

MANITOBA OMBUDSMAN



**Report on Complaint of Alleged Partisan Action
by Civil Servant**

December 2013

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❖ *Executive Summary*

The federal government advised Manitoba Immigration and Multiculturalism on April 10, 2012 of changes regarding the management of immigrant settlement services. This raised concerns with a number of immigrant service agencies and the Manitoba government as to the impact of the changes on programming.

On April 18, 2012, the assistant deputy minister (ADM) of Manitoba Immigration and Multiculturalism (the ADM) sent an email to numerous immigrant service agencies, with a letter attached, inviting recipients to attend the Manitoba legislature on April 19, 2012 to witness the provincial minister of Immigration and Multiculturalism table a resolution concerning the federal government decision affecting the delivery of services to immigrants in Manitoba.

Our office subsequently received a complaint from a member of the public concerning the need for civil servants to perform their duties in an impartial manner to maintain the public's trust. The complainant alleged that line had been crossed by the sending of the emails by the ADM.

Ensuring that civil servants remain neutral in carrying out their responsibilities is of great importance for the effective operation of government. Any real or perceived erosion of this impartiality can undermine public confidence in the administrative actions and advice of civil servants.

This particular matter occurred in context of considerable political activity and debate as the federal decision was seen by some as politically motivated and while others categorized the introduction of the provincial government resolution a partisan political act. It is important, therefore, to make clear that we were not investigating a decision of a minister but the administrative actions of civil servants in carrying out that decision.

As such, the investigation of those actions required our office to determine whether the assistant deputy minister of Manitoba Immigration and Multiculturalism breached any legislation, policy or guidelines by distributing an email invitation to attend the legislature on April 19, 2012. And secondly, whether the distribution of this email violated the principle of civil service neutrality or compromised the independence of the civil service.

The benchmarks against which we assessed the administrative actions and decisions complained about in this case are found in two provincial instruments – *The Civil Service Act* and the Manitoba Civil Service Commission Values and Ethics Guide.

While *The Civil Service Act* does not define partisan, it does speak to one of the ways in which civil servants can act in an inappropriate and partisan manner; coercing or intimidating someone into supporting a candidate or political party.

We did not find any evidence that the service providers who received the email felt coerced or intimidated to support the government. We also note there is no evidence that this was the intent of the ADM and therefore conclude there was no breach of *The Civil Service Act*.



Similarly, we concluded that there was no breach of conduct by the ADM with respect to the Value and Ethics Guide which requires public servants to act in the public interest, to act with integrity, to act with respect for others, and to act with skill and dedication.

There was no basis to conclude that the ADM committed either personal or administrative misconduct. Nor is there any evidence that would call into question the integrity of the ADM. We have concluded that throughout this process, the ADM acted honestly and took responsibility for his actions.

Nevertheless, the debate surrounding the email leaves little doubt that this matter brought the question of civil service neutrality to the forefront. While the distribution of the email was not intended to be a partisan act, the manner in which it was done and the political context in which it occurred clearly gave rise to the perception of partisanship.

As already noted, it is important that the civil servants operate in an environment free of political influence when carrying out their administrative tasks. At the same time, we acknowledge that safeguarding the independence of the civil service is a challenge given the sometimes blurred lines between legitimate political direction and potentially partisanship activities.

In this case the administrative action arose from a direction given by an elected official. This raises the question of whether elected officials have any responsibility to consider the neutrality required of civil servants when providing them with specific direction.

Our office raised this matter with government who acknowledged the importance of the issue. As a result, the Clerk of Executive Council and the Civil Service Commissioner will work together to develop a set of guidelines for consideration by elected officials and political staff to assist them when developing directions or instructions to civil servants that avoid the potential for situations where administrative actions could result in the perception of partisanship.

The Civil Service Commission has also agreed to create an implementation plan in consultation with each department to ensure that all civil service employees attend "Working in Government: Values and Ethics in the Manitoba Civil Service". This workshop complements information in the Values and Ethics Guide and the online Employee Orientation

We are pleased with the response of the government and the Civil Service Commission and believe these measures will be of benefit in maintaining and enhancing public confidence by promoting an independent and impartial civil service.



❖ *Complaint*

On April 18, 2012, the assistant deputy minister of Manitoba Immigration and Multiculturalism (the ADM) sent an email to numerous immigrant service agencies, with a letter attached inviting recipients to attend the Manitoba legislature on April 19, 2012 to witness the provincial minister of Immigration and Multiculturalism table a resolution concerning a federal government decision affecting the delivery of services to immigrants in Manitoba.

Subsequently, my office received a written complaint from a member of the public who stated that “*civil servants must perform, and be perceived to perform, their duties in an impartial manner in order to keep the public’s trust.*” The complaint alleged that by sending the emails, the ADM “*crossed that line*”.

❖ *Ombudsman Jurisdiction*

Manitoba Ombudsman is an independent office of the Legislative Assembly of Manitoba, reporting to the assembly through the Office of the Speaker. The responsibilities and authority of the ombudsman are set out in *The Ombudsman Act*, *The Freedom of Information and Protection of Privacy Act*, *The Personal Health Information Act*, and *The Public Interest Disclosure (Whistleblower Protection) Act*.

Under *The Ombudsman Act* Manitoba Ombudsman investigates administrative actions and decisions made by government departments and agencies, and their officers and employees. Investigations may be undertaken on the basis of a written complaint from a member of the public, or upon the ombudsman’s own initiative.

The action complained about is a matter of administration and the ADM, who is a civil servant, is a government employee within the meaning of *The Ombudsman Act*.

❖ *Investigative Questions and Process*

Ombudsman investigations typically assess actions taken or decisions made by civil servants against a benchmark established by government. Sometimes that benchmark is legislation, while on other occasions it is written government policy or established procedures implemented to give effect to legislative purpose. In cases concerning an impact on individual rights or benefits we also examine the fairness of the action or decision.

In order to investigate this complaint, we set out to make the following determinations:

- Whether the assistant deputy minister of Manitoba Immigration and Multiculturalism breached any legislation, policy or guidelines by distributing an email invitation to attend the legislature on April 19, 2012;
- Whether the distribution of this email violated the principle of civil service neutrality or compromised the independence of the civil service.



The benchmarks against which we assess the administrative actions and decisions complained about in this case are found in two provincial instruments:

- *The Civil Service Act*
- Manitoba Civil Service Commission Values and Ethics Guide (attached as Appendix A)

For purposes of the discussion that takes place later in this report, it should be noted that the act and the guide serve to reflect and to reinforce critically important, largely unwritten conventions of cabinet-parliamentary government that are meant to shape the roles of elected ministers and appointed public servants in the governing process. Given the general and informal nature of those conventions, there can be debates over the extent to which, in a given context, such conventions are considered binding on ministers and senior public servants.

In the course of the investigation, we interviewed the deputy minister and assistant deputy minister of Manitoba Immigration and Multiculturalism; the acting assistant deputy minister of Manitoba Culture Heritage and Tourism; numerous departmental staff; and directors and staff of immigration service provider agencies in several locations in the province.

We also spoke with two members of the legislative assembly who had expressed a particular interest in this matter, and we asked for and received a written response from the minister on the issue of whether the ADM was acting on her instructions.

As well, we obtained expert advice on the matter of civil service impartiality and neutrality from Dr. Paul Thomas, Professor Emeritus in Political Studies at the University of Manitoba.

❖ *Background and Context*

The sequence of events in Manitoba leading to the distribution of the April 18, 2012 email had begun just eight days earlier. On April 10, 2012, the federal government advised Manitoba Immigration and Multiculturalism of changes regarding the management of immigrant settlement services.

On April 12, 2012, Citizenship and Immigration Canada issued a news release which stated in part:

The Government of Canada is moving to strengthen national responsibility for the delivery of settlement services across Canada, Citizenship, Immigration and Multiculturalism Minister Jason Kenney announced today.

This change means that the Government of Canada is resuming the management of federally funded settlement programs in British Columbia and Manitoba, bringing these programs in line with every other province and territory outside Quebec.

Shortly thereafter, a number of immigrant service agencies began contacting the ADM's office enquiring as to what impact this announced change would have on their programs.



On April 16, 2012, many of these service providers attended a meeting with the ADM and other departmental officials to discuss the impact of the federal decision. Testimony from people attending the meeting confirms the following information:

- the ADM provided an overview of what had transpired with the federal decision
- the ADM advised participants that immigration services and programs would not cease
- the ADM was uncertain at that point about the new reporting structure
- the ADM stated that the department was committed to working with the Federal government to ensure that the change went smoothly

According to testimony of those we interviewed who were at that April 16, 2012 meeting, no one made any mention of a resolution that was going to be tabled a few days later.

On April 18, 2012, emails with the ADM's name attached were sent out to immigration stakeholders across the province. At least 500 emails were sent from the department office to various ethnic organizations, settlement agencies, business and industry groups, and language groups; an unknown number were distributed further by those original recipients. The subject line of the originating email was:

Subject: Invitation to Witness Resolution of Federal Centralization on Settlement Services

The complete text of the email reads:

I would like service agencies especially, to feel free to release staff and clients to attend tomorrow's session in the gallery of the Legislature, if they choose.

Attached to many of the emails was the following letter:

Dear Colleagues,

Tomorrow, Thursday, April 19, 2012, Honourable Christine Melnick, Minister of Immigration and Multiculturalism, will table a resolution that the Legislative Assembly of Manitoba call on the Government of Canada to immediately reverse its decision to cancel the Settlement Annex of the Canada-Manitoba Immigration Agreement with the Provincial Government in order to maintain the successful Manitoba immigration model. The Manitoba Government Resolution is attached.

We would like to invite you to be at the Manitoba Legislative Building, 450 Broadway, at 2:00 p.m., tomorrow, Thursday, April 19, 2012, to witness this very important event.

Arrangements have been made for people to meet you at the entrance of the Manitoba Legislative Building and to provide you with a pass to enter the House.

We look forward to seeing you there.

Sincerely,

Ben Rempel
Assistant Deputy Minister
Manitoba Immigration and Multiculturalism



Also attached to the email was a copy of the government resolution that the minister of Immigration and Multiculturalism was going to table. (Attached as Appendix B)

The administrative action giving rise to this complaint occurred in the context of considerable political activity and debate about, and media interest in, a decision of the federal government.

Some have described the federal decision giving rise to this matter as politically motivated. Others have described the introduction of the provincial government resolution as a partisan political act.

Shortly before the introduction of the government resolution, both the government and the opposition in the Manitoba legislature attempted to secure public gallery passes for the appointed time when the minister was to introduce the resolution referred to in Mr. Rempel's email. The allocation of those passes itself became the subject of a dispute. As we were unable to determine that any civil servant was involved in the allocation of those gallery passes, this was not a matter for investigation by our office.

Two other activities that occurred that demonstrate the political context are of note: the presence of a number of federal members of Parliament in the legislature when the resolution was introduced, and a conference call reportedly scheduled for the same time between the federal minister of immigration and certain Manitoba immigration service provider organizations (stakeholders).

An administrative matter occurring in the midst of ongoing political activity is unusual in ombudsman investigations, which typically relate to the administrative actions and decisions of civil servants in the implementation of established government programs and policies and which rarely attract the public and media attention associated with this matter.

I mention the political context in which the administrative act of sending an email occurred, for a number of reasons. Establishing the context in which actions occur or decisions are made is a part of all ombudsman investigations, and it is often necessary to describe that context in order to report coherently on the determinations we reach and the recommendations we make. In this case the political context is relevant to our investigative findings and conclusion, because of the intersection of political direction and administrative action.

I wish to make one final introductory comment about the political context of this complaint. Based on comments made by members of the legislative assembly, as well as research conducted in aid of the investigation, I believe this complaint touches upon a matter of tremendous importance to all members, and to the public. The tradition of a professional and neutral civil service is important to the effective operation of government. Elected officials rely upon the information and advice they receive from the civil service and must have confidence in that advice. Public confidence in government depends upon many factors. One of those factors is that governments' administrative actions and decisions are based not only on a particular political view but also on neutral and professional advice.



❖ *Preliminary Jurisdictional Question*

Early in the investigation we learned from the ADM and other departmental staff that the direction to invite stakeholders to the legislature was given by the minister. Despite having concluded that Manitoba Ombudsman had jurisdiction to investigate this complaint, confirmation that the ADM was acting on the instructions of a minister of government raised a further jurisdictional consideration which had to be addressed. There is a restriction imposed by section 18 (a) of *The Ombudsman Act*, prohibiting the investigation of actions or decisions of legislators, as follows:

(18) The Ombudsman is not authorized to investigate:

- a. any act, decision, recommendation, order or omission of the Legislature, the assembly, the Lieutenant Governor, a committee of the assembly, the Lieutenant Governor in Council, the Executive Council, or a committee of the Executive Council*

In light of the information provided, and the provisions of section 18 of our act, it was important then to clarify the role of the minister.

At our request, the minister confirmed her role, advising me in writing that:

First, I want to put on the record that in contacting stakeholder groups to inform them of the provincial government's motion in the legislature, Mr. Rempel was acting within the scope of his duties. As the senior official responsible for our province's immigration policy and programs, Mr. Rempel manages the relationship between the government and the agencies that provide immigration services. Keeping stakeholders informed of government actions is one of his ongoing responsibilities.

In the case of this resolution, I made clear to my staff that those affected by the federal government's decision should be informed of the Legislature debate on April 19th – and have the opportunity to hear speeches on both sides of the issue. [Emphasis added]

Second, I want to make clear that as the Minister of Immigration and Multiculturalism, I am responsible to the Legislature and to citizens for the actions of the Department. Mr. Rempel is an exemplary public servant and deserves a great deal of credit for the success of our province's immigration strategy. **But in all cases (including the case at hand) responsibility for the Department's actions and their outcomes rests with me. [Emphasis added]**

While decisions of a political nature are outside of an ombudsman's jurisdiction, I understand that when discussions occur between a minister and an ADM, and administrative actions ensue, political and administrative realms may overlap or be perceived to overlap. It is critical therefore to be clear at the outset, and to ensure that what we are investigating is not a decision of a minister, but the administrative actions of civil servants in carrying out that decision.

While the information from the minister confirmed that the ADM issued the invitation on her instructions, there is nothing to suggest that the minister participated in the drafting of either the email or the accompanying letter, or the distribution of the emails. Those are administrative acts that are subject to review by an ombudsman. Responsibility for those administrative acts rests with the ADM and his staff.



❖ ***What is expected of civil servants regarding impartiality and non-partisanship?***

The Civil Service Act does not specifically deal with the terms “impartiality” or “non-partisanship”.

The Manitoba Civil Service Commission Values and Ethics Guide provides guidelines regarding how civil servants are expected to act, and describes standards of behavior. It states, in part:

Civil servants provide advice on options available to achieve the government’s policies and the consequences of each option. We provide that advice in a complete, honest, and candid manner without fear or favour. Civil servants are then responsible to implement the directions of the government within the law and the Constitution.

Whether providing advice, developing policy or delivering programs or direct services, civil servants will:

- Act in the public interest
- Act with integrity
- Act with respect for others
- Act with skill and dedication

On the subject of acting in the public interest, the Values and Ethics Guide indicates that civil servants do so by “being sensitive to the political process and acting in accordance with the traditions regarding political impartiality.”

The Values and Ethics Guide then expands upon the concept of political impartiality by stating:

We are required to provide the same support to the elected government regardless of which political party is in office. We should be aware of our own personal views and ensure they do not influence the way in which we carry out our duties. All advice to government must be based on an accurate representation of the facts and the possible consequences of the options available.

Regarding acting with integrity, the Values and Ethics Guide indicates that civil servants do this by “acting honestly”, and by “conducting ourselves in a manner that will not reflect adversely on the public sector, our department or other public sector employees.”

The guide explains what is expected of personal conduct from civil servants:

We are expected to exhibit honesty, integrity and the highest standards of personal conduct. We should respect and obey all laws and avoid any activities which negatively impact the government’s interests, property, security, reputation, employee health and safety or the confidence of the public. This applies to both on-duty and off-duty conduct.

❖ ***What is non-partisan/impartial?***

We note that the Values and Ethics Guide does not define the terms “partisan” or “non-partisan”. Given the lack of definitions or clear descriptions of these terms, we looked to external sources for guidance during our review.



Comments from professor Thomas assisted us with an understanding of the importance of a non-partisan civil service, and why it is difficult to arrive at a precise definition or test to be applied in a given situation.

Such independence is necessary to assure successive governments that they will receive frank and honest policy advice, as well as the faithful and effective implementation of the policy directions of ministers. In addition, the appearance and reality of civil service independence and professionalism is needed to ensure that laws, regulations, grants, benefits, etc will be administered in a fair, objective manner, free of political favoritism.

...the idea of a neutral civil service goes beyond avoiding involvement in the most obvious and visible forms of political activity. It involves maintaining a certain degree of anonymity by avoiding entanglement in political controversy, a situation which is not always within the complete control of the individual civil servant. Each situation involves a judgment call about what might be an appropriate relationship between political and administrative spheres of government.

In a Public Service Commission of Canada report¹, partisanship is defined as, “the act of supporting a party, person or cause...partisanship refers in general to actions supporting or opposing political parties or biases.”

This report also explains how impartiality pertains to public servants by stating:

In practice, impartiality often requires public servants to refrain from opinions, positions or actions that demonstrate a bias toward or against a particular cause or course of action, including the defense of government policies....A politically impartial public service supports the government of whichever political party the electorate chooses.

Civil servants then are expected to act with integrity, faithfully support the policies of governments and the directions of ministers, and exercise judgment as to when those obligations conflict or may appear to conflict.

❖ *Was there a breach of The Civil Service Act?*

Testimony offered by members of the legislative assembly (MLAs) indicated that they perceived the email as a partisan act. They spoke of a perception that the wording in the email intimated that something would happen unless the recipients attended the legislature on April 19. Is it possible that service providers felt an obligation to attend in response to the email from the ADM, or that there was some risk associated with not attending?

While *The Civil Service Act* does not define partisan, it does speak to one of the ways in which civil servants can act in an inappropriate and partisan manner: coercing or intimidating someone into supporting a candidate or political party.

¹ Public Service Impartiality: Taking Stock, July 2008



Coercion or intimidation prohibited

44(8) No person who

- (a) is in a supervisory capacity over an employee in the civil service or over a person employed by an agency of the government; or
- (b) is authorized to employ, promote or reclassify a person in the civil service or in an agency of the government;

shall coerce or intimidate that employee or person into supporting or not supporting a candidate or a political party.

Since one view of the ADM's email was that it was a rallying call to support actions of a political party, possibly with consequences for failing to heed the call, we felt it appropriate to gauge the impact that the email had on recipients.

We noted that at the time of the email, the federal decision had already been made, publicly announced, and planning had begun to effect the change. Nonetheless we did enquire to determine whether perceptions of coercion arose on the part of immigration service providers (stakeholders) who received the email.

We interviewed a number of service providers who had received the email. These interviewees were chosen to reflect different population centers. Interviews were conducted in Winnipeg, Brandon, and in southern and eastern Manitoba. Interviewees represented a variety of delivery programs.

As a result of our interviews, we concluded that service providers believed the email to be informative in nature. We were advised that many of these service providers were involved in the aforementioned April 16 meeting with the ADM. They indicated to us that they had expected further information would be forthcoming, and they viewed this email as such. Most of the service providers believed that the intent of this email was to provide information as to what the provincial government was doing in response to the federal decision.

Very few of the service providers we spoke to had actually attended the legislature that day. Some had been invited to participate in the conference call with the federal minister of immigration on April 19, and chose to participate in that instead of travelling to the legislature.

Most commented that they had not expected to attend the legislature anyway, as they viewed the email as being "for information only," and felt that because of their scheduled commitments, there was no need to attend. Based on testimony, none of those interviewed considered the email as a direction or an act of coercion to attend the legislature on the day in question.

The majority of the service providers we talked to did not view this email invitation and resolution to be in support of the provincial government. Overall, the individuals in the service agencies viewed the email as an outline of the plan as to how the province was trying, in their words, to protect the program from federal government takeover. Many commented that they did not view the resolution as partisan in the sense of political parties taking opposite stances, but rather a situation where one level of government was challenging the decision of the other level.



One service provider commented, colloquially, that they saw this as a Manitoba versus Ottawa issue, not as a (provincial) government versus opposition issue.

Among the service providers we interviewed, we found no evidence or suggestion that coercion occurred or was perceived to have occurred. In addition, based on the testimony of those involved in distributing the invitation, including the ADM, we found no indication that the intent of the ADM was to coerce or intimidate service providers into supporting a particular political party. As well, based on the testimony of service providers, the distribution of the email does not seem to have had any effect of coercion or intimidation on those who received it.

Finally, a plain reading of the April 18 email with the attached letter does not demonstrate that coercive or intimidating language was used, nor was coercion or intimidation insinuated. As such, I believe that a reasonable person, upon reading the email or the attached letter, would not be coerced or intimidated.

Since the evidence does not demonstrate that coercion or intimidation occurred, was perceived to have occurred, or was intended to have occurred, I conclude that the ADM did not breach *The Civil Service Act*.

❖ *Was there a breach of the Value and Ethics Guide?*

As indicated above the civil servants' Values and Ethics Guide requires that civil servants:

- Act in the public interest
- Act with integrity
- Act with respect for others
- Act with skill and dedication

The guide provides examples of actions and behaviours that can, in practice, demonstrate what is required to meet the expectations under each of these four requirements. Based on the actions and decisions giving rise to this complaint, we determined that the first two requirements, **to act in the public interest** and **to act with integrity**, encompassed the test to be applied as a benchmark in this case. We also concluded that the “*thinking it through*” test articulated in the guide was relevant to our review of the actions and decisions at issue.

Acting in the Public Interest

The section of the guide that addresses the requirement to act in the public interest speaks to the importance of public trust, noting that, “In the performance of our responsibilities, the public interest is paramount.”

The guide indicates that acting in the public interest requires political impartiality:

Political impartiality

We are required to provide the same support to the elected government regardless of which political party is in office. We should be aware of our own personal views and ensure they do not influence the way in



which we carry out our duties. All advice to government must be based on an accurate representation of the facts and the possible consequences of the options available.

Was there any evidence that personal views influenced the manner in which the ADM carried out his duties in this matter? In the course of our review, we noted comments that suggested that the ADM and other provincial staff may have been angered by the federal decision and may also have feared for their jobs.

Testimony from the ADM indicates that in early April 2012, he was very concerned for the future of the program when he was advised by the federal government that there would be no more funding for the Provincial Nominee Program. He indicated that upon learning of this, his first task was to notify the service providers. He explained that at the time, he did not understand the full implication of the change in funding and he was concerned about what this meant for the provincial program and the service providers.

Testimony indicates that the ADM wanted to ensure service providers were contacted about the change in direction before learning of it through the media. The testimony regarding his discussions with service providers indicated that, while the ADM was concerned, he made no mention of the resolution nor made any comments with respect to any other steps being contemplated that could be construed as partisan.

The evidence indicates that on April 16, the ADM held a meeting with numerous service providers where he provided information as to how this change would affect the Provincial Nominee Program. Based upon the testimony from the service providers who attended that April 16 meeting, the ADM assured them that the message was that immigration services in Manitoba were not going to stop, even under a federally managed program.

The testimony from service providers who attended the April 16 meeting indicated that there was no mention from the ADM of any intent to “push back” against the federal decision. There was no mention of the resolution to be tabled three days later, nor was there any mention that the ADM disagreed with the federal decision.

Based on this oral evidence, and absent any evidence to the contrary, there is no indication that the ADM expressed any personal view regarding the federal decision or made any inappropriate comments in his communications with stakeholders leading up to the events of April 18th and 19.

Acting with Integrity

The Values and Ethics Guide indicates that:

Manitoba’s civil servants act with integrity by:

- Acting honestly
- Conducting ourselves in a manner that will not reflect adversely on the public sector, our department or other public sector employees
- Observing all legislative requirements, and following lawful and reasonable instructions
- Taking responsibility for our advice and actions



In Practice:

Personal conduct

We are expected to exhibit honesty, integrity and the highest standards of personal conduct. We should respect and obey all laws and avoid any activities which negatively impact the government's interests, property, security, reputation, employee health and safety or the confidence of the public. This applies to both on-duty and off-duty conduct. (Refer to the [Criminal Charges Policy](#) for additional information.)

A plain reading of the Values and Ethics Guide suggests that the intent of this provision in the guide is to address personal conduct. The actions of the ADM in this case did not involve personal conduct. He was following instructions as part of his job duties and his actions were administrative in nature.

However, questions of conduct, or misconduct, can arise in the performance of a civil servant's administrative duties. Ombudsman investigations sometimes discover actions that are more appropriately characterized as misconduct, rather than maladministration. To determine if an administrative action or decision can be characterized as misconduct, we look at an action in light of the authority of the person taking the action or making the decision, the rules governing how the action is to be taken or the decision made, and the treatment of the person affected by the action or decision.

When we identify misconduct, we refer it to the appropriate deputy minister or administrative head, pursuant to section 29(2) of *The Ombudsman Act*, as follows:

Reference to deputy minister

29(2) Where, during or after an investigation, the Ombudsman is of the opinion that there is evidence of a breach of duty or misconduct by a department, agency of the government or municipality or any officer or employee thereof, he shall refer the matter to the deputy minister or administrative head of the department or agency of the government or the chief administrative officer of the municipality.

This review has not revealed any basis on which to conclude that the ADM has committed either personal or administrative misconduct. Nor is there any evidence that would call into question the integrity of the ADM. We have concluded that throughout this process, the ADM has acted honestly and taken responsibility for his actions.

We have also concluded that in inviting stakeholders to the legislature to witness the introduction of a government resolution on April 19, the ADM was in fact following instructions. In the circumstances, there was nothing unreasonable about the ADM leading the efforts of departmental staff to inform stakeholders of the provincial response to the federal decision regarding the immigrant settlement program.

The only question remaining is whether the action in question, for which the ADM is responsible, has had an adverse impact on the public sector by reducing the confidence of the general public.



The Values and Ethics Guide acknowledges that not every eventuality can be provided for in written policy or regulation. Similarly, professor Paul Thomas stated, regarding a neutral civil service, “Each situation involves a judgment call about what might be an appropriate relationship between the political and administrative spheres of government.”

To assist with judgment calls the guide has a section entitled “Thinking it Through,” a critical thinking tool that can assist with difficult decision making and resolving ethical dilemmas, including those concerning partisanship. The tool includes a series of questions to assist with determinations for which there is no specific example provided.

Values and Ethics guide: Thinking it Through

It is not possible to have a rule for every situation. The guide below will help you to ensure that your behaviour meets the required standards. Assistance is also available from your manager, Human Resource Services, your deputy minister (or designate) or the Labour Relations Division of the Treasury Board Secretariat. If you are unsure, seek advice before you act.

1. Identify and assess the situation

- What is difficult about the situation?
- What are the legal issues to be considered?
- Does this guide require you to behave in a certain way?
- Who else is involved and what effect does your behavior have on them?

2. Look at the situation from a public sector standpoint

- What are your duties?
- Is there a standard practice, relevant guideline or policy?
- Who do you need to involve?

3. Would your behavior stand up to scrutiny by the public

- This is sometimes called the family or newspaper test.
- What would your family, colleagues or supervisor say if your actions were reported on the front page of the newspaper?
- Would others see you as using your employment and resources for public benefit?
- Do your personal interests conflict with the public interest?

4. Identify and consider the options

- Is there an alternative solution and what would the results of that solution be?
- How would the public view the alternative solutions?
- Do you need to seek advice from your manager, your Human Resource Services branch, or the Labour Relations Division of the Treasury Board Secretariat?

5. Choose your course of action

- Your choice of action must be within existing legislation, policies and guidelines.
- Your behavior must support the public sector’s aims and standards.
- You must be able to justify your course of action.

Part of the “Thinking it Through” process, reflected in question #3 above, requires consideration of how an action or decision will be perceived by the public. The inclusion of this question reflects the fact that civil servants need to be concerned with not just the appropriateness of their actions but also the perception of those actions.



The email sent out on April 18 has been the subject of criticism from many quarters. The actions of the ADM, or actions taken in his name, have been reported and commented on widely in the media. Some of those reports have raised questions about the neutrality of the civil service. There has also been some considerable discussion of this issue by legislators.

One MLA advised our office that that the email provided a particular slant to the situation and created alarm for recipients. The MLA distinguished between the need to inform people of program changes, and an attempt to create a political rally regarding a partisan resolution and political ideology. The MLA maintained that the email informed people of a political position rather than informing them of the facts.

Another MLA described this situation as a senior civil servant asking people, in and outside the civil service, to participate in an activity at the legislature which s/he believed would be seen by many as a political rally. The MLA described the matter to be divisive and indicated that there existed polarized views across party lines.

The debate surrounding the email leaves little doubt that this matter, at least temporarily, brought the question of civil service neutrality to the forefront. While the evidence does not lead us to conclude that the distribution of the email was intentionally a partisan act or was politically aligned, it was clearly perceived by some to be partisan in nature. Could that perception have been prevented had the ADM asked the questions in “Thinking it Through”?

As part of this review we considered whether the Values and Ethics Guide is sufficient to prevent partisan actions, or the perception of partisanship, and to guide civil servants towards non-partisan, impartial, and neutral decisions.

I compared the Manitoba Civil Service Commission Values and Ethics Guide with two other similar guides: the Values and Ethics Code for the Public Service (Federal), and the British Columbia Public Service Agency Standards of Conduct for Public Service Employees. I note that in comparison with these guides, the Manitoba guide, containing descriptions as to what is expected regarding loyalty, neutrality, public commentary, political activity and workplace behavior, seems to provide as much detail and insight as the other two.

As indicated previously, the Values and Ethics Guide directs that civil servants have the duty to ensure that any public comment on government policy is *appropriate* and is *compatible with the need to maintain a politically impartial civil service* (emphasis mine). While the email was not a comment on government policy, it did raise the question of civil service impartiality.

While it was not intended to be a partisan act, it undoubtedly gave rise to the *perception* of partisanship. Does that mean the ADM’s distribution of the April 18 email was incompatible with the Values and Ethics Guide? To answer that question we must again examine the context in which the action was taken.

It seems obvious that the “Thinking it Through” process was not followed in this case. It seems equally obvious that there was no viable opportunity to engage in such a process. A review of the



chronology of events, combined with interviews of departmental staff, confirms that there was little time between the minister's instructions to invite stakeholders to the legislature and the sending of the email in question. The minister's instruction was received shortly after noon on April 18 and the email was prepared by the ADM's staff "...within an hour of receiving instruction."

Testimony from the departmental staff indicated that the process for approving and sending the email was "done hastily." One departmental staff member surmised that perhaps they did not apply sufficient critical thinking prior to distributing the email.

Interviews with departmental staff confirm that the content of the email was not drafted by the ADM, but by one of his staff. The distribution was to be done by a number of staff people, each responsible for a list of stakeholders, who could then add their own comments to the email. The ADM was in a meeting during the hour staff worked on the email, and while he did communicate with staff via email, he did not see the final email before it was sent.

The ADM acknowledged that while he was not responsible for the decision to invite stakeholders, he was responsible for the execution of the process by which they were invited. He has acknowledged that it was not handled well.

If the ADM or his staff had walked through this step-by-step guide, used the "Thinking it Through" questions to "identify and assess the situation", and contemplated the "public scrutiny" question set out above, they may have foreseen the perception of partisanship that subsequently arose.

It would be unfair to the ADM however, to simply say that the process was rushed and not well managed. The "Thinking it Through" process is appropriately triggered when a civil servant has reason to believe there might be a problem. As the guide states, "If you are unsure, seek advice before you act."

Based on our discussions with the ADM, we learned that there may have been little reason for him to have concern about the email before it was sent, or to anticipate the response and media interest it generated.

In fact, there was some basis for the ADM to conclude that the exercise would be an innocuous communication to expectant recipients. At some point the ADM understood that this was to be a "multiparty" resolution and that the government was "...hoping for broad support in the legislature." He understood that this was a belief shared by the minister and deputy minister. On that basis, it might be argued that there was no reason to engage the "Thinking it Through" process.

❖ *Managing political and administrative overlap*

Based on our review of this matter, it is apparent that much of the criticism directed at the ADM arises because of the political context surrounding the administrative act of sending an email to service agencies. The administrative act itself was undoubtedly poorly executed. The email was hastily drafted, contained a poor choice of wording and was not subject to sufficient scrutiny.



But a thorough examination of this matter raises the larger question of the boundary between legitimate political direction and the requirement to maintain, and appear to maintain, neutrality in carrying out administrative actions.

The ADM and his staff were under considerable time pressure to accomplish the task of inviting stakeholders to the legislature on April 19, 2012 to witness the resolution. They were acting to implement an instruction given by the minister. This was an administrative action taken in response to a direction given in what was obviously a political context.

It seems as though public servants are required to be responsive to directions from elected officials, to provide objective advice, and to be accountable and fair to citizens, while remaining independent. How does one accomplish this when political and administrative actions appear to overlap or become blurred, or when there is tension between the two?

We solicited the opinion of professor Paul Thomas on this matter, and he advised that,

In my view, there is no neat institutional fix to the difficult challenge of finding the right balance between responsiveness and independence. Institutions, rules and procedures matter because they set parameters for decision making and embody values which shape, to some not easily specified degree, the behaviour of politicians and public servants. It is not, therefore a simple case of rules versus values. Indeed one of the key values we expect public servants to uphold and promote is respect for institutions, rules and procedures.

Having said that, I still believe that the beliefs, values and norms of behaviour, predominant in the *political* and *administrative* cultures of a particular governmental system at a given point in time, are more important in critical moments than structures and rules. The political and administrative cultures overlap and intersect. They are also dynamic, undergoing change under the pressure of long-term developments and short-term events.

Professor Thomas also stated that,

“Political *direction* on policy and responsiveness by the public service to such directions is required to maintain democratic legitimacy. Undue political *influence* on the implementation of policy and the provision of services erodes the principles of the rule of law and fairness. However, because policy and management are intertwined, what constitutes appropriate political *direction* as opposed to undue political *influence* can in a small number of situations become problematic and controversial. In these defining moments, politicians need to listen to the small ethical voice in the back of their mind and do what is right in terms of respecting an always blurred line between the political and the administrative.”

Who then was responsible in this case to uphold the values and norms of behaviour expected of the civil service? In a 2008 article, Paul Thomas argues that in recent times, there is greater reliance on political staff to push political goals down into the bureaucracy.

We solicited the views of professor Thomas on the fine line that civil servants, especially those in senior positions, must strive to follow in informing and explaining government decisions. Professor Thomas stated,

The civil service helps governments to explain and defend policies, but it is not part of the job description of any public servant to “sell” its policies and to contribute to its re-election. The civil



servant can explain policy and provide information but should not participate directly in the defending and rallying support for the government policy.

On the importance of a neutral civil service when considering the public confidence, Professor Thomas has stated,

The principles of professionalism, neutrality, impartiality, anonymity and permanence are meant to ensure that the public can have confidence and trust that public servants will handle individual cases in an objective and fair manner. The same principles are also meant to ensure that ministers and the government as a whole receives full and frank advice when policy is being formulated and translated into practice. Public servants must find a balance between a certain degree of loyalty and responsiveness to the government of the day and the requirement to preserve a measure of independent judgment and professionalism in their day-to-day behaviors.

❖ *Responsibility of Elected Officials*

In this case the minister has taken responsibility for the department's actions, but she is not responsible for the choice of wording in the email or any aspect of the administrative actions taken to implement her direction. At the same time, the administrative actions of a civil servant are being assessed and judged within a highly politicized context for which he is not responsible.

This raises the question of whether elected officials have, or should have, any responsibility to consider the neutrality required of civil servants when providing them with specific direction. Should there be a process in place that requires elected officials to consider whether their instructions may place civil servants in the untenable position of acting or appearing to act in a partisan manner? Should elected officials put their minds to the difference between political *direction* and political *influence*, to address those small number of problematic or controversial situations referred to by professor Thomas?

While these are legitimate questions, and have arisen in the context of a specific administrative investigation, any findings or recommendations on such matters exceed the jurisdiction of a parliamentary ombudsman. However, when such questions arise in the course of administrative investigations, the ombudsman has a responsibility to bring them to the attention of government. I believe this step is particularly important in this case, where the issue is the public confidence in the civil service.

Accordingly, I raised this matter with government and solicited its view on whether there might be any appropriate role for elected officials in working with civil servants to address situations like this where administrative actions could result in the perception of partisanship.

❖ *Government Response*

In response, I was advised by Executive Council and the Civil Service Commission that

The Manitoba government recognizes the actions, directly or indirectly, of civil servants in the performance of their duties, contribute to public confidence in the integrity of the civil service and government institutions. While the primary responsibility to maintain political neutrality rests with civil servants, there is a role for elected officials and political staff to be mindful of the neutrality



required of civil servants. Elected Officials and political staff must ensure that any directions or instructions to civil servants are in keeping with the principle of civil service impartiality and neutrality. Similar to the "Thinking it Through" process articulated in the Values and Ethics Guide, guidelines should be developed for consideration by elected officials and political staff to assist them when developing directions or instructions for civil servants that avoid the potential for situations where administrative actions could result in the perception of partisanship.

❖ *Conclusions and Proposed Government Action*

The April 18 email was distributed hastily and the plan to inform stakeholders was poorly executed, creating for some, a perception of partisanship. Had the departmental staff and ADM anticipated and contemplated the potential perception that their action would have created, applying the critical thinking process provided by the Values and Ethics Guide, this perception may have been averted. I acknowledge, however, that perceptions are often difficult to manage and anticipate.

I find that while the distribution of the email was not intended to be a partisan act, the manner in which it was done and the political context in which it occurred clearly gave rise to the perception of partisanship.

That finding had to be weighed against the fact that the complaint arose from circumstances over which the ADM had little control. Consequently he could not have anticipated that his actions would have been perceived as partisan.

However, in light of my conclusion that those actions did create the perception of partisanship, with the potential to affect confidence in the civil service, I concluded that further action needed to be taken to address this concern.

Given the relationship between elected decision makers and the civil servants who give administrative effect to those decisions, it was necessary to ask whether ministers should bear some responsibility for considering the balance that civil servants must achieve while concurrently demonstrating their loyalty to the elected government and remaining neutral.

Accordingly I raised this matter with government, with the result that the following actions will be taken:

- The Civil Service Commission will work with Deputy Ministers to ensure civil service employees understand the principle of civil service impartiality and neutrality and their obligations as outlined in the Values and Ethics Guide.
- The Civil Service Commission will create an implementation plan in consultation with each department to ensure that all civil service employees attend "Working in Government: Values and Ethics in the Manitoba Civil Service". This workshop complements information in the Values and Ethics Guide and the online Employee Orientation. It also provides the opportunity to apply the "Thinking it Through" portion of the Guide.



- The Clerk of Executive Council and the Civil Service Commissioner will work together to develop a set of guidelines for consideration by elected officials and political staff to assist them when developing directions or instructions to civil servants that avoid the potential for situations where administrative actions could result in the perception of partisanship.

I believe that the actions proposed by government in response to our review of this matter, in conjunction with the existing Values and Ethics Guide, are sufficient to address similar issues should they arise in future.

Mel Holley
Acting Ombudsman



❖ *Appendix A - Manitoba Civil Service Commission Values and Ethics Guide*

Our Role

The public service plays an essential role in our democratic way of life, faithfully serving the people of Manitoba through their duly elected government.

The public service affects the day-to-day lives of Manitoba communities and individuals. Civil servants deliver a wide range of services for the benefit of the people of Manitoba and, in doing so, endeavor to make a positive contribution to the quality of life of all Manitobans.

Civil servants provide advice on options available to achieve the government's policies and the consequences of each option. We provide that advice in a complete, honest, and candid manner without fear or favour. Civil servants are then responsible to implement the directions of the government within the law and the Constitution.

All civil servants hold a unique position of trust. Our actions, directly or indirectly touch the lives of all Manitobans. Whether providing advice, developing policy or delivering programs or direct services, civil servants will:

- Act in the public interest
- Act with integrity
- Act with respect for others
- Act with skill and dedication

Application

The values and ethics guide of the Manitoba civil service has been developed to:

- Provide a guide for conduct by Manitoba civil servants and support them in all of their work-related and professional activities.
- Contribute to maintaining and enhancing public confidence in Manitoba's civil service.
- Strengthen respect for, and appreciation of, the role played by Manitoba's civil service within our province.

The Values and Ethics Guide applies to all civil service employees as defined by *The Civil Service Act* and complements existing legislation, policies and guidelines.

If you are unsure how this guide applies to you, please discuss with your manager.



Putting our Values to Work

Act in the Public Interest

Manitoba's civil servants act in the public interest by:

- o Resolving any conflict between our personal or private interests and our official duties in favour of the public interest
- o Upholding both the letter and the spirit of the law
- o Maintaining the confidentiality of information gained as a result of our work
- o Being sensitive to the political process and acting in accordance with the traditions regarding political impartiality
- o Being a careful steward of public resources and using them in an efficient, responsible and accountable manner

In Practice:

Public trust

In the performance of our responsibilities, the public interest is paramount.

Conflict of interest

It is essential that we do not, by our actions, place ourselves in a conflict of interest. The *Conflict of Interest Policy* in *Principles and Policies for Managing Human Resources* provides direction on conduct expected of civil servants and how to deal with situations to prevent a conflict of interest. The Conflict of Interest Policy seeks to protect the public interest, the organization and civil servants. The intent is to prevent employees from using public office for private gain.

Confidentiality and the use of information

We must exercise discretion in our use of confidential information acquired by virtue of our employment and ensure that the privacy of individuals and their information is maintained. We must be aware of and observe the confidentiality provisions of our Oath of Office as well as those contained in legislation, such as *The Freedom of Information and Protection of Privacy Act* (FIPPA) and *The Personal Health Information Act* (PHIA).

Political impartiality

We are required to provide the same support to the elected government regardless of which political party is in office. We should be aware of our own personal views and ensure they do not influence the way in which we carry out our duties. All advice to government must be based on an accurate representation of the facts and the possible consequences of the options available.

Use of public money, property, goods or resources

We are required to use all resources, including human, financial and technological resources, efficiently and effectively for the public benefit. As a manager or as an employee, we strive to ensure that the public receives maximum value for each tax dollar spent.



Political rights

With the exception of deputy ministers, we have the right to be politically active, but we are reminded of our responsibilities to maintain confidentiality. While we are permitted to seek nomination, support a candidate or political party and speak or write on behalf of the candidate or political party, we are not permitted to solicit funds for a provincial or federal political party or candidate. However, we must follow the guidelines of the Civil Service Commission when doing so. See Section 44 of *The Civil Service Act*.

Public comment

Civil servants have the same rights of free speech and independence in the conduct of their private affairs as other members of the public. However, civil servants also have a duty to ensure that any public comment on government policy is appropriate to the position they hold and is compatible with the need to maintain a politically impartial civil service.

Act with Integrity

Manitoba's civil servants act with integrity by:

- o Acting honestly
- o Conducting ourselves in a manner that will not reflect adversely on the public sector, our department or other public sector employees
- o Observing all legislative requirements, and following lawful and reasonable instructions
- o Taking responsibility for our advice and actions

In Practice:

Personal conduct

We are expected to exhibit honesty, integrity and the highest standards of personal conduct. We should respect and obey all laws and avoid any activities which negatively impact the government's interests, property, security, reputation, employee health and safety or the confidence of the public. This applies to both on-duty and off-duty conduct. (Refer to the Criminal Charges Policy for additional information.)

Creating a fair, equitable and impartial environment.

Our decisions affect other employees, clients and the public and so must be fair, consistent and equitable. Fairness requires that our decisions are based on relevant information and are honest, open and impartial. Equity is being fair and just to all people, and correcting or supplementing practices to redress disadvantages experienced by individuals. Equity may mean treating someone differently to provide an equal chance or opportunity.



Act with Respect for Others

Manitoba's civil servants act with respect for others by:

- o Treating the public and colleagues with respect, courtesy and dignity
- o Treating the public and colleagues fairly and consistently
- o Valuing and using diversity in our workplace
- o Contributing to a positive work environment by being self aware, professional and tactful

In Practice:

Valuing diversity

A strong and effective civil service is enriched by, and open to, the exchange of different perspectives and ideas. This creates a foundation for understanding and building relationships, and results in the development of better policies and service delivery. We value the diversity of our fellow employees and strive to reflect the diversity of Manitobans. See the Civil Service Commission's Valuing Diversity: An Equity Approach handbook for further information.

Respectful workplace

It is our collective responsibility to ensure that we contribute to, and maintain a respectful workplace environment that is free from harassment and discrimination. A respectful workplace promotes courteous and professional conduct, and expects staff to communicate effectively and work together to meet organizational goals. If you are unsure on how to deal with disrespectful behaviour occurring in your workplace, follow the responsibilities outlined in the government's Respectful Workplace Policy.

Services to the public

We are committed to ensuring all contact with the public is prompt, courteous, respectful and contributes to making the experience of dealing with government as satisfying and constructive as possible.

Act with Skill and Dedication

Manitoba's civil servants act with skill and dedication by:

- o Providing responsive, effective and efficient services to the community that are flexible and can adapt quickly to changing demands
- o Giving our best to meet performance standards and other organizational requirements
- o Promoting excellence in the civil service by maintaining and improving our knowledge, skills, abilities and competencies as well as assisting in enhancing those of our colleagues
- o Committing to a process of continual learning and innovation



In Practice:

Citizen-centered service

In delivering government programs and services, we are committed to providing quality service to the public. In doing so, we are continually reviewing ways to improve our programs and services in response to the public's changing needs. Whether it is through the use of new technology, forging new partnerships, or streamlining our processes, we will ensure we are flexible and adapt quickly to change. Serving the public to the best of our ability is an essential role of the civil service.

Merit

Selection for appointment, promotion or transfer shall be based on the merit principle as outlined in *The Civil Service Act*. The goal of this principle is to ensure that the civil service is comprised of well qualified employees with abilities, skills, training and competence to perform at their initial level of appointment and as far as is reasonably possible to progress in a career within the civil service. This requires that we maintain and develop our skills on an ongoing basis to ensure that we meet the demands of our continuously changing work environment.

Thinking it Through

It is not possible to have a rule for every situation. The guide below will help you to ensure that your behaviour meets the required standards. Assistance is also available from your manager, Human Resource Services, your deputy minister (or designate) or the Labour Relations Division of the Treasury Board Secretariat. If you are unsure, seek advice before you act.

1. Identify and assess the situation

- What is difficult about the situation?
- What are the legal issues to be considered?
- Does this guide require you to behave in a certain way?
- Who else is involved and what effect does your behavior have on them?

2. Look at the situation from a public sector standpoint

- What are your duties?
- Is there a standard practice, relevant guideline or policy?
- Who do you need to involve?

3. Would your behavior stand up to scrutiny by the public

- This is sometimes called the family or newspaper test.
- What would your family, colleagues or supervisor say if your actions were reported on the front page of the newspaper?
- Would others see you as using your employment and resources for public benefit?
- Do your personal interests conflict with the public interest?

4. Identify and consider the options

- Is there an alternative solution and what would the results of that solution be?
- How would the public view the alternative solutions?
- Do you need to seek advice from your manager, your Human Resource Services branch, or the Labour Relations Division of the Treasury Board Secretariat.



5. Choose your course of action

- Your choice of action must be within existing legislation, policies and guidelines.
- Your behavior must support the public sector's aims and standards.
- You must be able to justify your course of action.

For More Information Contact:

- Your manager
- Legislation:
 - o *Canadian Charter of Rights and Freedoms*
 - o *Criminal Code, R.S. 1985, c. C-46; section 121*
 - o *The Civil Service Act, C.C.S.M. c. C110*
 - o *The Freedom of Information and Protection of Privacy Act, C.C.S.M. c. F175*
 - o *The Human Rights Code, C.C.S.M. c. H175*
 - o *The Legislative Assembly and Executive Council Conflict of Interest Act, C.C.S.M. c. L112*
 - o *The Personal Health Information Act, C.C.S.M. c. P33.5*
 - o *The Workplace Safety and Health Act, C.C.S.M. c. W210*
- Public sector policies, and other relevant documents:
 - o Criminal Charges Policy
 - o Oath of Office
 - o Electronic Network Usage Policy
 - o Principles and Policies for Managing Human Resources
- Department specific policies and codes of conduct
- Websites:
 - o Government of Manitoba - Internal
 - At Your Service Manitoba: <http://gww.internal/atyourservicemanitoba/>
 - Laws of Manitoba: <http://web2.gov.mb.ca/laws/statutes/index.php>
 - Manitoba Civil Service Commission: <http://www.internal/csc/>
 - Policies/Directives: <http://www.internal/policy.html>
 - Finance: <http://gww.internal/finance>

References

Code of Conduct for South Australian Public Sector Employees, October 2001

New Zealand Public Service Code of Conduct, Sept. 2001

A Framework for Effective Comptrollership in the Government of Manitoba, Sept. 2003



❖ *Appendix B – Government Resolution*

Hon. Ms. MELNICK — Federal Centralization of Settlement Services

WHEREAS in 1995, the Provincial Government took advantage of the Government of Canada's offer to develop devolved immigration settlement services agreements; and

WHEREAS in 1998, the Governments of Canada and Manitoba signed the Canada-Manitoba Immigration Agreement with two critical components, a Settlement Annex and a Provincial Nominee Program Annex; and

WHEREAS Manitoba's business and community leaders were key architects of the Manitoba immigration model and continue to be strong supporters of this successful approach today; and

WHEREAS Manitoba's successful Provincial Nominee Program accounts for 77% of all immigration to Manitoba; and

WHEREAS preliminary figures show that this program played a key role in bringing nearly 16,000 immigrants to Manitoba in 2011; and

WHEREAS since 1999, under the Provincial Nominee Program, over 100,000 new immigrants have settled in Manitoba with more than 25,000 choosing to settle in rural Manitoba contributing to over 130 communities including Brandon, Winkler, Morden, Steinbach, Dauphin and Neepawa; and

WHEREAS the settlement services component of the Canada-Manitoba Immigration Agreement has ensured an effective, integrated Manitoba model of settlement service delivery that is key to ensuring immigrants have the supports they need to be contributing members of Manitoba's economy; and

WHEREAS this important agreement enables the Provincial Government to work directly with over 200 not-for-profit and institutional service providers to ensure immigrants have arrival orientation, labour market supports, adult language training, and integration services; and

WHEREAS an independent evaluation of participants in Manitoba's Provincial Nominee Program showed 85% of respondents were working after three months, and 83% of respondents were working in their fields or a related field; and

WHEREAS the Government of Canada has announced it is cancelling the Settlement Annex of the Canada-Manitoba Immigration Agreement.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba call on the Government of Canada to immediately reverse its decision to cancel the Settlement Annex of the Canada-Manitoba Immigration Agreement with the Provincial Government in order to maintain the successful Manitoba immigration model.



Manitoba Ombudsman