IT security investigation shows that the first draft of this document was prepared by Stephen Harris, a caucus employee, and shared back and forth with Dave Ritchie.

On January 6, 2012, Dave Ritchie sent copies of the documents back to Primrose Carson as “the coordinator” of the documents. His note indicates that these versions have incorporated the edits from Kim Haakstad, the Deputy Chief of Staff.

On January 10th, 2012, Kim Haakstad sent the final drafts of the documents out to some of the meeting participants from her personal email to their personal email accounts. When asked why personal email was used for the transmission, Kim said that it was because the document was clearly a partisan document. Three follow-up meetings were scheduled with at least some of the original group; they show as regular calendar entries in the work schedule for the Deputy Chief of Staff on January 11, March 12 and May 8, 2012.

Eight participants from the original December 1st meeting were interviewed as part of this review (excluded from interviews were party and caucus staff with the exception of the Executive Director of the BC Liberal Caucus). The interview with the Executive Director was primarily to determine the source of the documents. All participants reported that no further action took place on the assignments within the spreadsheet, or on the strategy document, except where it reflected their current work related activities.

Premier Christy Clark, MLA Harry Bloy and MLA John Yap were all interviewed as part of this review. All of them stated that they had never seen the draft strategy document or work plan until they were in the public domain in the week of February 25, 2013.

Of note, the spreadsheet references an attendee as “IGR” meaning Intergovernmental Relations. It was determined by the review team that the attendee mentioned was a caucus employee. As such, no further review work was conducted in relation to the Intergovernmental Relations Secretariat, a division within government.

Subsequent Actions

A review of the document shows it contains elements that are partisan and elements that are government business. The review therefore needs to consider whether the partisan elements resulted in an inappropriate use of government resources.

During the period of time covered by the review, regular government business continued and some of these activities were captured in the strategy. For example, work had been done on the potential development of an apology on the Chinese Head Tax. This work started years before the draft Plan and carried on afterward. In fact, the planning for an apology had been underway for a number of years prior to the meeting and a review of records show that discussion had taken place between government and the opposition with the objective of providing an apology from the entire legislature, rather than any particular political party. There is no reason to examine this work further, as it is an appropriate use of government resources.

The following areas of government activity could be seen as linked to the strategy that require a further outline of events.

1. The Treasury Board Decision

Ministry staff interviewed describe the apparent frustration of Harry Bloy, Minister of State for Multiculturalism and his view that there was a lack of funding to carry out his mandate. The total program budget for the multiculturalism program in 2012/13 was \$2.47M of which \$1.8M was earmarked federal funding and \$625,000 is provincial program funding. A Treasury Board submission was prepared in December, 2011, to request additional funding to the Minister of State's Office. That first submission did not proceed. Instead, the Minister of State was directed to prepare a spending plan on a new grant program within a notional amount of \$1M. Ministry staff worked with the Minister of State's Office in February, 2012, to translate his priorities to solid programs with outcomes that could be linked to the multicultural program mandate. Five areas of funding were endorsed by the Minister of State in the final Treasury Board submission:

- Grant Program (\$750,000) — the Grant program was to complement EmbraceBC by creating the opportunity for single ethno-cultural organizations to secure small funding amounts.
- Community Liaison Contractors (\$100,000) — Liaisons (described below) were to provide information and assistance directly to the Minister of State to participate in key events in a meaningful manner.
- BC People's Books and Other Gifts (\$30,500) — Books and gifts were to be distributed by the Minister of State to recognize leaders and key partners who promote multiculturalism in the Province and to be provided to visiting delegations to showcase and market the diversity of BC.
- Hosting Multicultural Tables (\$48,000) — Funding to support open dialogue with stakeholders in community.
- Final report on findings and contingency (\$46,500).

The submission was approved by the Minister of Finance as Chair of Treasury Board on May 3, 2012. The Treasury Board minute requires that appropriate accountability mechanisms and procurement models be put in place to spend the funds.

2. Caucus Outreach Workers and the Community Liaison Contractors

The December, 2011, spreadsheet indicates that three outreach staff were to be hired and that two were already in place. This creates the potential for confusion because there were two types of outreach or liaison workers. Two caucus outreach workers were already in place. In addition, government was making plans to contract with three community liaison contractors. There is a lack of clear distinction in the December, 2011, spreadsheet between these two types of contractors.

It should be expected that the caucus outreach workers would be supervised by caucus as a separate employer. However, it was generally understood that the caucus outreach workers were supervised by Brian Bonney, the Communications Director for Multiculturalism. One of the caucus outreach workers was hired by BC Liberal Caucus in the spring of 2012 at the request of Minister of State Yap. Email records show that there was regular contact, on both government and personal email accounts, between Brian Bonney, staff in the Minister of State for Multiculturalism's office and one of the caucus outreach workers.

When this particular caucus outreach worker began to engage ministry staff in the organization of an event intended to launch the Grant Program outlined in the Treasury Board submission, this inappropriate separation of functions was noted by a number of ministry staff interviewed. This is the type of event that would typically be considered a ministry event and would be managed by ministry staff. However, as planning proceeded it was clear that this event was taking shape as an overtly political event which led the Deputy Minister of Jobs, Tourism and Innovation (responsible for program staff at that time) to insist that government employees not participate in any of the planning or in the event itself.

On June 11, 2012 the ministry released a Request for Qualifications document on BC Bid to solicit proposals for community liaison positions that were to be contracted to government. The ministry sought advice from the Procurement Services Team at the Ministry of Citizens' Services and Open Government on the design of the procurement.

On June 28, 2012, Mike Lee, the Executive Assistant to the Minister of State, emailed Minister Yap from his personal email account to the Minister's personal email account. The note is copied to Brian Bonney. The note states:

"Minister — just finished reviewing all the RFQs from our 3 liaisons . . . I have send [sic] them reminder emails to double check their application and ultimately check for any trace of I and Brian's involvement. It is absolutely critical that we do not leave any evidence in us helping them through this application. Other than that lets hope these applications make it to the final round!"

Minister Yap replies to Mike Lee and to Brian Bonney: *"I appreciate each of your efforts with the 3 RFQs. Great job. Let's now hope for the best. J."*

When Mike Lee was asked about his support to the individuals he said that Minister Yap instructed him to help them because he knew a few of them. He also said that Brian Bonney had been helping these individuals with their bid documents originally and that he took over when Brian Bonney went on vacation. He said that he provided assistance in the form of sentence structure and English language. It is unclear what type of support Brian Bonney provided. He also stated that he was told by Brian Bonney that it was problematic to be involved and not to tell the ministry; Mike Lee said he felt obligated to do what he was told. When MLA Yap was asked about this involvement he said that some individuals had approached his office and asked how to apply for the bid and that he felt comfortable with his staff's involvement.

Six applications were received through the BC Bid process and were evaluated by a team of ministry staff. All six applications passed the mandatory criteria. Consistent with the Request for Qualifications, the ministry had some flexibility in determining which bidders would be utilized since all passed the mandatory criteria but there was a limited budget. The ministry applied criteria based on census information to select who, given language facility and experience, offered the greatest opportunity for engagement with ethnic groups. Based on a closer review of the budget, a decision was reached to hire four individuals who would become the community liaison contractors.

Information was shared with the Minister of State's Office on the four community liaison contractors; these four include the three applicants that received assistance from Minister Yap's office. It is believed that the Minister of State's office shared the information on the shortlist with Brian Bonney and without the ministry's knowledge, he began regular email contact with the four community liaison contractors and began assigning their work. This reporting relationship was never discussed with ministry staff who were operating on a model that the community liaison contractors would report to the multiculturalism program director.

Communication occurs through personal email and includes staff from the Minister's Office and in one case Minister Yap himself. On August 13, 2012, a meeting was held with Minister Yap, Sarah Welch, Fiera Lo, Brian Bonney, the two caucus outreach workers and the four community liaison contractors. In preparation for the meeting, Minister Yap emailed a priority list of topics to be discussed that includes: Chinese apology, database management, multicultural community liaisons and multicultural community roundtables.

When Minister Yap was asked why ministry staff were not included in this meeting he replied that he was not sure. The other participants were also not sure but believe that Brian Bonney arranged the meeting.

Excerpt from Core Policy and Procedures Manual:

Section 6.2 of Chapter 6 of Core Policy and Procedures Manual speaks to managing solicitation and contract award processes:

- Ministries must not bestow a favour on, or grant professional treatment to, any prospective contractor
- Ministries and staff must not divulge any information that could impair the negotiating position of the government or that could benefit the competitive position of one contractor at the expense of another
- An employee who is exposed to an actual, perceived or potential conflict of interest in relation to an actual or proposed solicitation must disclose the matter to his or her supervisor and/or the contract manager
- An employee who fails to disclose a conflict of interest can be subject to disciplinary action up to and including dismissal

It is clear from emails that in August 2012, and September 2012, Brian Bonney was directing the work of the four community liaison contractors and the two caucus outreach workers. This communication took place on personal email. When Brian Bonney was asked why he was directing these individuals using personal email, he indicated that it was because he knew the selection of the four community liaison contractors was confidential. When Minister Yap was asked why his former Communications Director was using personal email for this correspondence, he said that it was to avoid freedom of information.

In one of the personal emails to the community liaison contractors, Brian Bonney instructed them not to tell the ministry program director that they know him. In another, he circulated an event form to the community liaison contractors and instructed them not to use the same form or information when they submit events to the ministry program director. When Brian Bonney was asked about this email he indicated that the form he provided was a “party” form so he did not want the potential community liaison contractors using this form with the ministry.

Meanwhile, the ministry program director was in regular communication with the four community liaison contractors on their draft contracts. Unbeknownst to the ministry, work was being directed to them although no contract was yet in place.

In September, 2012, the multiculturalism program moved to the Ministry of Advanced Education, Innovation and Technology (AEIT). The new program Assistant Deputy Minister with AEIT examined the community liaison model in late September and began to develop alternative models. She met with staff from the Minister’s Office and explained that she was developing a recommendation not to proceed with the contracts. Sarah Welch expressed concern that the Minister would be unhappy with this decision. However, in a briefing with the Deputy Minister, the Minister agreed that the contracts should not proceed.

The Ministry sought advice from the Procurement Services team and the Ministry of Finance on how to proceed; at this stage the community liaison contractors had signed draft agreements but government had not. Notification was given on November 9, 2012 to advise the community liaison contractors that the contracts would not proceed. The Ministry was advised by procurement specialists to invite the contractors to submit invoices for any planning work undertaken. One contractor provided documentation that demonstrated she had been attending events with Minister Yap and had been planning events. The Minister approved this documentation and she was paid \$6800.

3. Databases and Lists

The December, 2011, spreadsheet makes specific reference to WIN 2013 software for the ability to create “ethnic lists” and the creation of an “ethnic database”. Those interviewed understand that, while some initial work was completed on looking at the potential use of WIN software for caucus, it was not pursued.

Every person interviewed was clear that no database was ever developed. In an email from Minister Yap to Brian Bonney on August 7, 2012, the second area of focus listed for the Ministry is database management. This was also listed as a topic of discussion for the meeting with Minister Yap, the two caucus outreach workers and the community liaison contractors on August 13, 2012. In an email on August 14, 2012, Brian Bonney confirmed that building databases was a forward-looking assignment for the four community liaison contractors. Again, these contracts were never signed by government. During the records search, no evidence was found of a database having been created.

Stakeholder lists, event lists, and references to the development of lists, were all found in the records search. Former Minister of State Bloy had indicated the desire for a different approach to stakeholder lists for multiculturalism prior to the strategy document from December 2011. MLA Bloy confirmed in the interview that he felt the multiculturalism program stakeholder list (a list of 200 organizations on contract or in receipt of grants from the program) was not as broad as he expected. MLA Bloy expected a stakeholder list to include individual ethnic groups and community organizations and envisioned that the list would be in the thousands. In an interview, the purpose for this other list was described by MLA Bloy as a way to communicate with these groups, “join them together” and possibly develop a newsletter. Ministry staff described the need for lists as a pressure coming from the Minister of State’s office, but they were clear that they did not maintain information on specific ethnic groups. Events and greetings were also a pressure for the ministry. Requests from the ministry would often return to the Minister of State’s office from the Deputy Minister’s office with a statement such as:

We are providing these two greetings to you with the understanding that DMO [Deputy Minister’s office] does not support their release because we are unable to verify the organization or linkages back to the program. Please process with caution.

A new function for the ministry was the hosting of multicultural tables. These roundtables were held around the province. Emails show that sometimes they were organized by the Minister of State’s office, Brian Bonney and one of the caucus outreach workers, and in other cases involved ministry staff where the purpose was more directly linked to the EmbraceBC program. In some cases government MLAs were included. The email records show that lists of attendees to events were shared by the community liaison contractors with the Minister of State’s office. From the emails, it appears list sharing was routine but was related to invitations for events. Fiera Lo, the Executive Assistant to Minister Yap, says that these lists were kept within the Minister of State’s office with the exception of emailing them to MLAs who were in attendance.

Email records show that Fiera Lo sent three packages of lists of individuals who had been attending events with Minister Yap to her personal email account on March 4, 2013. Of note, prior to joining government, Fiera Lo was an employee of the BC Liberal Party and attended the December 1st, 2011 meeting in that capacity, and was given the assignment of “ethnic lists”. Email records also show that Brian Bonney was emailing similar lists to his personal email account.

4. Anonymous Calls

Between September 26, 2012, and early October ministry staff received at least three different anonymous calls suggesting that Brian Bonney and Fiera Lo asked roundtable participants to provide personal information and information about their members. One caller was angry because after attending the meeting and providing personal information, she claimed to have subsequently received political materials at her home.

Another caller alleged that she was told that grants to her organization would be at risk if events were not scheduled for the Minister. One of the callers also indicated that she was pressured not to report her concern to government.

The program Assistant Deputy Minister and Director tried to investigate the complaints but all the calls were anonymous and untraceable and cannot, therefore, be substantiated. Ministry staff advised the Minister and the Deputy Chief of Staff of the complaint. Fiera Lo recalls her conversation with the Deputy Chief of Staff as being about keeping party and government work separate but she denies that the complaints were shared with her at that time and denies the specifics of the allegations.

5. Other Financial Considerations

The December, 2011, spreadsheet assigns “find out the process on government translation resources” to Brian Bonney. In his interview, Brian Bonney says that he agreed that government needed to change its approach on translation. He felt that traditional communications materials such as News Releases and Information Bulletins were missing 25 per cent of the Province’s population. At his request, Government Communications and Public Engagement made an internal reallocation to increase funding for translation resources. Nothing was identified by Ministry of Finance staff that would suggest that government resources were inappropriately used for translation services.

The grant process described in the Treasury Board Submission is similar to that followed for community gaming grants. This process is managed by the Gaming Policy and Enforcement Branch. It complied with the direction set by Treasury Board. The gifts and multicultural tables components of the Treasury Board submission met financial policy requirements.

ANALYSIS AND CONCLUSIONS

Code of Conduct

The purpose of the meeting on December 1, 2011, was ostensibly to coordinate among government, caucus and party activities. Informational meetings held with public service staff and outside groups are only appropriate if the information shared at those meetings does not violate any provisions of government policy and the Public Service Standards of Conduct. A good test of this principle would be to ask whether a member of the general public, or a member of the official opposition, could have access to the same staff and information concerning government activities or policy development.

At this meeting, confidential information was shared with invited members of government caucus and with a party staff person. The brainstorming that occurred at that meeting found its way into a partisan document that was then freely shared between government employees and caucus and party members. Both of these activities were clearly inappropriate. The level of participation in the meeting, and the subsequent creation of the documents, varied between participants.

Kim Haakstad, the Deputy Chief of Staff, initiated and chaired the meeting and was the supervisor for all of the government attendees, with the exception of Brian Bonney, who reported to Government Communications and Public Engagement. Her role in this meeting is a serious breach of the Standards of Conduct. The attendance of the other government employees — Dave Ritchie, Mike Lee, Barinder Bhullar, Pamela Martin and Brian Bonney — was inappropriate but the fact that they were required to attend at the request of the Deputy Chief of Staff is a mitigating factor.

BC Public Service employees may participate in political activities, but these activities must clearly be separated from activities related to their employment. Partisan politics are not to be introduced into the workplace. In addition, the partisan documents that were shared between government employees and caucus were sent back and forth between government and personal email accounts and computers, inconsistent with core policy and the appropriate use of government resources.

Brian Bonney's involvement with the caucus outreach workers in what was characterized as supervising these individuals was a serious breach of the Standards of Conduct.

Brian Bonney and Mike Lee assisted three of the four community liaison contractors to complete their Request for Qualifications packages prior to the submission of those documents to the procurement team. Bestowing a favour on these individuals in the preparation of the document, benefiting the competitive position of one prospective contractor at the expense of another, and the apparent conflict of interest created by the fact that two of the individuals were known to the Minister and one was already engaged in work with the Minister of State's office, are a serious breach of the Standards of Conduct and government policy.

Brian Bonney, Fiera Lo, and Sarah Welch breached the Standards of Conduct and government policy by engaging the community liaison contractors before the procurement process was concluded and contracts were in place.

The lines between party work and government are clearly crossed in the August 13, 2012, meeting involving Minister Yap, Brian Bonney, Sarah Welch, the two caucus outreach workers and the four proposed community liaison contractors. Confidential information on the Minister's priorities is shared in this meeting with caucus employees and members of the public working in the absence of a contract. The meeting is characterized in Minister Yap's calendar as a "staff meeting". The government attendees of this meeting breach the Standards of Conduct.

Brian Bonney, Fiera Lo, Mike Lee and Sarah Welch also breached the Standards of Conduct in the blending of coordination of ministry and partisan events.

Information in the anonymous calls cannot be supported with direct evidence and without that further investigation is not possible. There is evidence, however, that both Brian Bonney and Fiera Lo sent lists of participants of events to their personal email accounts. Because it is difficult to distinguish between party and government events given the way they were being coordinated, it is difficult to know which lists were government (and as such subject to government restrictions on custody and control of this information) or party. Further, it was confirmed in interviews that participants would likely not have been clear if a roundtable event was coordinated as part of government or partisan activities. Without knowing the expectations of the participants of events it is difficult to conclude whether policy or standards on the information itself were breached.

Use of Government Resources

The terms of reference for this review specify that the analysis on the use of government resources is to be linked specifically to the Plan.

The review team found it challenging to link the activities undertaken by government directly to the strategy document. In some cases, the activities, such as producing greeting letters, were underway before the strategy meeting occurred; in other cases, such as the preparation and updating of media distribution lists, compiling calendars and producing video greetings, activities were consistent with the role description of the employee. The most challenging aspect to assess is whether any actions subsequently taken on by staff in the Ministry of Jobs, Tourism and Innovation directly link to this strategy document or instead reflect the policy direction of the Minister of State Harry Bloy followed by Minister John Yap.

Both MLA Bloy and MLA Yap said they had never seen either the spreadsheet or the strategy document prior to it being released on the week of February 25, 2013. In addition, both state they were not aware of the meetings taking place in December 2011 and January 2012. While the ministry felt the pressure of new work assignments, work assignments that in many cases were inconsistent in their view with the policy approach the program had operated under for several years, the activities were consistent with direction from the Ministers and the approved Treasury Board submission.

In terms of the community liaison contractors:

- Assisting potential proponents is a contravention of government's Core Policy and Procedures.

The Mandate of the EmbraceBC Program and Multiculturalism Team

Communities in British Columbia are now more culturally, ethnically and linguistically diverse, with immigrants accounting for approximately 27 per cent of our population. An additional five per cent of the population is made up of indigenous Aboriginal peoples.

Launched in 2009, EmbraceBC provides resources and tools that help citizens of British Columbia further understand the importance of diversity and increase their level of community engagement around multiculturalism and anti-racism.

Additionally, EmbraceBC provides funding opportunities for community-based anti-racism and multiculturalism projects through six program elements: Arts Engagement, Community Dialogues, Inclusive Leadership, Interfaith Bridging, Organizing Against Racism and Hate, and Public Education.

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- The work of the community liaison contractors was being directed outside of the ministry and in the absence of a signed contract.
 - In terms of supervision, the supervision of both the caucus outreach workers and the community liaison contractors by Brian Bonney was inappropriate.
 - Ministry information that should have been confidential was shared with the outreach workers and the community liaison contractors.

As a result, the \$6800 payment to the contractor represents a misuse of government resources.

No evidence was found that work was underway on an ethnic database. However, lists were being generated to support events and record attendance at events. The IT security review shows lists (generally containing names, titles, addresses, email and phone numbers) being shared from the government email accounts to the personal accounts of Brian Bonney and Fiera Lo. IT security records show that Brian Bonney forwarded over 1,100 emails from his government account to one of three personal email accounts during the time he was employed in the public service. While these facts and analysis create an impression, both Brian Bonney and Fiera Lo were adamant in their interviews that information was not shared inappropriately. However, given the volume of personal emails involved it is evident government resources were misused.

Brian Bonney did not create a clear distinction between his volunteer role with the BC Liberal Party and his role in government. Based on the evidence, it would appear to a reasonable person that he may have spent up to half of his time on partisan activities. This, combined with the misconduct that is discussed in the previous Section of this report, amounts to a serious breach of the Standards of Conduct.

There were a number of other public service employees (executives and staff in ministries) who were interviewed and provided records for this review. The review team found that, without exception, these employees acted with integrity and in an exemplary manner in all aspects of their work and their involvement with the issues discussed in this report.

RECOMMENDATIONS

Recommendation 1:

The Chief of Staff should consider the involvement and culpability of each of the political staff engaged in the events discussed in this report and take appropriate disciplinary and corrective action. These actions must consider other appropriate factors including the level of their participation, authority in the organization and their employment record.

Recommendation 2:

The Chief of Staff should set expectations for all political staff to ensure that all financial and administrative policies of government pertaining to procurement, records management and the supervision of government contractors are followed without exception.

Recommendation 3:

Specific direction should be provided to all staff employed in ministers' offices and in Government Communications and Public Engagement to ensure that they understand their obligations with respect to the use of government email and the appropriate use of personal computers for government purposes, as outlined in Government Core Policy.

Recommendation 4:

The Legal Services Branch of the Ministry of Justice should take appropriate action to secure any government records in the possession of former public servants and caucus employees named in this report and seek an undertaking that these records have not been used for inappropriate purposes.

Recommendation 5:

The Head of the Public Service Agency should conduct a review of the various policies in place to govern the Standards of Conduct for both political and public service staff across other Canadian and international jurisdictions and make recommendations to the Cabinet on potential legislative and policy changes in BC.

Recommendation 6:

As required by the *Financial Administration Act* Section 33.2, the findings in this report will be referred to the Comptroller General to determine if any recovery of expenditures or payments is necessary.

list of appendices

- appendix a: terms of reference**
- appendix b: draft multicultural strategic outreach plan**
- appendix c: work plan**
- appendix d: detailed chronology**
- appendix e: relevant individuals**
- appendix f: interview schedule**
- appendix g: records search**
- appendix h: standards of conduct**
- appendix i: external references**

appendix a: terms of reference

INFORMATION BULLETIN

Review of Draft Multicultural Strategic Outreach Plan

March 1, 2013

VICTORIA – On Feb. 28, 2013, Premier Christy Clark asked John Dyble, Deputy Minister to the Premier, Cabinet Secretary and head of the BC Public Service, to conduct a review of the draft Multicultural Strategic Outreach Plan to ensure that no government resources were inappropriately used, nor violations of the Public Service Act (Public Service Standards of Conduct) committed.

The written report once completed will be made public.

Terms of Reference

- Conduct interviews and review all documents and information related to the draft multicultural strategic outreach plan.
- Scope of the review is to include the Premier's Office, Ministry of Advanced Education, Innovation and Technology and Minister Responsible for Multiculturalism, Ministry of Jobs, Tourism and Skills Training, Intergovernmental Relations Secretariat, Government Communications and Public Engagement and relevant ministers' offices.
- Review to be conducted immediately with findings reported as expeditiously as possible.
- Provide written report.

Review Team

Lead Reviewer: John Dyble, Deputy Minister to the Premier, Cabinet Secretary and Head of the BC Public Service

Team:

- Peter Milburn, Deputy Minister of Finance: Finances and Expenditures of Government
- Lynda Tarras, Head, BC Public Service Agency: Human Resources and Public Service Standards of Conduct
- Kim Henderson, Deputy Minister, Citizens' Services and Open Government: Resources and Records

Media contact:

Jason MacNaughton

Communications Director

Ministry of Citizens' Services and Open Government

250 387-3134

appendix b: draft multicultural strategic outreach plan

----- Forwarded message -----

From: **Kim Haakstad** <kimhaakstad@gmail.com>

Date: Tue, Jan 10, 2012 at 12:50 PM

Subject: Multicultural Strategy Action Items - Draft Jan5.xlsx

To: Pamela Martin <pamelamartin@shaw.ca>, barinder.bhullar@gmail.com, Fiera Lo <fiera.lo@bcliberals.com>, David Ritchie <davidclarkeritchie@gmail.com>, Brian Bonney <brian.bonney@mainlandcommunications.com>, Lorne Mayencourt <lorne.mayencourt@me.com>, prcarson@telus.net, Jeff.melland@gmail.com

Here is the strategy for the meeting tomorrow.

MULTICULTURAL STRATEGIC OUTREACH PLAN

<u>Section 1:</u> Overview and Executive Summary	page 2
<u>Section 2:</u> Multicultural Strategic Outreach Plan	page 4
<u>Section 3:</u> Lead and Support Responsibilities	page 12

SECTION 1:

OVERVIEW: Multicultural outreach strategic plan.

SYNOPSIS: Anecdotal reports suggest that some ethnic communities, particularly Chinese, feel that they are ignored by government between elections.

This plan outlines steps that will be taken to re-engage with ethnic voters and media, and includes accountability structures to ensure that the plan is sustained.

EXECUTIVE SUMMARY:

The plan includes eight components. Accountability for each component is noted, and overall responsibility will reside with the Minister of State for Multiculturalism. Each identified Leader may choose to 'subcontract' parts of their section to other people, but overall responsibility remains with the identified Leader.

Each component is distinct, yet intrinsically connected with all of the other components. They can't be parceled-out in isolation; each component Leader needs to ensure his sections are dovetailing with the other sections.

COMPONENTS: TABLE OF CONTENTS

1. COORDINATED MEDIA STRATEGY: (LEADERS: BONNEY AND MELLAND)

- a. Redefine our approach to ethnic media from being an "add-on" to being viewed as part of the mainstream media. This ensures that opportunities and requests are promptly acted upon, and not ignored.
- b. Government and Caucus news will be tailored for the ethnic media outlets.
 - i. Tailoring news requires effective translation services. Online and overseas-outsourced translators are seen as ineffective for political messaging. Cultivating our own translators will be required.
- c. Ethnic spokespersons are also required. Ideally, MLAs are the primary spokespeople, but developing our own network of native-language speakers, who are already known and respected in the community, is required.

2. COMMUNITY ENGAGEMENT: (LEADER: MAYENCOURT FOR CAUCUS / RITCHIE AND LEE FOR MINISTERS / MARTIN FOR P.O.)

- a. Build a calendar of multicultural events, holidays, etc.
 - i. Identify the desired attendees for each event (PCC, Minister, MLAs).
 - ii. MLAs to have name tags, incl. translated versions for main ethnic languages.
 - iii. Catalogue invites and build contact database.
- b. Identify and target faith-based groups.
 - i. Prioritize multi-faith holidays.
 - ii. Identify people to reach-out to faith-based groups.
- c. Research and identify social networks which target and reach ethnic populations.
- d. Research and define how we should talk about specific issues in specific ethnic communities.
- e. Coordinate MLA / Minister tours to include key communities.
- f. Develop a multicultural advisory committee, determine whether they fall under Party, Government, or Caucus.

3. QUICK WINS: (LEADERS: BHULLAR, LO AND LEE)

- a. Identify and advance government initiatives and projects that would be resonant in ethnic communities.
- b. Identify and correct “historical wrongs”, i.e., Komagata Maru apology in the House.
- c. Build process s letters of congratulations, video greetings, volunteer recognition certificates, etc., are regularly generated for individuals, groups, and events.

4. GOVERNMENT / CAUCUS / PARTY COORDINATION (LEADERS: BHULLAR, BONNEY, CARSON AND LO)

- a. Schedule a monthly meeting between the Leads on this plan.
- b. Explain and break-down government silos, and share info with Party.
- c. Ensure coordination on translation of government materials and Party materials (particularly websites).
- d. Translation of government collateral – health guides, etc.
- e. Caucus needs to briefed and their ‘buy-in’ sought.
- f. Identify internal (MLA and staff; Riding Executive) connections to ethnic communities.

5. DISTRIBUTION AND CONTACT LISTS: (LEADER: BONNEY)

- a. Identify people from within the target communities to help build the lists.
- b. Determine format/technology: email list; home address; both.

6. OPPOSITION RESEARCH: (LEADERS: PHELPS FOR CAUCUS / LO ON GROUND)

- a. Analyze NDP/BCC readiness and weaknesses in ethnic communities.
- b. Continue practice of building a running dossier on every nominated candidate.
- c. Identify internal divisions or weaknesses with opposition caucuses on multicultural issues.
- d. Continue to keep a running inventory of policy promises/comments relating to ethnic communities.
 - a. Highlight policies that may be unpopular in ethnic communities (i.e eliminating the FSA, raising taxes).
- e. Identify historical failures of the NDP government on multicultural issues.
- f. Develop a comprehensive document that outlines our successes and record in multicultural issues / programs / projects.
 - a. Identify examples of the NDP/BCC opposing those successes.
- g. Identify our historical failures on multicultural issues / programs / projects.

7. SWOT ANALYSIS OF GOVERNMENT / CAUCUS (LEADER: HARRIS, PHELPS AND MELLAND)

- a. Identify Strengths, Weaknesses, Opportunities and Threats of current and proposed multicultural outreach programs.

8. ELECTION READINESS: (LEADERS: BHULLAR, LO, AND MAYENCOURT)

- a. Identify Chairperson, ethnic Election Readiness.
- b. Build teams for ethnic target groups.
 - i. Put an ‘ethnic lens’ into swing riding teams.
- c. Train riding exec, provide tools and support.
- d. Provide WIN 2013 software to create ethnic lists.

SECTION 2:

COMPONENT 1: Coordinated Media Strategy (LEADERS: BONNEY AND MELLAND)

Strategic Objective

Match and then exceed the BC NDP's ethnic media efforts by placing ethnic media in a place of importance equal to that of so-called mainstream media. We need to redefine our approach to ethnic media from being an "add-on" to being viewed as part of the mainstream media.

Needs and required actions:

- **Translation** greatly increases the chances of pick-up. Larger outlets can do their own but smaller outlets lack resources to do translation.
 - **Action required:** Quality translators need to be identified for all relevant languages. (It should be noted, however, that online and overseas-sourced translators are seen as ineffective for political messaging. Cultivating our own translators will be required.)
- **Party spokespersons** who speak target languages are urgently needed. Using the Chinese-Canadian community as an example, we suffer from the lack of a Gabriel Yiu-type figure, who can be deployed rapidly and speak knowledgeably on the issues of the day.
 - **Action required:** We need to train and use third-party spokespersons from each target community. They need to have political sense, be aware of the issues, have a key staff contact in government to assist and have a mandate to be proactive.
- **Validators** are needed to help in our efforts.
 - **Action required:** Develop a stable of supporters willing to write letters to the editor or call in to open-line shows to aid in both supporting our proactive efforts in non-English media and responding to attacks.
 - In an HST-type campaign, use validators from target communities. (We had a lot of white small business people telling Chinese-Canadians the HST was good.)
- **Responsiveness to needs** of non-English media outlets requires continued improvement. Ministries have become better at getting relevant material to media outlets but continue to have suboptimal performance when responding to media requests.
 - **Action required:** All entities within government need to regard and respond to requests from non-English media outlets with the same thoughtfulness with which they treat English-language equivalents.
- **Information sharing and coordination** between Ministries and Caucus Communications is lacking.
 - **Action required:** Ministries need to recognize that MLAs (especially those from the same ethnic background as the target community or one with a very large target population in the riding) are sometimes the ideal messenger.
- **Tailored advertising** to better get our message out. Chinese media outlets were dismissive of our advertising during HST campaign.
 - **Actions required:**
 - Advertising specifically designed to be effective with target communities.
 - People match the language (eg. Chinese text = Chinese people in the photos).

COMPONENT 2: Community Engagement (LEADERS: MAYENCOURT FOR CAUCUS / RITCHIE & LEE FOR MINISTERS / MARTIN FOR P.O.)

Strategic Objective

Demonstrate how much we value targeted ethnic communities through meaningful engagement. The BC NDP excel at this, and we need to catch up.

Needs and required actions:

- **A calendar of multicultural events, holidays, etc.** is something we lack and need to develop.
 - **Actions required:**
 - Cataloguing invites to build a contact database. Coordination between constituency assistants, the Party and Ministry of State for Multiculturalism / IGR / GCPE.
 - Populate the calendar to ensure we are active in the community and seen at the important festivals/events.
 - Identify who goes to which event – Premier, Ministers, MLAs.
 - Ensure government attendees have name tags which include their name translated in the appropriate language (ie: Traditional Chinese for Chinese New Year).
- **Identify and target faith-based groups**
 - **Actions required:**
 - Prioritize multi-faith holidays using IGR.
 - Identify people to reach out to faith-based groups.
 - Identify our supporters in key faith groups.
 - Build on this list of supporters using AMSSA – this will require research and contact with people experienced in this area.
- **Research and identify social networks which reach target communities**
 - **Actions required:**
 - Determine whether members of target communities use such tools as Facebook and Twitter.
 - Determine other social networks which may be unique to target communities.
 - Once the above two actions are complete, devise a plan to engage with target communities through appropriate and effective social media platforms.
- **Tailor communications on specific issues**
 - **Actions required:**
 - Research and define how best to address specific issues within certain communities.
 - Move away from a one-size-fits-all approach. For example, during the HST referendum we simply translated English-language advertising and left photos of white people in the ads. A Chinese-language ad should in most cases have pictures of Chinese-Canadians. Materials on something like HST should have Chinese-speaking validators.
- **Give greater attention to target communities**
 - **Actions required:**
 - Coordinate Minister/MLA tours to include key communities.
 - Develop a multicultural advisory committee under Party, Government or Caucus.

COMPONENT 3: QUICK WINS: (LEADERS: BHULLAR, LO AND LEE)

Strategic Objective

Build goodwill and political capital with target communities through simple and thoughtful actions to show ongoing care and concern.

Needs and required actions:

- **Better connecting with target communities**
 - **Actions required:**
 - Identify and advance government initiatives and projects that would resonate with ethnic communities.
 - Identify and correct “historical wrongs” through actions such as the Komagata Maru apology in the House.
 - Send letters and certificates for events, organizers and volunteers.
 - Video greetings (Pamela with assistance from Tracy Pellizzari).
 - Greater utilization of video greetings in language of target communities.
 - Provide name tags for Ministers/MLAs at multicultural events.

COMPONENT 4: GOVERNMENT / CAUCUS / PARTY COORDINATION (LEADERS: BHULLAR, BONNEY, CARSON, AND LO)

Strategic Objective

Make sure Government, Caucus, and the Party are all working toward the same goal and in a coordinated and effective manner.

Needs and required actions:

- **Coordination and information sharing needs to improve**
 - **Actions required:**
 - Identify liaison leads for Government, Caucus, and the Party.
 - Schedule monthly meetings between leads on this plan.
 - Explain and break down government silos, and share info with party.
 - Get core information on party website in target languages.
 - Ensure coordination on translation of government materials and party materials, especially when it comes to websites.
 - Build on our successes in terms of translation of government collateral. Health guides are a great example of past success. The Chinese version is incredibly popular.
 - Brief caucus and get their buy-in.
 - Identify internal connections to ethnic communities amongst MLAs, staff, riding executive members, etc.

COMPONENT 5: DISTRIBUTION AND CONTACT LISTS: (LEADER: BONNEY)

Strategic Objective

Develop the most comprehensive and complete lists possible so that we can bypass media to get our message out and be very well prepared when the writ is dropped.

Needs and required actions:

- **Improve the quality of our lists for target communities**
 - **Actions required:**
 - Determine which sorts of lists we need and how we will use them.
 - Identify people from within target communities to help build these lists.
 - Determine formats and technologies for lists (ie: email list, home address list, both?)
 - Identify and address technological challenges.

COMPONENT 6: OPPOSITION RESEARCH: (LEADER: PHELPS FOR CAUCUS / LO ON GROUND)

Strategic Objective

Ensure all of our candidates and party operatives are fully informed of the policies, positions, and histories of our opponents, as well as our own.

Needs and required actions:

- Analyze NDP/BCC readiness and weaknesses in ethnic communities.
- Continue practice of building a running dossier on every nominated candidate.
- Identify internal divisions or weaknesses within opposition caucuses on multicultural issues.
- Continue to keep a running inventory of policy promises/comments relating to ethnic communities.
 - Highlight policies that may be unpopular in ethnic communities (i.e eliminating the FSA, raising taxes).
- Identify historical failures of the NDP government on multicultural issues.
- Develop a comprehensive document that outlines our successes and record in multicultural issues / programs / projects.
 - Identify examples of the NDP/BCC opposing those successes.
- Identify our historical failures on multicultural issues / programs / projects.

COMPONENT 7: SWOT ANALYSIS OF GOVERNMENT / CAUCUS (LEADERS: HARRIS, PHELPS AND MELLAND)

Strategic Objective

Analyze and understand government's strengths and weaknesses on the multicultural file to ensure that past mistakes aren't repeated, and that future opportunities aren't missed.

Strengths:

- Political centre-right is a natural fit for many immigrant / ethnic communities.
 - Education, economy, public safety, emphasis on self-reliance are government values that are shared by many ethnic voters.
- Demonstrated record of achievement.
- Asia-Pacific focus.

Weaknesses:

- Caucus has only a few ethnic MLAs, and only one (Richard Lee) who is fluent in a target language other than English. Dave Hayer apparently speaks some Punjabi.
- Historically, government has treated ethnic and multicultural media as lower-priority than traditional media. This has left many outlets with a poor impression of government.
- The NDP have had a dedicated Caucus staff member for years (Gabriel Yiu) available to media to speak on behalf of the NDP, and it's rare that government was able to provide someone to counter the claims.
- In cases where a validator/supporter has been willing to speak to media on our behalf, ministry support for messaging has often been poor.

Opportunities

- Re-engaging with a block of hundreds of thousands of voters.
- Bringing voters who should be in our tent, back to our tent.

Threats

- Failing to ensure a sustainable outreach effort could be seen as time-limited pandering.
- Not fully funding and fully executing strategies might leave an impression that government is still viewing ethnic communities as a lower priority.
- If not done correctly, we will appear opportunist.

COMPONENT 8: ELECTION READINESS: (LEADERS: BHULLAR, LO AND MAYENCOURT)

Strategic Objective

Improve our chances of winning swing ridings by better engaging supporters from ethnic communities and getting them involved at the riding level.

Needs and required actions:

- **Ethnic outreach** is not as strong in many ridings as it needs to be.
 - **Actions required:**
 - Identify supporters from target communities who can serve as ethnic chairs on relevant riding executives and bring an ethnic lens to issues of importance in these ridings and improve outreach.
 - Train ridings and give consistent support to allow them to improve outreach.
 - Enhance Win 2013 software so it can support a highly-effective ethnic database with the ability to create useful ethnic lists.
 - Organize round tables, forums, and other events with Minister of State for Multiculturalism, with local MLAs involved.
 - Hire three ethnic organizers on a six-month trial basis to contact targeted ethnic groups around the swings to build robust contact lists with email, names, phone, cell and addresses – as well as notes about likely support to be updated regularly.

SECTION 3:

Multicultural Outreach – Coordinated Effort Meeting

Lead & Support Responsibilities

Barinder Bhullar

Lead:

- Calendar of all ethnic events
 - Categorize events as PCC priorities
- Quick Wins
 - Process for letters and certificates (esp. Greeting letters and who should sign)
 - Research community focused wins eg. Historical wrongs
- Coordination between Party, Gov't and Caucus
 - Ask MO and MLAs to flag any multi opportunities for support
- Engage & Consult with communities
 - Political asks (as election nears)
 - Focus on 'blockbuster' events and meetings
 - Ethnic social media: facebook, twitter, alternatives?
- Multicultural Advisory Committees
 - Who/what/How?
- ER in swing ridings
 - Identify ethnic chair
 - Teams for ethnic target groups
 - Set up member, etc.

Support:

- Coordination media strategy
 - Outside spokesperson, third-party validator
- Coordination between Party, Caucus and Gov't
 - Break down government silos
 - Translating government collateral – health guides, school info

Brian Bonney

Lead:

- Ethnic media to be part of media outreach every NR and MA
 - Research/ update media distribution lists in Caucus Comms and GCPE
- Outside spokesperson, third-party validator
- Translation – find out the process on usage of Gov't translation resources
- Calendar – structure the communications products according to priority of event

- Coordination between Party, Gov't & Caucus – Break down government silos – share information re: multicultural opportunities
- Translating government collateral: health guides, school info, health...
- Build Lists
 - Draft plan & Job responsibilities re: necessity of partisan outreach staff
- Typing faith into plan – Build list (AMSSA): do research & contact people with experience
- Engage & Consult w/ Communities – find out how we should talk about specific issues
- Ethnic Social Media – facebook, twitter, alternatives? Language?

Support:

- Outside spokesperson, third-party validator
- Quick Wins, announcements for community
 - Certificates: for events, organizers and volunteers
 - Research Community focused wins eg. Historical wrongs
- Building Lists
 - ID how to get right people building lists
 - What kind of list, how to use list
 - Technological challenges?
- Typing faith into plan
 - Prioritize multi-faith holidays/events – use IGR
- Identify Ethnic Chair
- Engage & Consult with communities
 - Listening and outreach tours w/ MHB
 - Determine asks and feed into Gov't

Prim Carson

Lead:

- Outside spokesperson, third-party validator
- Coordination between Party, Caucus and Gov't
 - Get Caucus buy-in on the plan

Support:

- Translation
 - Identify potential people that are suiting in one of above ethnic groups – MA, EA, Caucus, CA, Party
- Ethnic Spokesperson
 - Inside – Caucus Leaders
- Opposition Research
 - Utilize Caucus Research
 - Find divisions on Multiculturalism stance/ policies
 - Analyze our record – concrete & tangible items

- Using our resources
 - Surveying MLA/CA/LA/MO staff & other staff

Analyze and understand government's strengths and weaknesses on the multicultural file to ensure that past mistakes aren't repeated, and that future opportunities aren't missed.

Stephen Harris

Lead:

- SWOT Analysis of Government/Caucus
 - Analyze and understand government's strengths and weaknesses on the multicultural file to ensure that past mistakes aren't repeated, and that future opportunities aren't missed.

Mike Lee

Lead:

- Quick Wins
 - Workout a process for letters & certificates
 - Greeting letters
 - Certificates: for events, organizers and volunteers
 - Thank you letters
 - Who should letter be signed by?
- Build Lists
 - Catalogue invitations to track stakeholders and organizations

Support:

- Ethnic Social media
- Workout process for letters and certificates
- Identify potential government initiatives and projects to highlight to various communities

Fiera Lo

Lead:

- Quick Wins
 - Name tags for Ministers/ MLAs for multicultural events
- Coordination between Party, Gov't and Caucus
 - Get Party website in more languages (core info)
- Build Lists
 - Technical difficulties?
- ER in swing ridings
 - Teams for ethnic target groups
 - Train ridings and give them tools – provide consistent support
 - Win 2013 software – ability to create ethnic lists
- Using our resources

- Riding Executive members

Support:

- Outside spokesperson, third-party validator
- Quick Wins
 - Certificates: for events, organizers and volunteers
 - Thank you letters
- Build Lists
 - Catalogue invitations to track stakeholders and organizations
- ER in swing ridings
 - Teams for ethnic target groups

Pamela Martin

Lead:

- Outside spokesperson, third party validator
- Video greetings (utilize more at events)
- Typing Faith
 - Multi-faith events with faith groups
 - Targeted strategy to meet with faith groups
- Engage/Consult with communities
 - Focus/reach out to community leaders and groups
 - Feed in asks to government
 - Focus on 'blockbuster' events and meetings for PCC

Lorne Mayencourt

Lead:

- Ethnic Spokesperson
 - Inside Caucus Leaders
- Build and populate calendar on significant ethnic/religious events
- Typing Faith
 - Multi-faith events with all ethnic faiths
 - ID people to reach out to faith groups
- Better coordination between Party, Gov't and Caucus
 - Ask MOs and MLAs to flag any multi opportunities for support
- ER in swing ridings
 - Identify Ethnic Chair
 - Get ethnic lenses on swing ridings/teams – coordinate flow of information

Support:

- Outside spokesperson, third-party validator
- Better coordination between Party, Gov't and Caucus
 - Break down government silos – share info

- Get Caucus buy-in on the plan
- Teams for ethnic target groups
 - Path we want to proceed on? If so, set up memberships, etc.

Jeff Melland

Lead:

- Identify potential translators that are suited in one of the above ethnic groups
- Catalogue our strengths
 - Strength: free enterprise (most ethnic groups value)
 - Weakness: lack of diverse Caucus – languages spoken
- Surveying MLAs/CAs/LAs/MO staff and other staff from ethnic communities/connections

Support:

- Coordinating media strategy
 - Ethnic media to be part of media outreach every NR and MA
 - Research/ update media distribution lists in Caucus Comms and GCPE

Tracy Pellizzari

Support:

- Video greetings

Blair Phelps

Lead:

- Opposition Research
 - Utilize Caucus Research team
 - Analyze multicultural readiness and weaknesses
 - To look into every nominee candidate
 - How these candidates are perceived in their communities
 - Find divisions on Multiculturalism stance/ policies
 - Analyze our record – concrete & tangible items

Support:

- Catalogue our strengths
 - Strengths and Weaknesses

Dave Ritchie

Lead:

- Translation

- Identify potential people that are suited in one of above ethnic groups – MA, EA, Caucus, CA, Party
- Build and Populate calendar of significant ethnic/religious events
 - Compile Calendar with IGR and GCPE
 - Cross Reference with Lorne’s Caucus Calendar
- Typing Faith
 - Prioritize multi-faith holidays/ events – use IGR
- Listening and outreach tour for MHB
 - Determine asks and feed into government

Support:

- Quick Wins
 - Research community focused wins eg. “historical wrongs”

Mark Robertson

Support:

- EN in swing ridings
 - Get ethnic lenses on swing ridings/teams – coordinate flow of information
 - Win 2013 software – ability to create ethnic lists
 - Ethnic database (2nd generation problems)

appendix c: work plan

Multicultural Outreach – Coordinated Effort Meeting		Last updated: Dec. 8, 2011 at 11:00am	
Target Ethnicities: Chinese, South Asian, Filipino, Korean, Vietnamese, Japanese Target Swing Ridings Present at meeting: Pam/Barinder, Jeff, Brian, Dave/Mike, Lorne/Melissa, Prim, Fiera, Kim			
Action Items			
Lead	Support	Timeline	Status
Brian			
Caucus Comms & Brian	Cross-ministry		
Brian/Jeff		2 weeks	
Translation			
Identify potential people that are suited in one of above ethnic groups - MA, EA, Caucus, CA, Party	Prim, Lorne, Fiera	Priority	
i. Must have the political sense and be able to tailor to each community			
Find out the process on usage of Gov translation resources		1 week	
Ethnic spokespersons			
Inside - Caucus Leaders	Pamela	1 month	
i. Train and use them – what do they want to hear & how		First Priority	
ii. One per community		2 month	
iii. Acquiring Minister/MILA meetings with key groups			
Outside spokesperson, third-party validator			
i. must possess political sense and be aware of day to day issues	Lorne, Fiera, Barinder	2 month	
ii. have key staff contact in Government to assist			
iii. proactive mandate			
Calendar of all ethnic events (Overall Lead: Dave and Lorne)			
Build and populate calendar of Significant Ethnic/Religious events	Support Melissa, IGR	Timeline First Priority	Status
i. Compile Calendar with IGR and GCPE		1 week	
ii. Cross Reference with Lorne's Caucus Calendar		1 week	
iii. Program Staff research surrounding events; Collect info from staff		ongoing	
iv. Categorize events as PCC, MHB or MLA		ongoing	
v. Structure the communications products according to priority of event		ongoing	
Quick wins, announcements for community (Overall Lead: Barinder)			
Workout a process for letters & certificates	Support MO, PO	Timeline 1 week	Status
i. Greeting Letters		ongoing	

Action Items

Utilize Caucus Research	Blair	Prim	
i. Analyze Multicultural readiness and weaknesses	Blair	Prim	
ii. To look into every nominated candidate	Blair	Prim	
iii. How these candidates are perceived in their communities	Blair	Prim	
Find Divisions on Multiculturalism stance/policies	Blair	Prim	
Analyze our record – concrete & tangible items	Blair	Prim	
Catalogue our strengths (Overall Lead: Jeff)	Lead	Support	Timeline
Strength - free enterprise (most ethnic groups value) - others?	Jeff	Blair / Prim	Status
Weakness - lack of diverse caucus - languages spoken	Jeff	Blair / Prim	
Using our resources (Overall Lead: Lorne and Prim)	Lead	Support	Timeline
Survey MLAs/CAs/LAs/MO staff and other staff from ethnic communities/connections	Lorne / Prim - survey	Fiera, Jeff	Priority
Riding executive members	Fiera		
Engage/Consult with communities - Fostering a 2 way conversation (Overall Lead: MHB MO an Lead)	Lead	Support	Timeline
Organizers	Pamela, MHB MO		
i. Focus on listening; Focus on reaching out to community leaders and groups	Brian	MHB - MO	
ii. Find out how we should talk about specific issues	Pamela, MHB MO		
iii. Determine Asks and feed into government			
MHB			
i. Listening and outreach tours	MHB MO	Brian	
ii. Determine asks and feed into government	MHB MO	Brian	
iii. Political asks (as election nears)	MHB / Barinder		
Premier			
i. Focus on 'blockbuster' events and meetings	Barinder, Pamela	Kim	
Ethnic social media			
i. Facebook, Twitter, Alternatives? Language?	Brian	MHB - MO	
Multicultural Advisory Committee	Barinder / Kim		First Priority
i. Who, What do they do, How do they work, gov or party	Barinder / Kim		First Priority
ER - Overall Lead: Lorne (Held Ridings) and Fiera (Unheld ridings)	Lead	Support	Timeline
Identify Ethnic chair	Barinder / Lorne	Party, M. Robertson, Brian	
Get ethnic lenses on swing ridings/teams - Coordinate flow of information	Lorne/Fiera	Jeff	
Teams for ethnic target groups	Fiera/Barinder/Pamela		First Priority

Action Items

i. Setup, membership, etc	Barinder	Lorne
Train riders and give them tools - provide consistent support	Party - Fiera	Mark Robertson
Win 2013 software - ability to create ethnic lists	Party - Fiera	Mark Robertson
i. Ethnic Database (problems when 2nd generation, IDing by last names only)	Fiera	Mike

appendix d: detailed chronology

appendix d: detailed chronology

March 14, 2011	Harry Bloy appointed Minister of Social Development and Minister Responsible for Multiculturalism.
September 26, 2011	Harry Bloy appointed Minister of State for Multiculturalism, Ministry of Jobs, Tourism and Innovation.
December 1, 2011	Kim Haakstad calls the Meeting: Brian Bonney, Dave Ritchie, Mike Lee, Barinder Bhullar, and Pamela Martin attend along with caucus employees, Primrose Carson, Jeff Melland, Lorne Mayencourt, a fourth caucus employee and Fiera Lo for the BC Liberal Party
December 5, 2011	The first draft of the excel spreadsheet (work plan) is developed by Mike Lee and Dave Ritchie. Dave Ritchie sends the first draft of the work plan to Primrose Carson.
December 20, 2011	Stephen Harris creates the first draft of draft Multicultural Strategic Outreach Plan.
January 6, 2012	Dave Ritchie sends the documents to Primrose Carson (Caucus) as the “coordinator” of the documents. His note says that Kim Haakstad’s edits are incorporated.
January 10, 2012	Kim Haakstad uses her personal email to send the final drafts of the documents to some of the meeting participants using their personal email accounts. She references a conference call on January 11, 2012.
January 11, 2012	Kim Haakstad chairs a conference call at 11:30 am to discuss the documents.
February 29, 2012	Dave Ritchie is appointed Ministerial Assistant to the Minister of Justice and Attorney General.
March 16, 2012	Minister of State Harry Bloy resigns.
March 24, 2012	John Yap is appointed Minister of State for Multiculturalism, Ministry of Jobs, Tourism and Innovation.
May 3, 2012	Chair of Treasury Board approves spending plan for Minister of State for Multiculturalism office.

May 28, 2012	Fiera Lo is appointed Executive Assistant to Minister of State for Multiculturalism.
June 11, 2012	Request for Qualifications for Multiculturalism Community Liaison Contractors is released.
June 16, 2012	Minister Yap attends an event in Richmond organized by one of the Community Liaison Contractors.
June 28, 2012	Mike Lee confirms to Minister Yap by email that he has assisted with three prospective proponents with the procurement process.
July 4, 2012	Request for Qualifications for Community Liaison Contractors closes.
July 31, 2012	Shannon Baskerville, responsible Assistant Deputy Minister with the Ministry of Jobs, Tourism and Innovation, confirms with Minister Yap by email the names of the six people confirmed as qualified for the community liaison consultants.
August 2, 2012	A decision note is prepared by program director Mark Seeley to Shannon Baskerville confirming the decision to select and proceed to contract with four of the six community liaison consultants.
August 7, 2012	Minister of State Yap sends an email to Sarah Welch, Fiera Lo and Brian Bonney suggesting an agenda for a meeting to be held with the caucus outreach workers and the community liaison contractors.
August 7, 2012	Mike Lee is appointed Executive Assistant to the Minister of Transportation and Sarah Welch is appointed Ministerial Assistant to the Minister of State for Multiculturalism.
August 9, 2012	Brian Bonney sends an email to Minister Yap confirming that he's booked the room for a meeting on August 13, 2012 and suggesting that he'll call both the caucus outreach workers and the community liaison contractors to confirm their attendance.
August 13, 2012	A meeting is convened in Minister of State Yap's office with Minister Yap, Brian Bonney, Fiera Lo, Sarah Welch, the two caucus outreach workers along with the four proposed community liaison contractors.
August 14, 2012	Brian Bonney sends an email to the four community liaison contractors saying he would like to set up individuals meetings with them to go over job duties, expectations and processes and references a template document that he will soon be sending to them.

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- September 5, 2012 Minister of State responsibilities are transferred to the Ministry of Advanced Education, Innovation and Technology and John Yap is appointed the Minister of Advanced Education, Innovation and Technology and the Minister responsible for Multiculturalism.
- September 18, 2012 Brian Bonney sends an email to the community liaison contractors advising them to submit their event profiles but not to use the “party” form that had previously been provided.
- September 26, 2012 Another anonymous call is made to Mark Seeley, Multiculturalism program director. The caller advises Mark that they provided their name and personal information, which seemed odd to them at the time. Following that, they began receiving political information at their home and made the connection that this must have resulted from the meeting.
- September 28, 2012 Anonymous call made to Deb Zehr, the former Executive Director at Jobs, Tourism and Innovation, to complain that they were being “threatened” that if they didn’t put on an event for the minister, their organization may not receive funding under the grant program.
- Early October, 2012 A third anonymous call is made to Madhavee Inamdar, (sometime between the 5th and the 16th of October). The caller states that they were at a function and pressured to provide a full list of the names and phone numbers of all club members. The names of Fiera Lo and Brian Bonney were mentioned. It was also suggested by Fiera Lo that the caller should not call the Chair of the Multicultural Advisory Council to report this as it would make trouble for the organization.
- October 24, 2012 Dawn Minty, Assistant Deputy Minister responsible for the Multiculturalism program meets with Rishi Sharma and Sarah Welch, the two Ministerial Assistants to Minister Yap, and advised them that she will be recommending that the contracts not proceed with the community liaison contractors.
- November 9, 2012 A letter is sent to the four proposed community liaison contractors to advise them that the contracts will not proceed. They are invited to submit invoices for any planning work undertaken.
- January 15, 2013 A payment is made to one of the contractors in the amount of \$6800.00
- January 24, 2013 Brian Bonney resigns with an effective date of February 21, 2013.
- February 27, 2013 The memo with the draft Multicultural Strategic Outreach Plan attached is tabled in Question Period.

appendix e: relevant individuals

appendix e: relevant individuals

Ministers Responsible

- | | |
|-----------------|---|
| Harry Bloy, MLA | <ul style="list-style-type: none">• March 14, 2011 appointed Minister of Social Development and Minister Responsible for Multiculturalism• September 26, 2011 appointed Minister of State for Multiculturalism• March 16, 2012 the Order in Council for Harry Bloy as Minister of State for Multiculturalism is rescinded |
| John Yap, MLA | <ul style="list-style-type: none">• March 24, 2012 appointed Minister of State for Multiculturalism• September 5, 2012 appointed Minister of Advanced Education, Innovation and Technology and Minister Responsible for Multiculturalism |

Political Staff

- | | |
|------------------|--|
| Kim Haakstad | <ul style="list-style-type: none">• Former Deputy Chief of Staff, Office of the Premier |
| Pamela Martin | <ul style="list-style-type: none">• Director of Outreach, Office of the Premier |
| Barinder Bhullar | <ul style="list-style-type: none">• Senior Outreach Coordinator, Office of the Premier |
| Mike Lee | <ul style="list-style-type: none">• Executive Assistant to Minister Bloy appointed March 14, 2011• Executive Assistant to Minister of State Bloy appointed September 26, 2011 and continued after appointment of Minister of State Yap to August 7, 2012 |
| Dave Ritchie | <ul style="list-style-type: none">• Executive Assistant to Minister of State Bloy appointed November 7, 2011 to February 29, 2012 |
| Joel McLaughlin | <ul style="list-style-type: none">• Ministerial Assistant to Minister of State Bloy appointed March 1, 2012 and continued after appointment of Minister of State Yap to June 29, 2012 |
| Fiera Lo | <ul style="list-style-type: none">• Executive Assistant to Minister of State Yap appointed May 28, 2012• Executive Assistant to Minister Yap appointed September 5, 2012 (Note: Fiera Lo previously employed by BC Liberal Party, see entry on next page) |
| Sarah Welch | <ul style="list-style-type: none">• Ministerial Assistant to Minister of State Yap appointed August 7, 2012• Ministerial Assistant to Minister Yap appointed September 5, 2012 to November 20, 2012 |
| Rishi Sharma | <ul style="list-style-type: none">• Ministerial Assistant to Minister Yap appointed September 5, 2012 |
| Andrew Ives | <ul style="list-style-type: none">• Executive Assistant to Minister Yap appointed November 20, 2012 |

BC Government Caucus Staff

- | | |
|-----------------|-------------------------------|
| Primrose Carson | • Executive Director |
| Stephen Harris | • Former Communications staff |
| Jeff Melland | • Former Communications staff |

BC Liberal Party

- | | |
|----------|---|
| Fiera Lo | • At the time of the December 1, 2011 meeting, Fiera Lo held a position with the BC Liberal Party |
|----------|---|

BC Public Servants

- | | |
|--------------------------|---|
| Shannon Baskerville | • Assistant Deputy Minister, previously responsible for Multiculturalism from September 26, 2011 to September 5, 2012 |
| Brian Bonney | • former Communications Director Multiculturalism, Government Communications and Public Engagement. Resigned February 21, 2013. |
| Kelly Gleeson | • Assistant Deputy Minister, Government Communications and Public Engagement |
| Athana Mentzelopoulos | • Deputy Minister, Government Communications and Public Engagement |
| Dawn Minty | • Assistant Deputy Minister Post-Secondary Regions, Programs and Multiculturalism, Ministry of Advanced Education, Innovation and Technology from September 5, 2012 |
| Mark Seeley | • Director EmbraceBC, Ministry of Advanced Education, Innovation and Technology (formerly with Jobs, Tourism and Innovation) |
| Cheryl Wenezenki-Yolland | • Deputy Minister, Ministry of Advanced Education, Innovation and Technology, responsible from September 5, 2012 |
| Maureen Yelovatz | • Director of Executive Operations, Ministry of Jobs, Tourism and Skills Training |
| Deb Zehr | • Former Executive Director responsible for Multiculturalism from September 26, 2011 to September 5, 2012 |

appendix f: interview schedule

appendix f: interview schedule

Friday, March 1, 2013	
3:00pm – 3:30pm	Cheryl Wenezenki-Yolland
3:45pm – 4:15pm	Athana Mentzelopoulos
4:30pm – 5:00pm	Dawn Minty

Saturday, March 2	
2:30pm – 3:30pm	Brian Bonney

Monday, March 4	
8:30am – 9:30am	Kim Haakstad
9:45am – 10:45am	Shannon Baskerville
12:45pm – 1:30pm	Barinder Bhullar
1:45pm – 2:15pm	Dave Ritchie
2:30pm – 4:00pm	Mark Seeley
4:00pm – 4:30pm	Rishi Sharma
4:30pm – 5:30pm	Pamela Martin

Tuesday, March 5	
8:30am-9:30am	Kelly Gleeson
9:45am – 10:45am	Deb Zehr
11:00am – 12:00pm	Sarah Welch
1:00pm – 1:30pm	Maureen Yelovatz *
3:00pm – 3:30pm	Primrose Carson
3:30pm - 4:30pm	John Yap, MLA
4:30pm – 5:30pm	Harry Bloy, MLA
6:30pm – 6:45pm	Dave Ritchie

Wednesday, March 6	
8:30am – 9:00am	Premier Clark
9:15am – 9:45am	Clare Whelan-Sadiki *
10:00am – 10:30am	Melany Nugent *
10:45am – 11:15am	Tracy Wideman *
11:30am – 12:00pm	Carmen Lavoie *
2:00pm – 3:00pm	Fiera Lo
3:15pm - 3:45pm	Mike Lee
4:00pm – 4:30pm	Madhavee Inamdar *

* interviews were conducted at the employee's request

appendix g: records search

appendix g: records search

On Friday, March 1, 2013, the review team provided instructions to the Logistics and Business Services Division (responsible for information access operations - IAO) and the Office of the Chief Information Officer (responsible for information technology investigations and forensics) on the records search for the review.

Search criteria was provided specifying all potential individuals involved and specific search terms were provided.

For the physical records search, individuals within the Ministries of Jobs, Tourism, and Skills Training; Advanced Education, Innovation and Technology; Government Communications and Public Engagement and the respective Ministers' Offices were asked to search email, hard drives, LAN, SharePoint/Groove and physical files.

All staff participating in the search were required to complete and sign a "Investigation Records Search Sign-Off Form". Each area was given until 11:00am on Monday, March 4, 2013 to complete their searches and print all records. Staff from IAO arrived to collect boxes of records at 11:00am on Monday, March 4, 2013. Employees who indicated they could not collect material in this time period were asked to provide the records available within the time period and to follow up with additional records as they became available.

All records were scanned into electronic format, maintaining the order in which the records were collected by program areas. Electronic files were labelled with the area of government and the name of the individual that supplied the records. Optical Character Recognition (OCR) was applied to all records to facilitate key word searches.

IAO estimates that approximately 10,000 pages of records were collected.

The Investigations & Forensics Unit, Information Security Branch, Office of the Chief Information Officer, conducts investigations related to cyber security and the unauthorized or inappropriate use of government information and resources. The primary focus of the Unit is on the collection, analysis and interpretation of electronic evidence.

The Unit was engaged to assist by collecting electronic data from government systems, and by searching that data based on time periods and keywords supplied.

Current and historical data from mailboxes, home drives and computers was collected. Commonly accepted forensic techniques and tools were used to search across the aggregated data. This data related to specific persons identified by those leading the investigation. The Unit also responded to ad-hoc requests for additional, or more specific, information.

The results and analysis were provided to the investigation team in various ways, including in-person reviews.

appendix h: standards of conduct

Standards of Conduct

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BC Public Service Agency



Where ideas work

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This policy statement applies to all persons and organizations covered by the Public Service Act. The policy statement supports the core policy objective that “public service employees exhibit the highest standards of conduct.”

Employees will exhibit the highest standards of conduct. Their conduct must instill confidence and trust and not bring the BC Public Service into disrepute. The honesty and integrity of the BC Public Service demands the impartiality of employees in the conduct of their duties.

The requirement to comply with these standards of conduct is a condition of employment. Employees who fail to comply with these standards may be subject to disciplinary action up to and including dismissal.

Loyalty

Public service employees have a duty of loyalty to the government as their employer. They must act honestly and in good faith and place the interests of the employer ahead of their own private interests. The duty committed to in the Oath of Employment requires BC Public Service employees to serve the government of the day to the best of their ability.

Confidentiality

Confidential information, in any form, that employees receive through their employment must not be disclosed, released, or transmitted to anyone other than persons who are authorized to receive the information. Employees with care or control of personal or sensitive information, electronic media, or devices must handle and dispose of these appropriately. Employees who are in doubt as to whether certain information is confidential must ask the appropriate authority before disclosing, releasing, or transmitting it.

The proper handling and protection of confidential information is applicable both within and outside of government and continues to apply after the employment relationship ends.

Confidential information that employees receive through their employment must not be used by an employee for the purpose of furthering any private interest, or as a means of making personal gains. (See the Conflicts of Interest section of this policy statement for details.)

Public Comments

BC Public Service employees may comment on public issues but must not engage in any activity or speak publicly where this could be perceived as an official act or representation (unless authorized to do so).

Employees must not jeopardize the perception of impartiality in the performance of their duties through making public comments or entering into public debate regarding ministry policies. BC Public Service employees must not use their position in government to lend weight to the public expression of their personal opinions.

Political Activity

BC Public Service employees may participate in political activities including membership in a political party, supporting a candidate for elected office, or seeking elected office. Employees' political activities, however, must be clearly separated from activities related to their employment.

If engaging in political activities, employees must remain impartial and retain the perception of impartiality in relation to their duties and responsibilities. Employees must not engage in political activities during working hours or use government facilities, equipment, or resources in support of these activities.

Partisan politics are not to be introduced into the workplace; however, informal private discussions among co-workers are acceptable.

Service to the Public

BC Public Service employees must provide service to the public in a manner that is courteous, professional, equitable, efficient, and effective. Employees must be sensitive and responsive to the changing needs, expectations, and rights of a diverse public in the proper performance of their duties.

Workplace Behavior

Employees are to treat each other with respect and dignity and must not engage in discriminatory conduct prohibited by the Human Rights Code. The prohibited grounds are race, colour, ancestry, place of origin, religion, family status, marital status, physical disability, mental disability, sex, sexual orientation, age, political belief or conviction of a criminal or summary offence unrelated to the individual's employment.

Further, the conduct of BC Public Service employees in the workplace must meet acceptable social standards and must contribute to a positive work environment. An employee's conduct must not compromise the integrity of the BC Public Service.

All employees may expect and have the responsibility to contribute to a safe workplace. Violence in the workplace is unacceptable. Violence is any use of physical force on an individual that causes or could cause injury and includes an attempt or threatened use of force.

Employees must report any incident of violence. Any employee who becomes aware of a threat must report that threat if there is reasonable cause to believe that the threat poses a risk of injury. Any incident or threat of violence in the workplace must be addressed immediately.

Employees must report a safety hazard or unsafe condition or act in accordance with the provisions of the WorkSafeBC Occupational Health and Safety Regulations.

Conflicts of Interest

A conflict of interest occurs when an employee's private affairs or financial interests are in conflict, or could result in a perception of conflict, with the employee's duties or responsibilities in such a way that:

- the employee's ability to act in the public interest could be impaired; or
- the employee's actions or conduct could undermine or compromise:
 - the public's confidence in the employee's ability to discharge work responsibilities; or
 - the trust that the public places in the BC Public Service.

While the government recognizes the right of BC Public Service employees to be involved in activities as citizens of the community, conflict must not exist between employees' private interests and the discharge of their BC Public Service duties. Upon appointment to the BC Public Service, employees must arrange their private affairs in a manner that will prevent conflicts of interest, or the perception of conflicts of interest, from arising. Employees who find themselves in an actual, perceived, or potential conflict of interest must disclose the matter to their supervisor, manager, or ethics advisor. Examples of conflicts of interest include, but are not limited to, the following:

- An employee uses government property or equipment or the employee's position, office, or government affiliation to pursue personal interests or the interests of another organization;
- An employee is in a situation where the employee is under obligation to a person who might benefit from or seek to gain special consideration or favour;
- An employee, in the performance of official duties, gives preferential treatment to an individual, corporation, or organization, including a non-profit organization, in which the employee, or a relative or friend of the employee, has an interest, financial or otherwise;
- An employee benefits from, or is reasonably perceived by the public to have benefited from, the use of information acquired solely by reason of the employee's employment;
- An employee benefits from, or is reasonably perceived by the public to have benefited from, a government transaction over which the employee can influence decisions (for example,

investments, sales, purchases, borrowing, grants, contracts, regulatory or discretionary approvals, appointments);

- An employee accepts from an individual, corporation, or organization, directly or indirectly, a personal gift or benefit that arises out of employment in the BC Public Service, other than:
 - the exchange of hospitality between persons doing business together;
 - tokens exchanged as part of protocol;
 - the normal presentation of gifts to persons participating in public functions; or
 - the normal exchange of gifts between friends; or
 - An employee accepts gifts, donations, or free services for work-related leisure activities other than in situations outlined above.

The following four criteria, when taken together, are intended to guide the judgment of employees who are considering the acceptance of a gift:

- The benefit is of nominal value;
- The exchange creates no obligation;
- Reciprocation is easy; and
- It occurs infrequently.

Employees will not solicit a gift, benefit, or service on behalf of themselves or other employees.

Allegations of Wrongdoing

Employees have a duty to report any situation relevant to the BC Public Service that they believe contravenes the law, misuses public funds or assets, or represents a danger to public health and safety or a significant danger to the environment. Employees can expect such matters to be treated in confidence, unless disclosure of information is authorized or required by law (for example, the Freedom of Information and Protection of Privacy Act). Employees will not be subject to discipline or reprisal for bringing forward to a Deputy Minister, in good faith, allegations of wrongdoing in accordance with this policy statement.

Employees must report their allegations or concerns as follows:

- Members of the BCGEU must report in accordance with Article 32.13;
- PEA members must report in accordance with Article 36.12; or
- Other employees must report in writing to their Deputy Minister or other executive member of the ministry, who will acknowledge receipt of the submission and have the matter reviewed and responded to in writing within 30 days of receiving the employee's submission. Where an allegation involves a Deputy Minister, the employee must forward the allegation to the Deputy Minister to the Premier.

These reporting requirements are in addition to an employee's obligation to report to the Comptroller General as outlined in Section 33.2 of the Financial Administration Act.

Where an employee believes that the matter requires a resolution and it has not been reasonably resolved by the ministry, the employee may then refer the allegation to the appropriate authority.

If the employee decides to pursue the matter further then:

- Allegations of criminal activity are to be referred to the police;
- Allegations of a misuse of public funds are to be referred to the Auditor General;
- Allegations of a danger to public health must be brought to the attention of health authorities; and
- Allegations of a significant danger to the environment must be brought to the attention of the Deputy Minister, Ministry of Environment.

Legal Proceedings

Employees must not sign affidavits relating to facts that have come to their knowledge in the course of their duties for use in court proceedings unless the affidavit has been prepared by a lawyer acting for government in that proceeding or unless it has been approved by a ministry solicitor in the Legal Services Branch, Ministry of Attorney General. In the case of affidavits required for use in arbitrations or other proceedings related to employee relations, the Labour Relations Branch of the BC Public Service Agency will obtain any necessary approvals. Employees are obliged to cooperate with lawyers defending the Crown's interest during legal proceedings.

A written opinion prepared on behalf of government by any legal counsel is privileged and is, therefore, not to be released without prior approval of the Legal Services branch.

Working Relationships

Employees involved in a personal relationship outside work which compromises objectivity, or the perception of objectivity, should avoid being placed in a direct reporting relationship to one another. For example, employees who are direct relatives or who permanently reside together may not be employed in situations where:

- A reporting relationship exists where one employee has influence, input, or decision-making power over the other employee's performance evaluation, salary, premiums, special permissions, conditions of work, and similar matters; or
- The working relationship affords an opportunity for collusion between the two employees that would have a detrimental effect on the Employer's interest.

The above restriction on working relationships may be waived provided that the Deputy Minister is satisfied that sufficient safeguards are in place to ensure that the Employer's interests are not compromised.

Human Resource Decisions

Employees are to disqualify themselves as participants in human resource decisions when their objectivity would be compromised for any reason or a benefit or perceived benefit could accrue to them.

For example, employees are not to participate in staffing actions involving direct relatives or persons living in the same household.

Outside Remunerative and Volunteer Work

Employees may hold jobs outside government, carry on a business, receive remuneration from public funds for activities outside their position, or engage in volunteer activities provided it does not:

- interfere with the performance of their duties as a BC Public Service employee;
- bring the government into disrepute;
- represent a conflict of interest or create the reasonable perception of a conflict of interest;
- appear to be an official act or to represent government opinion or policy;
- involve the unauthorized use of work time or government premises, services, equipment, or supplies; or
- gain an advantage that is derived from their employment with the BC Public Service.

Employees who are appointed as directors or officers of Crown corporations are not to receive any additional remuneration beyond the reimbursement of appropriate travel expenses except as approved by the Lieutenant Governor in Council.

Responsibilities

Agency Head

- Provide timely advice to managers and designated contacts respecting the application of this policy statement including guidance on an appropriate employer response to transgressions of the policy statement; and
- Coordinate the development of awareness, training, and communication programs in support of this policy statement.

Deputy Ministers

- Advise employees of the required standards of conduct and the consequences of non-compliance;
- Designate a ministry contact for matters related to standards of conduct;
- Promote a work environment that is free of discrimination;

-
- Deal with breaches of this policy statement in a timely manner, taking the appropriate action based upon the facts and circumstances;
 - Waive the provision on working relationships under the circumstances indicated; and
 - Delegate authority and responsibility, where applicable, to apply this policy statement within their organization.

Line Managers

- Advise staff on standards of conduct issues;
- Engage the ministry-designated contact as may be appropriate in the circumstances; and
- Contribute to a work environment that is free of discrimination.

Employees

- Objectively and loyally fulfill their assigned duties and responsibilities, regardless of the party or persons in power and regardless of their personal opinions;
- Disclose and resolve conflicts of interest or potential conflict of interest situations in which they find themselves;
- Maintain appropriate workplace behavior;
- Avoid engaging in discriminatory conduct or comment; and
- Check with their supervisor or manager when they are uncertain about any aspect of this policy statement.

appendix i: external references

The review team referred to the following publications during the course of the review. They may be of further interest to the reader.

Kernaghan, Kenneth and Langford, John W. *The Responsible Public Servant*. Institute for Research on Public Policy. Halifax, 1990.

Sossin, Lorne. *Defining Boundaries: The Constitutional Argument for Bureaucratic Independence and Its Implication for the Accountability of the Public Service, in Research Studies, vol. 2*. Commission of Inquiry into the Sponsorship Program and Advertising Activities. Ottawa, 2006, pp. 27, 65 and 43.

Smith, Alex. *Ministerial Staff: Issues of Accountability and Ethics*. Background Paper issued by the Parliamentary Information and Research Service, Library of Parliament. Also online at <http://www.parl.gc.ca/Content/LOP/ResearchPublications/prb0602-e.htm>. Revised December 2008 and Reviewed May 2012.

Accountable Government: A Guide for Ministers and Ministers of State. Issued by the Privy Council Office, Government of Canada. Also online at www.pco-bcp.gc.ca. 2011.

