

Committee of Experts

**STANDARD FORMAT  
FOR THE PREPARATION OF THE PROGRESS REPORTS (ARTICLES 31 AND 32 OF  
THE RULES OF PROCEDURE AND OTHER PROVISIONS OF THE COMMITTEE)<sup>1</sup>**

**NATIONAL PROGRESS REPORT FOR CANADA**

**INTRODUCTORY SECTION: PRINCIPAL DEVELOPMENTS WITH RESPECT TO  
THE IMPLEMENTATION OF THE RECOMMENDATIONS AND MEASURES  
SUGGESTED BY THE COMMITTEE IN THE FIRST TWO ROUNDS AND WITH  
RESPECT TO OTHER MEASURES PROVIDED FOR IN THE CONVENTION<sup>2</sup>**

- The Canadian Centre for Justice Statistics has improved the availability and the utility of its data holdings to allow users to more readily access and download its products including all analytical reports and a selection of statistical tables.
- The Values and Ethics Division of the Treasury Board Secretariat and the Canada School of Public Service launched, in December 2008, an on-line course for all federal public servants, entitled “Paving the Way”. The course content covers the Values and Ethics Code for the Public Service, the *Public Servants Disclosure Protection Act* and other policies in the field of values and ethics in the federal public service. To date, over 60,000 public servants have taken the course.
- Canada increased its investment in combating criminal activity in the Americas by establishing the Anti-Crime Capacity Building Program (ACCBP) in December 2009. The ACCBP provides \$15 million in funding and technical assistance to States and to international institutions to combat and prevent criminal activity. In 2009/10, the OAS received CAD \$1.38 million in funding via the ACCBP. Through the ACCBP, capacity-building and technical assistance is available to Latin American and Caribbean States to effectively implement the *Inter-American Convention against Corruption* (IACAC) and the *United Nations Convention against Corruption* (UNCAC) requirements.
- In March 2010, the Department of Foreign Affairs and International Trade launched a revised departmental policy and procedure for reporting allegations of bribery abroad by Canadians and Canadian companies. It is designed to facilitate law enforcement by Canadian authorities and will be included in the training for all officers preparing to be posted abroad.

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1 This format was adopted by the Committee at the Plenary Session held on June 29, 2007, within the framework of its Eleventh Meeting.

2 This section is included in furtherance of what was agreed to by the Committee at its 17th meeting, held from September 13 to 16, 2010.

## **SECTION I. PROGRESS IN THE IMPLEMENTATION OF THE RECOMMENDATIONS**

### **A. FIRST ROUND OF REVIEW**

#### **I. RECOMMENDATION:**

##### **1. STANDARDS OF CONDUCT AND MECHANISMS TO ENFORCE COMPLIANCE (ARTICLE III, PARAGRAPHS 1 AND 2 OF THE CONVENTION)**

###### **1.1. Standards of conduct intended to prevent conflicts of interest and enforcement mechanisms**

Recommendation:

*Continue strengthening the provisions and measures on conflicts of interest and mechanisms to enforce compliance.*

#### **II. ADOPTED MEASURES:**

- Measure a): The Code of Conduct for the larger federal public sector required by the *Public Servants Disclosure Protection Act* (PSDPA) is now targeted for implementation in the spring of 2011, following tabling in both Houses of Parliament. The Treasury Board Secretariat (TBS) is also developing a policy on conflict of interest and post-employment for the departments and agencies considered to be the core public administration for which Treasury Board is the employer. The implementation of this policy is planned to coincide with the implementation of the Code of Conduct for the larger public sector in 2011. The chief executives of the organizations subject to the PSDPA are also expected to implement their organizational codes in the spring of 2011. The employees of Parliament (House of Commons and Senate) are not subject to the PSDPA; however, they are covered by their own codes of conduct. The employees of the Senate continue to be subject to the 2007 Statement of Values and Ethics. The employees of the House of Commons continue to be subject to the 2006 Conflict of Interest Policy.

- Measure b): The Values and Ethics Division of the TBS is developing a conflict of interest and post-employment policy for the departments and agencies for which Treasury Board is the employer, as referred to in Measure a). Current policy proposals include methods to strengthen enforcement of post-employment requirements for high risk, high visibility positions through contractual obligations, enforceable through the courts. A decision on the adoption of this policy proposal is expected in the spring of 2011.

- Measure c): Through the 2010-2011 Values and Ethics Management Accountability Framework process, the TBS will assess the implementation of conflict of interest management practices in departments and agencies. Specifically, TBS will be assessing whether departments have processes in place to help public servants raise, discuss and

resolve issues related to conflict of interest and have implemented some activities to communicate with employees on their responsibilities for avoiding conflicts of interest. The information for the assessment will be taken from organizations' values and ethics plans, codes of conduct or other documentation.

- Measure d): The Values and Ethics Division of the TBS continues to work with the Canada School of Public Service (CSPS) to make values and ethics a core element woven into required training programs for human and financial management. The required training programs are for supervisors, managers, executives, and functional specialists. In December 2008, the Values and Ethics Section of the TBS and the CSPS launched an on-line course for all federal public servants, entitled "Paving the Way". The course content covers the Values and Ethics Code for the Public Service, the PSDPA and other policies in the field of values and ethics in the federal public service. A certificate is given for successful completion of the course. To date, over 60,000 public servants have taken the course. A similar course for managers is in development. The course material will be revised and updated upon implementation of the Code of Conduct for the larger public sector and the policy on conflict of interest and post-employment for the departments and agencies for which Treasury Board is the employer, as outlined in Measures a) and b).

I. RECOMMENDATION:

**1. STANDARDS OF CONDUCT AND MECHANISMS TO ENFORCE COMPLIANCE (ARTICLE III, PARAGRAPHS 1 AND 2 OF THE CONVENTION)**

**1.2. Standards of conduct to ensure the proper conservation and use of resources entrusted to government officials in the performance of their functions and enforcement mechanisms**

Recommendation:

*Continue strengthening the implementation of the standards of conduct that ensure the conservation and proper use of resources entrusted to public officials in the performance of their functions.*

II. ADOPTED MEASURES:

As part of the major assessment exercise known as the Policy Suite Renewal, the Policy on Losses of Money and Offences and Other Illegal Acts was assessed and re-issued as the Directive on Losses of Money or Property. This activity is now completed.

I. RECOMMENDATION:

**1. STANDARDS OF CONDUCT AND MECHANISMS TO ENFORCE COMPLIANCE (ARTICLE III, PARAGRAPHS 1 AND 2 OF THE CONVENTION)**

### **1.3. Standards of conduct and mechanisms concerning measures and systems requiring government officials to report to appropriate authorities acts of corruption in the performance of public functions of which they are aware**

Recommendation:

*Continue strengthening the norms and mechanisms with respect to the existing systems and measures requiring public officials to report to appropriate authorities acts of corruption in the performance of public functions of which they are aware.*

## **II. ADOPTED MEASURES:**

- Measure a): The Canadian Security Intelligence Service (CSIS) is establishing internal procedures for the disclosure of wrongdoing, including the protection of persons who disclose the wrongdoings, in satisfaction of the requirement in section 52 of the *Public Servants Disclosure Protection Act* (PSDPA). The Service's policy entitled "Internal Disclosure of Wrongdoing and Reprisal Protection" came into force on June 1, 2010.

The Department of National Defence (DND) and the Canadian Forces, as well as the Communications Security Establishment (CSE), have also taken action further to section 52 of the PSDPA. The *Queen's Regulations and Orders for the Canadian Forces* have been amended to include internal disclosure and reprisal protection procedures for members of the Forces. The CSE continues to work on updating and clarifying the existing mechanism and process in the Values and Ethics Code for CSE employees to disclose wrongdoing without risk of reprisal. DND has also established the DND Internal Disclosure Office that is mandated to ensure that the department's obligations as described in the PSDPA are fully met. This office conducts awareness and educational sessions on the Act and its implementation within DND, provides advice and guidance to management and employees considering making a disclosure, and initiates formal investigations by the Directorate of Special Examinations and Inquires (DSEI) or passes the disclosure to a more appropriate departmental agency.

Wrongdoings reported under DAOD 7024-0, Disclosure of Wrongdoings in the Workplace, or DAOD 7024-1, Internal Procedures for Disclosure of Wrongdoings in the Workplace, are reviewed upon submission, and where a conflict of interest situation falls under the definition of wrongdoing, the DSEI investigates and makes recommendations for corrective actions. The DSEI also conducts investigations of conflict of interest situations separate from the reporting of wrongdoing under the PSDPA in accordance with its mandate to conduct administrative investigations allegations of wrongdoing in DND and the Canadian Forces.

In January 2010, the CSE established and staffed the position of "Ethics Officer" to assist the Director General, Audit, Evaluation and Ethics in discharging ethics-related responsibilities. With specific regard to wrongdoing, these responsibilities include: raising organizational awareness of the mechanism for disclosing a suspected

wrongdoing and providing interpretation and related advice; conducting and reporting the results of investigations pursuant to allegations or reasonable suspicion of wrongdoing, and making recommendations regarding corrective action; and protecting the identity and privacy of persons involved in a disclosure or related investigation. The establishment of the CSE Ethics Officer position augments CSE's capacity to deal with issues relating to wrongdoing and is intended to advance CSE's Ethics Program more broadly.

- Measure b): The Values and Ethics Division of the TBS and the Canada School of Public Service launched, in December 2008, an on-line course for all federal public servants, entitled "Paving the Way". The course content covers the Values and Ethics Code for the Public Service, the PSDPA, and other policies in the field of values and ethics in the federal public service. A certificate is given for successful completion of the course. To date, over 60,000 public servants have taken the course. A similar course for managers is in development.

On March 2, 2010, the Department of Foreign Affairs and International Trade (DFAIT) launched a revised departmental policy and procedure for reporting allegations of bribery abroad by Canadians and Canadian companies. It is designed to facilitate law enforcement by Canadian authorities and will be included in the training for all officers preparing to be posted abroad.

Inspectors of the Royal Canadian Mounted Police (RCMP) International Anti-Corruption Unit have given presentations to the public and private sectors across the country on corruption issues and on Canada's international obligations in combating corruption. To this effect, a pamphlet has been developed and will be used in future presentations. Furthermore, the RCMP continues to provide training on the role of the RCMP in the enforcement of the *Corruption of Foreign Public Officials Act* to their liaison officers before their assignments to various posts. The RCMP is also making arrangements to give presentations to various country desks of the DFAIT.

I. RECOMMENDATION:

**2. SYSTEMS FOR REGISTERING INCOME, ASSETS AND LIABILITIES  
(ARTICLE III, PARAGRAPH 4 OF THE CONVENTION)**

Recommendation:

*Continue strengthening the systems for registration of income, assets, and liabilities.*

II. ADOPTED MEASURES:

- Measure a): The Values and Ethics Division of the Treasury Board Secretariat (TBS) is undertaking the development of a policy on conflict of interest and post-employment measures for those departments and agencies for which Treasury Board is the employer, to accompany the Code of Conduct for the larger public sector required by the *Public Servants Disclosure Protection Act* (PSDPA), targeted for implementation in 2011. The Values and Ethics Division will also develop a directive on the divestment of assets and

establishment of blind trusts to accompany the policy, with implementation targeted for 2011. The question of the reporting of income and assets of family members will be reviewed and analyzed during the development of the directive, in consultation with departments and agencies, bargaining agents representing public servants, and legal services, in the context of Canada's legal framework for protection of private third-party information.

- Measure b): The development of the Code of Conduct for the broader public sector includes a review of the measures that address conflicts of interest and post-employment, in the existing Values and Ethics Code. The Values and Ethics Division of the TBS will review the issue of the registration of income, assets and liabilities in the development of the directive referred to in the response to Measure a), for those departments and agencies for which Treasury Board is the employer.

- Measure c): The development of the Code of Conduct, as required by the PSDPA, is still in progress. In the context of the implementation plan for the new policy on conflict of interest and post-employment, the Values and Ethics Division of the TBS will develop guidance for departments and agencies on the review, analysis and custody of the reports of conflicts of interest required by the policy.

Measure c) re the Department of National Defence:

The development of the Code of Conduct, as required by the PSDPA, is still in progress. Conflicts of interest that are identified via Confidential Reports are addressed through Defence Administrative Order and Directive (DAOD) 7021-1, Conflict of Interest. Confidential Reports made by Department of National Defence (DND) civilian employees and by Canadian Forces members pursuant to DAOD 7021-1, *Conflict of Interest*, or wrongdoings reported under DAOD 7024-0, *Internal Disclosure of Wrongdoing in the Workplace*, are reviewed upon submission and where a conflict of interest may represent breaches of financial rules or legislation, the Directorate of Special Examinations and Inquiries investigates and makes recommendations for corrective measures. The DND will ensure that its internal policies and regulations are in line with the new Code of Conduct and will adjust them if necessary.

#### I. RECOMMENDATION:

### **3. OVERSIGHT BODIES FOR THE SELECTED PROVISIONS (ARTICLE III, PARAGRAPHS 1, 2, 4 AND 11 OF THE CONVENTION)**

Recommendation:

*Continue strengthening the oversight bodies for effective compliance with the provisions selected for analysis in the first round (Article III, paragraphs 1, 2, 4 and 11).*

#### II. ADOPTED MEASURES:

- Measure a):The Policy on Internal Audit, in force since April 2006, was revised in 2009.

I. RECOMMENDATION:

**4. MECHANISMS TO PROMOTE THE PARTICIPATION BY CIVIL SOCIETY AND NONGOVERNMENTAL ORGANIZATIONS IN EFFORTS TO PREVENT CORRUPTION (ARTICLE III, PARAGRAPH 11 OF THE CONVENTION)**

**4.2. Mechanisms for access to information**

Recommendation:

*Continue strengthening the mechanisms for access to information.*

II. ADOPTED MEASURES:

At the time of writing of the report for the first round of review, the Office of the Information Commissioner had, for fiscal year 2004-05, a budget of \$4.7 million and a staff complement of 52. As of March 2010, the Main Estimates indicate that the Office of the Information Commissioner has a budget of \$12.1 million for 2010-2011 including 82 full time employees.

The Treasury Board Secretariat (TBS) recently issued a new directive on the *Administration of the Access to Information Act*. The new directive applies to institutions subject to the *Access to Information (ATIA)* and outlines practices and procedures on the management of the ATIA. It includes direction on the application of the duty to assist, which is a legislative requirement that stems from the *Federal Accountability Act*. The ATIA now requires heads of government institutions to assist requesters, regardless of their identity, and to ensure that responses are accurate, complete, timely and in the format requested by the applicant. The directive also addresses a number of procedural questions such as the proper exercise of discretion, extension of time limits and documenting the request process.

The TBS will start collecting next year additional statistics on an annual basis for the purpose of assessing institutions' compliance with provisions of the ATIA.

I. RECOMMENDATION:

**4.3. Mechanisms for consultation**

Recommendation:

*Continue strengthening the mechanisms for consultation.*

II. ADOPTED MEASURES:

The Government of Canada Communications Policy, which requires that institutions post their public consultation activities on the Consulting with Canadians website, remains in effect. Accordingly, federal government consultation activities are routinely posted to this web site in order to inform Canadians about consultation processes in which they may wish to participate (web link is provided further below).

Moreover, the Government of Canada is currently using social media tools (Facebook, Twitter, YouTube, etc.) to consult Canadians on public policy issues (e.g. 2010 Digital Economy Strategy consultation). A presence on social media has also been established by a number of federal level departments, as well as by the Clerk of the Privy Council Office (PCO) and by the Prime Minister.

The link to the Consulting with Canadians web site (also referred to as the Government of Canada Consultation Portal) is as follows:

<http://www.consultingcanadians.gc.ca/hm.jsp?lang=eng>

The link to the 2010 Digital Economy Strategy consultation is as follows:

<http://de-en.gc.ca/home/>

The PCO works with the Treasury Board Secretariat (TBS) to help ensure that appropriate importance is given to the consultation function, as part of the overall communications function within government departments and agencies.

Consulting with Canadians is an ongoing government activity. For example, some recent initiatives are worth noting:

On January 13, 2010, the Department of Foreign Affairs and International Trade (DFAIT) announced the launch of a website to help Canadian mining, oil and gas companies meet and exceed their social and environmental responsibilities while operating abroad. The new website is a one-stop shop with the latest information on corporate social responsibility rules, laws and best practices. The new website is hosted by the Canadian Institute of Mining, Metallurgy and Petroleum and was developed in consultation with the federal government, industry, civil society, academia, indigenous representatives and expert practitioners. The Corporate Social Responsibility website can be found at the following address: <http://www.cim.org/csr/>

The Public Service Commission (PSC) is completing consultations, research and analysis, including consultations with bargaining agents. A symposium on Safeguarding a Non-Partisan Public Service in the 21st Century was held in Ottawa on March 2, 2010. It was co-hosted by the PSC and the University of Ottawa Graduate School of Public and International Affairs. This one-day symposium wraps up a series of university round tables on this issue that the PSC held across Canada in 2009. The symposium brought together 25 experts from many perspectives and backgrounds and the PSC received suggestions on safeguarding a non-partisan public service. The results of the symposium will contribute to the PSC's Annual Report and future policy development. For more

information, please see <http://www.psc-cfp.gc.ca/abt-aps/rprt/psea-lefp/nonpart-impart/2010-03-10-eng.htm>

The Royal Canadian Mounted Police (RCMP) International Anti-Corruption Unit has been involved, apart from their investigative and enforcement duties, in several awareness raising activities, integrity education and training, namely:

- Giving presentations to Canadian corporations and civil society organizations across the country on corruption issues and Canada's international obligations in combating corruption. To that effect, a pamphlet has been developed and will be distributed during future presentations.
- Working with DFAIT on developing a poster to be posted at Canadian embassies to advertise the existence of the anti-corruption teams.
- Giving a presentation to the Board of Transparency International-Canada on October 27, 2009.
- Headlining December 9, 2010, Anti-Corruption Day on their website.
- On March 11, 2010, Transparency International held its annual symposium in Toronto entitled "Avoiding the Pitfalls: Don't get shafted". The RCMP gave a presentation on Canadian anti-corruption efforts and the role of the RCMP in investigating and enforcing the *Corruption of Foreign Public Officials Act*. For more information, please consult [http://www.transparency.ca/New/Files/2010-TI\\_Avoiding\\_Pitfalls\\_RCMP.pdf](http://www.transparency.ca/New/Files/2010-TI_Avoiding_Pitfalls_RCMP.pdf)

I. RECOMMENDATION:

**5. ASSISTANCE AND COOPERATION (ARTICLE XIV)**

The Committee did not make any recommendations to Canada on this matter.

II. ADOPTED MEASURES:

**Article XIV, paragraph 1 (Mutual legal assistance)**

Justice Canada continues to participate in the work of the OAS/REMJA Working Group on Mutual Assistance in Criminal Matters and extradition, which seeks to make mutual assistance between Organization of American States (OAS) members more effective by various means. Canada continues to support, *inter alia*, the use of the Working Group's Best Practices guidelines for improving mutual assistance, the elaboration of which was spearheaded by Justice Canada.

**Article XIV, paragraph 2 (Mutual technical cooperation)**

Canada increased its investment in combating criminal activity in the Americas by establishing the Anti-Crime Capacity Building Program (ACCBP) in December 2009. The ACCBP provides \$15 million in funding and technical assistance to States and to international institutions to combat and prevent criminal activity. In 2009/10, the OAS received CAD \$1.38 million in funding via the ACCBP. Through the ACCBP, capacity-

building and technical assistance is available to Latin American and Caribbean states to effectively implement the *Inter-American Convention against Corruption* (IACAC) and the *United Nations Convention against Corruption* (UNCAC) requirements, including through legislative development and drafting; support for institutional capacity to investigate and prosecute corruption and to identify the associated money flow; and national awareness workshops. In addition, the ACCBP may support these States' participation in UNCAC and other anti-corruption fora so that their views and perspectives are heard by the international community.

Looking ahead, Canada will continue to support the follow-up mechanisms for their implementation, namely the IACAC review mechanism (MESICIC), and the development and implementation of UNCAC. The ACCBP will support the capacity of States to effectively implement these Conventions. The ACCBP will also support international efforts to address the issue of asset recovery in States that have been victimized by corrupt officials.

I. RECOMMENDATION:

**7. GENERAL RECOMMENDATIONS**

Recommendation 7.1

*Design and implement, when appropriate, programs to train public officials responsible for implementing the systems, standards, measures and mechanisms considered in this report, for the purpose of guaranteeing that they are adequately understood, managed and implemented.*

II. ADOPTED MEASURES:

- The Values and Ethics Division of the Treasury Board Secretariat (TBS) and the Canada School of Public Service launched, in December 2008, an on-line course for all federal public servants, entitled "Paving the Way". The course content covers the Values and Ethics Code for the Public Service, the *Public Servants Disclosure Protection Act* (PSDPA), and other policies in the field of values and ethics in the federal public service. A certificate is given for successful completion of the course. To date, over 60,000 public servants have taken the course. A similar course for managers is in development.

- The TBS recognizes the importance of organizing and providing training and development opportunities related to the *Access to Information Act*. To this end, the Policy on Access to Information contains a requirement for heads of institutions to make their employees aware of the policies, procedures and legal responsibilities under the Act. The TBS offers training to meet the specific needs of the federal Access to Information (ATI) community. Training sessions are provided on a variety of ATI-related topics on an ongoing basis, free of charge and in both official languages. The Secretariat also provides strategic advice and support to the ATI community by issuing guidance

documents on emerging issues and by holding regular community meetings. It also offers immediate assistance to ATI officials on specific issues through its call centre.

## I. RECOMMENDATION:

### Recommendation 7.2

*Select and develop procedures and indicators, when appropriate, that make it possible to verify the follow-up to the recommendations contained in this report, and report back to the Committee through the Technical Secretariat in this regard. For the purposes indicated, Canada could consider taking into account the list of the most widely used indicators, applicable in the Inter-American system that were available for the selection indicated by the country under analysis, which has been published on the OAS website by the Technical Secretariat of the Committee, as well as information derived from the analysis of the mechanisms developed in accordance with recommendation 7.3, which follows.*

## II. ADOPTED MEASURES:

In 2003, the Treasury Board Secretariat (TBS) introduced the Management Accountability Framework (MAF) with the intent of strengthening deputy heads/departmental accountability for management. As a performance management framework, the purpose of MAF is to:

- Clarify management expectations for deputy heads to support them in managing their own organizations;
- Develop a comprehensive and integrated perspective on management issues and challenges and to guide TBS engagement with organizations; and
- Determine enterprise-wide trends and systemic issues in order to set priorities and focus efforts to address them.

In November 2008, TBS commissioned a five-year evaluation of the MAF. The objectives of this evaluation were to:

- Evaluate how TBS is assessing public sector management practices and performance within and across the Federal government (i.e., is MAF relevant, successful and cost-effective?);
- Compare MAF as a tool for assessing public sector management practices and performance across jurisdictions; and
- Identify and recommend areas for improvement to MAF as an assessment tool and its supporting reporting requirements, tools and methodologies.

The evaluation concluded that MAF is successful and is meeting its current objectives. MAF has clarified management expectations for deputy heads, has guided TBS engagement with departments and agencies, and provided both an enterprise-wide view of management practices to departments and a view to government-wide trends and

management issues to TBS. Further, the evaluation has concluded that MAF is a valuable and relevant management tool that should continue to be maintained and supported. MAF has evolved significantly since its inception in 2003, from a relatively informal approach to a much more rigorous assessment. Based on the results of our international comparison, it is reasonable to conclude that had MAF not existed, something similar would have been needed to meet these increased accountability requirements.

Improvement areas can be made to enhance the efficiency and effectiveness of the MAF process and enhance the overall validity of the assessment results. Going forward, TBS may consider developing a costing approach that once implemented, would establish a baseline to compare cost in future years. Further, validation of the MAF logic model with key stakeholders will be essential for its use as a basis for future performance measurement.

The evaluation approach involved interviews, consultations, literature review, international comparison, a costing survey and cost analysis. The conclusion was that MAF is successful and relevant. MAF is meeting its objectives and it should continue to be maintained and supported. MAF provides a comprehensive view to both deputy heads and TBS on the state of managerial performance within a department or agency. In support of prioritization and focus on management practices across the Federal government, MAF is a valuable tool.

Further information can be found at the following address: <http://www.tbs-sct.gc.ca/maf-crg/implementation-implementation/fye-eq/fye-eq00-eng.asp>

The Results-based Management and Accountability Framework (RMAF) is intended to serve as a blueprint for managers to help them focus on measuring and reporting on outcomes throughout the lifecycle of a policy, program or initiative. The management framework for the federal government, *Results for Canadians*, sets up the expectation that managers will focus on measuring progress toward the attainment of the results of their policies, programs and initiatives such that ongoing improvements can be made.

The Government direction and policy is to provide members of Parliament and the public with relevant, accurate, consolidated, and timely information on how tax dollars are being spent and what Canadians receive as a result. The Government of Canada is committed not only to measuring and reporting on results, but also to establishing clear standards against which actual performance will be reported.

Three parliamentary instruments are crucial in working towards these objectives. Departmental Reports on Plans and Priorities (RPP), which are tabled in the spring along with the government's Main Estimates, report on the rationale for initiatives and establish the strategic outcomes against which actual performance will be measured. Departmental Performance Reports (DPR) are Estimates documents, which are tabled in the fall. They report on achievements against the strategic outcomes that were established in the departmental RPP. The third key document is Managing for Results which is also tabled

each fall, along with the DPR, as part of the "Fall Reporting Package." This government-wide report on performance is now being refocused to summarize Canada's progress within a set of key societal indicators.

All three of these reports are tabled in Parliament by the President of the Treasury Board and may be referred to the relevant Standing Committee of the House of Commons for further review.

The form and focus of departmental planning and reporting is drawn from an organization's Planning, Reporting and Accountability Structure (PRAS). The Departmental PRAS, a Treasury Board approved document, provides the framework by which the RPP and DPR are developed and resources are allocated to most federal organizations. The PRAS requires departments and agencies to clearly outline the shared outcomes they want to achieve on behalf of Canadians.

The RMAF should be prepared at the outset of a policy, program or initiative, ideally at the time when decisions are being made about design and delivery approaches. When the RMAF is part of a Treasury Board submission, its approval is implicit. RMAFs prepared outside a Treasury Board submission process, however, need to proceed through an approval process given that the RMAF represents a serious commitment to results measurement and reporting. For more information, please visit: <http://www.tbs-sct.gc.ca/cee/tools-outils/rmaf-cgrt/guide01-eng.asp>

Each year, the TBS evaluates different departments for its performance against 19 indicators of the MAF and posts the report on its website.

The TBS continuously reviews the outcomes, indicators and measures for values and ethics. In 2010, 19 indicators for people management were introduced to provide a broad overview of the status of people management (including values and ethics) across the Core Public Administration. Some of those indicators will be used in the MAF process. The TBS also formed an interdepartmental working group to elaborate new values and ethics outcomes, indicators and measures for use in 2010-2011.

#### I. RECOMMENDATION:

##### Recommendation 7.3

*Develop, when appropriate and where they do not yet exist, procedures designed to analyze the mechanisms mentioned in this report, and the recommendations contained therein.*

#### II. ADOPTED MEASURES:

There are procedures in place to analyse the performance of the various mechanisms mentioned in the country report for Canada from the first and second rounds of review. Federal departments, agencies, tribunals, review boards and agents of Parliament must

produce report annually on their activities, including information that allows for the analysis of these mechanisms.

Provincial and territorial governments were consulted in the preparation of the response by Canada in the third round of review through the Coordinating Committee of Senior Officials (Criminal Justice). Federal departments and agencies, as well as various excluded organizations such as the Communications Security Establishment (CSE), the Canadian Security Intelligence Service (CSIS), the Department of National Defence (DND) and the federal ethics commissioners were also consulted for feedback and follow-up on recommendations made in the first and second rounds of review.

## **B. SECOND ROUND OF REVIEW**

### **I. RECOMMENDATION:**

#### **1. SYSTEMS OF GOVERNMENT HIRING AND PROCUREMENT OF GOODS AND SERVICES (ARTICLE III (5) OF THE CONVENTION)**

##### **1.1. Systems of Government Hiring**

**Canada has considered and adopted measures intended to establish, maintain and strengthen the systems of government hiring, as discussed in Section 1.1 of Chapter II of this Report.**

In light of the comments made in the above-noted section, the Committee suggests that Canada consider the following recommendation:

- Continue strengthening the systems of government hiring of public servants, when applicable, that assure the openness, equity and efficiency of such systems.

### **II. ADOPTED MEASURES:**

A five-year review of the *Public Service Employment Act* (PSEA) is required by the Act for December 31, 2010. In preparation for the review, the Public Service Commission (PSC) is undertaking a comprehensive assessment of the PSEA, which will contribute to the Treasury Board Secretariat's legislative review of the *Public Service Modernization Act*. Generally, the assessment will determine if anticipated results are being achieved and if the PSC is prepared for the challenges ahead. The assessment will culminate in a Special Report to Parliament. The key issues for the assessment are: PSC oversight and accountability; Recourse; PSC Appointment Policy Framework; PSC Service Delivery Model; and Strategic Issues.

Measure a): If an organization is part of the PSC's "extended jurisdiction", the PSEA principles will apply. For example, although some separate agencies have their own

authority to appoint, the employees may nevertheless participate in certain advertised appointment processes and have the right to make a complaint (subsection 35(1) of the PSEA). An organization may also be designated as within the public service for the purposes of employee mobility (subsections 35(2) and (4)). Members of the Canadian Forces, ministers' staff and Parliamentary employees (which include the Office of the Senate Ethics Officer and the Office of the Conflict of Interest and Ethics Commissioner) may also participate in advertised appointment processes and make a complaint (section 35.3).

Measure b) re the Office of the Conflict of Interest and Ethics Commissioner: Although the Office of the Conflict of Interest and Ethics Commissioner is not covered by the PSEA, it has adopted the principles and values upon which the legislation is built. In October 2009, the Office issued an internal staffing manual for managers entitled "Manager's Handbook on Staffing Procedures" which specifically mentions that the Office has adopted the principles and the values of the PSEA and documents the importance of respecting the core values of staffing. The objectives of the manual are as follows: (1) Present general values and principles that support responsible staffing practices; (2) Provide a consistent approach to staffing within the Office; and (3) Outline the responsibilities and accountabilities of the managers and Human Resources Advisors. The Office also posts its employment opportunities on the website established by the PSC.

Measure b) re the Office of the Senate Ethics Officer: The Office of the Senate Ethics Officer (OSEO) is a separate employer under the *Parliament of Canada Act*. The OSEO is not subject to the PSEA; however, in practice, the OSEO hires and recruits staff in accordance with the principles and objectives of the PSEA. Specifically, appointments by the OSEO will continue to be made on the basis of merit and free from both political influence and personal favoritism. Moreover, it is currently working on formalizing this practice. The OSEO is also subject to the *Parliamentary Employment Staff Relations Act*, which provides rights to grieve appointments or proposed appointments.

Measure c): The PSC maintains Summaries of Investigations Reports for the Human Resources community which contain files of interest and which are updated quarterly. The Reports cover not only investigations into appointment processes (external, internal and fraud) but also investigations into improper political activities. There are also audit activities related to PSC investigations. Finally, as part of the PSC Assessment of the PSEA, the PSC will look at data gathered on investigations (eg. costs, volume).

## I. RECOMMENDATION:

### **1.2. Government Systems for the Procurement of Goods and Services**

**Canada has considered and adopted measures intended to establish, maintain and strengthen the systems for government procurement of goods and services, as discussed in Section 1.2 of Chapter II of this Report.**

In light of the comments made in the above-noted section, the Committee suggests that Canada consider the following recommendation:

- Continue strengthening systems for the procurement of goods and services by the government.

## II. ADOPTED MEASURES:

Measure a): The Office of the Procurement Ombudsman (OPO or the Office) is a federally- constituted independent organization with a government-wide mandate. The Office's overall objective is to strengthen the confidence of Canadians in federal public procurement. As of July 31, 2010, the Office of the Procurement Ombudsman (OPO) had twenty-four (24) employees divided into the following groups:

1. **Procurement Inquiries and Investigations** manages issues and complaints raised by Canadian suppliers regarding the award or the administration of contracts in a neutral, independent, timely manner and provides assistance to potential suppliers to better understand procurement processes. The OPO's approach is to encourage suppliers to try to resolve their issues directly with the relevant department first. If a supplier is still unhappy with the result, the OPO then becomes involved and tries to resolve issues informally. Only when informal approaches are exhausted unsuccessfully, does the OPO proceed with a formal investigation. Between May 2008 and March 2009, this unit handled 355 inquiries and complaints. In the 2009-10 fiscal year, this unit handled 519 inquiries and complaints, and conducted five formal investigations.
2. **Alternative Dispute Resolution (ADR)** ensures that, upon request by parties to a contract, ADR processes are provided in a neutral, independent and timely manner. The OPO offers three forms of ADR: facilitation, mediation and neutral evaluation. **Facilitation** is a service that brings the parties together in a neutral setting where points of view about a contract dispute are aired. OPO officials provide facilitation services at no charge. **Mediation** is a more formal process where rights and interests are considered. Mediation services are provided by third party qualified mediators. The cost for mediation is borne by the parties on an agreed-upon basis. **Neutral evaluation** is provided by a third party, who delivers a written opinion about the legal merits of each party's position. The cost for this service is borne by the parties on an agreed-upon basis. Thus far, the OPO has facilitated a handful of cases and continues to promote its ADR services.
3. **Procurement Practices Review** uses a systematic, evidence-based approach to carry out independent, objective reviews of federal government procurement practices, including the application of procurement policies and the processes, tools and activities related to acquiring goods and services. These practice reviews provide assurance to stakeholders that procurement practices of departments and agencies support fairness, openness and transparency. These reviews also identify and promote best practices and make affordable and feasible recommendations in areas for improvement. In its first year of operation, this team conducted five practice reviews,

which involved fifteen different organizations. In fiscal year 2009-10, 6 practice reviews were conducted involving twenty-six different organizations.

4. **Quality Assurance and Risk Management** supports the Office by establishing and maintaining a system to ensure that quality is built into all processes, and supports the work of the other business units by conducting quality control reviews at key points in their work. This team also conducts environmental scanning – including research and studies on developments in the field of procurement. The results of the environmental scanning form, among other things, the basis for continuous learning opportunities for the staff and a continuous improvement environment for the office.
5. **Communications and Corporate Management (CCM)** provides strategic planning, communications, and corporate services (e.g. human resources, finance, and administration). The CCM team leads the production and delivery of the Office’s Annual Report which is tabled in Canada’s Parliament. This group is also responsible for the Office’s program evaluation, and in 2010-11, will coordinate the conduct of a formative evaluation to measure the extent to which the Office’s program has been implemented and ensure that the Office is functioning in accordance with its mandate and the expectations set for it. A summative evaluation will follow in 2013-14 which will measure the extent to which the Office has achieved its intended objectives, results and outcomes.

Measure b): On October 9, 2009, the Office of Small and Medium Enterprises (OSME), a sector within PWGSC, released a new guide for business entitled “Doing Business with the Government of Canada” which forms the basis for the OSME’s outreach program. The guide aims at helping the public to understand the basics of government procurement and explains the steps involved in how to do business with the Government of Canada. The *Code of Conduct for Procurement* is highlighted at page 19 of the guide. The guide can be found at the following address: <http://www.contractsCanada.gc.ca/pdf/bpme-osme-19oct09-eng.pdf>

Furthermore, the OSME offers free seminars to businesses interested in learning about the procurement process and how to sell goods and services to the Government of Canada. More information can be found at the following address: <http://contratsCanada-contractsCanada.gc.ca/colloques-seminars-eng.html>

#### I. RECOMMENDATION:

### **2. SYSTEMS FOR PROTECTING PUBLIC SERVANTS AND PRIVATE CITIZENS WHO IN GOOD FAITH REPORT ACTS OF CORRUPTION (ARTICLE III (8) OF THE CONVENTION)**

**Canada has considered and adopted measures intended to establish, maintain and strengthen systems for protecting public servants and private citizens who in good faith report acts of corruption, as discussed in Section 3 of Chapter II of this Report.**

In light of the comments made in the above-noted section, the Committee suggests that Canada consider the following recommendation:

- Ensure that those public bodies that do not fall under the purview of the Public Servants Disclosure Protection Act have adopted measures that protect persons who disclose wrongdoings. (see Section 2.2. of Chapter II of this Report)

## II. ADOPTED MEASURES:

The Canadian Security Intelligence Service (CSIS) is establishing internal procedures for the disclosure of wrongdoing, including the protection of persons who disclose the wrongdoings, in satisfaction of the requirement in section 52 of the *Public Servants Disclosure Protection Act* (PSDPA). The Service's policy entitled "Internal Disclosure of Wrongdoing and Reprisal Protection" came into force on June 1, 2010.

The Department of National Defence (DND) and the Canadian Forces, as well as the Communications Security Establishment (CSE), have also taken action further to section 52 of the PSDPA. The *Queen's Regulations and Orders for the Canadian Forces* have been amended to include internal disclosure and reprisal protection procedures for members of the Forces. The CSE continues to work on updating and clarifying the existing mechanism and process in the Values and Ethics Code for CSE employees to disclose wrongdoing without risk of reprisal. The DND has also established the DND Internal Disclosure Office that is mandated to ensure that the department's obligations as described in the PSDPA are fully met. This office conducts awareness and educational sessions on the Act and its implementation within DND, provides advice and guidance to management and employees considering making a disclosure, and initiates formal investigations by the Directorate of Special Examinations and Inquires (DSEI) or passes the disclosure to a more appropriate departmental agency.

Wrongdoings reported under DAOD 7024-0, Disclosure of Wrongdoings in the Workplace, or DAOD 7024-1, Internal Procedures for Disclosure of Wrongdoings in the Workplace, are reviewed upon submission, and where a conflict of interest situation falls under the definition of wrongdoing, the DSEI investigates and makes recommendations for corrective actions. The DSEI also conducts investigations of conflict of interest situations separate from the reporting of wrongdoing under the PSDPA in accordance with its mandate to conduct administrative investigations allegations of wrongdoing in DND and the Canadian Forces.

In January 2010, the CSE established and staffed the position of "Ethics Officer" to assist the Director General, Audit, Evaluation and Ethics in discharging ethics-related responsibilities. With specific regard to wrongdoing, these responsibilities include: raising organizational awareness of the mechanism for disclosing a suspected wrongdoing and providing interpretation and related advice; conducting and reporting the results of investigations pursuant to allegations or reasonable suspicion of wrongdoing, and making recommendations regarding corrective action; and protecting the identity and privacy of persons involved in a disclosure or related investigation. The establishment of

the CSE Ethics Officer position augments CSE's capacity to deal with issues relating to wrongdoing and is intended to advance CSE's Ethics Program more broadly.

I. RECOMMENDATION:

**3. ACTS OF CORRUPTION (ARTICLE VI(1) OF THE CONVENTION)**

**Canada has adopted measures that criminalize the acts of corruption provided for by Article VI(1) of the Convention, as discussed in Section 3 of Chapter II of this Report.**

In light of the comments made in the above-noted section, the Committee suggests that Canada consider the following recommendation:

- Making its statistical information on offences related to acts of corruption, in a manner that is more readily available and user-friendly to the general public. (See Section 3.3 in Chapter II of this Report).

II. ADOPTED MEASURES:

The Canadian Centre for Justice Statistics (CCJS) of Statistics Canada reports that a number of initiatives have been undertaken to improve the availability and utility of its data holdings since the Thirteenth Meeting of the Committee of Experts of the MESICIC (June 2008).

Statistics Canada has modernized its website to conform to the Government of Canada Common Look and Feel Standards for the Internet established by Treasury Board.

Additionally, the search function has been upgraded and a new module on “statistics by subject”, including a portal for crime and justice statistics, has been developed. These two features allow users to more readily access and download the CCJS products, including all analytical reports and a selection of statistical tables.

Due to the volume and confidential nature of the information collected by the CCJS surveys, it is not possible to provide micro-level data on the Internet. Instead, a selection of statistical tables is available reflecting crime and justice information that is most commonly requested by Canadians. The content of these tables is reviewed regularly and additions and/or deletions are made accordingly. Data on corruption, which are relatively low volume offences in Canada, are not available from the selection of tables on the Internet but these data continue to be available by special request. Specialized requests for detailed information that is not available from the selection of tables on the Internet should be submitted directly to the Canadian Centre for Justice Statistics at [ccjsccsj@statcan.gc.ca](mailto:ccjsccsj@statcan.gc.ca).

In addition to the re-development of the Statistics Canada website, improvements have been made to several of the CCJS surveys, including the courts survey that continues to

supply information on how corruption cases are processed by Canadian courts. From the Integrated Criminal Court Survey (ICCS) information is now available up to and including 2008/2009 from all 13 of Canada's provinces and territories, representing about 95% of the criminal court caseload in the country. The ICCS also adopted a new definition of a court case which improves the comparability of data across jurisdictions.

I. RECOMMENDATION:

**4. GENERAL RECOMMENDATIONS**

Based on the review and contributions made throughout this Report, the Committee suggests that Canada consider the following recommendations:

4.1 Continue to design and implement, when appropriate, training programs for public servants responsible for implementing the systems, standards, measures and mechanisms considered in this Report, for the purpose of guaranteeing that they are adequately understood, managed and implemented.

II. ADOPTED MEASURES:

4.1 The Values and Ethics section of the Treasury Board Secretariat (TBS) and the Canada School of Public Service (CSPS) launched, in December 2008, an on-line course for all federal public servants, entitled "Paving the Way". The course content covers the Values and Ethics Code for the Public Service, the *Public Servants Disclosure Protection Act* (PSDPA), and other policies in the field of values and ethics in the federal public service. A certificate is given for successful completion of the course. To date, over 60,000 public servants have taken the course. A similar course for managers is in development.

Furthermore, the CSPS offers many additional classroom and online courses to public servants on the following topics:

-Public procurement and material management: <http://www.csps-efpc.gc.ca/sch/index-eng.asp?SearchString=procurement&goButton=Go&NavEvent=&FirstRow=&SearchMode=allwords&SearchZone=course&mylang=E>

-Staffing and government hiring: <http://www.csps-efpc.gc.ca/sch/index-eng.asp?SearchString=staffing&goButton=Go&NavEvent=&FirstRow=&SearchMode=allwords&SearchZone=course&mylang=E>

-Management Accountability Framework (which encompasses a wide array of topics such as accountability, results and performance, risk management etc.). For a complete list of the courses offered, please visit: <http://www.csps-efpc.gc.ca/cat/maf-eng.asp#id2>

I. RECOMMENDATION:

4.2. Continue to select and develop procedures and indicators, when appropriate and where they do not yet exist, to analyze the results of the systems, standards, measures and

mechanisms considered in this Report, and to verify follow-up on the recommendations made herein. (see Section 2.3 of Chapter II of this Report)

## II. ADOPTED MEASURES:

4.2 In 2003, the Treasury Board Secretariat (TBS) introduced the Management Accountability Framework (MAF) with the intent of strengthening deputy heads/departmental accountability for management. As a performance management framework, the purpose of MAF is to:

- Clarify management expectations for deputy heads to support them in managing their own organizations;
- Develop a comprehensive and integrated perspective on management issues and challenges and to guide TBS engagement with organizations; and
- Determine enterprise-wide trends and systemic issues in order to set priorities and focus efforts to address them.

In November 2008, TBS commissioned a five-year evaluation of the MAF. The objectives of this evaluation were to:

- Evaluate how TBS is assessing public sector management practices and performance within and across the Federal government (i.e., is MAF relevant, successful and cost-effective?);
- Compare MAF as a tool for assessing public sector management practices and performance across jurisdictions; and
- Identify and recommend areas for improvement to MAF as an assessment tool and its supporting reporting requirements, tools and methodologies.

The evaluation concluded that MAF is successful and is meeting its current objectives. MAF has clarified management expectations for deputy heads, has guided TBS engagement with departments and agencies, and provided both an enterprise-wide view of management practices to departments and a view to government-wide trends and management issues to TBS. Further, the evaluation has concluded that MAF is a valuable and relevant management tool that should continue to be maintained and supported. MAF has evolved significantly since its inception in 2003, from a relatively informal approach to a much more rigorous assessment. Based on the results of our international comparison, it is reasonable to conclude that had MAF not existed, something similar would have been needed to meet these increased accountability requirements.

Improvement areas can be made to enhance the efficiency and effectiveness of the MAF process and enhance the overall validity of the assessment results. Going forward, TBS may consider developing a costing approach that once implemented, would establish a baseline to compare cost in future years. Further, validation of the MAF logic model with key stakeholders will be essential for its use as a basis for future performance measurement.

The evaluation approach involved interviews, consultations, literature review, international comparison, a costing survey and cost analysis. The conclusion was that MAF is successful and relevant. MAF is meeting its objectives and it should continue to be maintained and supported. MAF provides a comprehensive view to both deputy heads and TBS on the state of managerial performance within a department or agency. In support of prioritization and focus on management practices across the Federal government, MAF is a valuable tool.

Further information can be found at the following address: <http://www.tbs-sct.gc.ca/maf-crg/implementation-implementation/fye-eq/fye-eq00-eng.asp>

The Results-based Management and Accountability Framework (RMAF) is intended to serve as a blueprint for managers to help them focus on measuring and reporting on outcomes throughout the lifecycle of a policy, program or initiative. The management framework for the federal government, *Results for Canadians*, sets up the expectation that managers will focus on measuring progress toward the attainment of the results of their policies, programs and initiatives such that ongoing improvements can be made.

The Government direction and policy is to provide members of Parliament and the public with relevant, accurate, consolidated, and timely information on how tax dollars are being spent and what Canadians receive as a result. The Government of Canada is committed not only to measuring and reporting on results, but also to establishing clear standards against which actual performance will be reported.

Three parliamentary instruments are crucial in working towards these objectives. Departmental Reports on Plans and Priorities (RPP), which are tabled in the spring along with the government's Main Estimates, report on the rationale for initiatives and establish the strategic outcomes against which actual performance will be measured. Departmental Performance Reports (DPR) are Estimates documents, which are tabled in the fall. They report on achievements against the strategic outcomes that were established in the departmental RPP. The third key document is Managing for Results which is also tabled each fall, along with the DPR, as part of the "Fall Reporting Package." This government-wide report on performance is now being refocused to summarize Canada's progress within a set of key societal indicators.

All three of these reports are tabled in Parliament by the President of the Treasury Board and may be referred to the relevant Standing Committee of the House of Commons for further review.

The form and focus of departmental planning and reporting is drawn from an organization's Planning, Reporting and Accountability Structure (PRAS). The Departmental PRAS, a Treasury Board approved document, provides the framework by which the RPP and DPR are developed and resources are allocated to most federal organizations. The PRAS requires departments and agencies to clearly outline the shared outcomes they want to achieve on behalf of Canadians.

The RMAF should be prepared at the outset of a policy, program or initiative, ideally at the time when decisions are being made about design and delivery approaches. When the RMAF is part of a Treasury Board submission, its approval is implicit. RMAFs prepared outside a Treasury Board submission process, however, need to proceed through an approval process given that the RMAF represents a serious commitment to results measurement and reporting. For more information, please visit: <http://www.tbs-sct.gc.ca/cee/tools-outils/rmaf-cgrr/guide01-eng.asp>

Each year, the TBS evaluates different departments for its performance against 19 indicators of the MAF and posts the report on its website.

TBS continuously reviews the outcomes, indicators and measures for values and ethics. In 2010, 19 indicators for people management were introduced to provide a broad overview of the status of people management (including values and ethics) across the Core Public Administration. Some of those indicators will be used in the MAF process. The TBS also formed an interdepartmental working group to elaborate new values and ethics outcomes, indicators and measures for use in 2010-2011.

December 2010