



PO Box 2000, Charlottetown  
Prince Edward Island  
Canada C1A 7N8

Office of the  
Ethics and Integrity  
Commissioner

Bureau du  
commissaire à  
l'éthique et à l'intégrité



C.P. 2000, Charlottetown  
Île-du-Prince-Édouard  
Canada C1A 7N8

October 13, 2022

Hon. Dennis King  
Premier of Prince Edward Island  
P.O. Box 2000  
Charlottetown, PE C1A 7N8

Dear Premier King:

It is my honour to present the annual report of the Office of the Ethics and Integrity  
Commissioner for the period April 1, 2021 – March 31, 2022.

Sincerely,

Shauna Sullivan Curley, K.C.  
Ethics and Integrity Commissioner

c: Dan Campbell, Clerk of Executive Council  
Tanya Rowell, CEO, Public Service Commission

## Annual Report 2021-2022

### INTRODUCTION

The main responsibility of the Office of the Ethics and Integrity Commissioner is conflict of interest disclosure and administration for employees of the Government of Prince Edward Island covered by the Executive Division Conflict of Interest Policy. The office completed its seventh year of operation on March 31, 2022. I am currently serving my second term as Ethics and Integrity Commissioner.

From October 13, 2015 until October 17, 2021 the office was also responsible for the administration of the Public Interest Disclosure and Whistleblower Protection Policy

### PART I – GENERAL

#### Administration and Reporting

The Commissioner is appointed for a five-year term and may be reappointed. The position is part-time, as required. The Public Service Commission provides office space, administrative and records management support, and budget. The office has a web page on the government website.

On conflict of interest and ethics matters relating to Executive Division employees, I report to and advise the Premier and the Clerk of Executive Council.

Due to the ongoing COVID-19 pandemic, the office continued to hold many meetings by video or telephone. Walk-in traffic was at a minimum.

#### Consultation and Inquiries

The office received seventeen documented inquiries and requests for advice on various issues. Some were brief and straightforward and dealt with in a telephone call, while others required more time and attention. Requests from Executive Division employees for advice on the administration of the Conflict of Interest Policy within their own departments or agencies often take up considerable time, depending upon the complexity of the situation. An example would be an employee who pursues supplementary employment or self-employment outside of their government position and of a nature that could give rise to a conflict of interest with their government position.

I continue to try to assist persons who contact this office about matters that are not within the mandate of the office. Where possible, I offer options on where they might go to have their issue addressed.

#### Presentations

Two in-person sessions of Public Sector Values and Ethics were scheduled in the Pathways for Learning calendar of the Public Service Commission. Unfortunately, I had to cancel each of those sessions, one for work-related reasons and the other for personal reasons. I intend to resume the sessions in the autumn

of 2022. I also expect to conduct training sessions in the next fiscal year on the subject of recusals and conflict of interest screens, arising from a recommendation in the mobile mental health review, referred to in Part II, below.

## **PART II – CONFLICT OF INTEREST**

The primary focus of the office continues to be the administration of the Executive Division Conflict of Interest Policy and the provision of advice to Executive Division employees on conflict of interest and ethics issues.

### **Conflict of Interest Disclosure Process**

The Executive Division Conflict of Interest Policy includes requirements which differ from, or are in addition to, the provisions of the Conflict of Interest Policy generally applicable to public service employees. Most of the substantive provisions of the general policy apply to Executive Division employees, such as, the purpose, certain definitions, principles, financial gain, preferential treatment, community activities and political activity provisions. For this reason, I describe the Executive Division Conflict of Interest Policy as “layering over” the general policy. Executive Division employees need a good understanding of both policies, to ensure that they comply themselves and also because employees who are deputy heads are responsible for the administration of the Conflict of Interest Policy within their own departments or agencies.

While repetitive year after year, I consider it important to summarize the process in each annual report.

I arrange an orientation meeting with each new Executive Division employee to explain my mandate, review the conflict of interest policies, and go over their initial conflict of interest disclosure statements in detail. For persons coming into the Executive Division from the private sector, the public sector conflict of interest regime tends to be quite foreign. I inform new deputy ministers and chief executive officers that they can ask me for advice on conflict of interest matters relating to employees within their department or agency; the final decisions on conflict of interest matters are theirs.

Persons acting in deputy minister or chief executive officer positions for six months or longer are subject to the Executive Division Conflict of Interest Policy. This practice captures the longer-serving acting deputy ministers and chief executive officers, while not requiring the many persons who serve for short periods throughout the year due to the temporary absence of an incumbent to be subject to the Executive Division regime.

The Executive Division also includes special advisors and assistants to members of Executive Council; therefore, the executive assistant to the Premier and the ministerial assistants are subject to the enhanced conflict of interest rules in the Executive Division Conflict of Interest Policy.

Approximately one month before their annual conflict of interest disclosure statements are due, I send out a reminder to Executive Division employees of the due date of their statements. Once the statements are submitted and I have reviewed them, I meet with each employee, ideally in person but sometimes by video conference or teleconference. I address any questions which may arise from the statements (particularly year-over-year changes), as well as any other ethics or conflict of interest matters which the employee may wish to discuss.

After each meeting, I prepare and submit a Disclosure Statement to the Clerk containing the information outlined in the policy. In the case of the Clerk, the statement is provided to the Premier.

Appendix A is a list of positions for which conflict of interest disclosure statements were filed in this fiscal year.

Changes in circumstances, including changes in assignments, trigger the requirement to file disclosure statements. If the change in circumstances comes shortly after the filing of annual disclosure statements, I ask the employee to submit a brief descriptive form describing the change in circumstances. Once the form is filed, I decide whether to require the submission of a complete new set of disclosure statements, or to accept the change of circumstances form and annual disclosure statements as one. I always meet with each employee who has a new assignment within the Executive Division to review the documentation and identify and consider any conflicts of interest or ethics issues which could arise due to the change in circumstances. Most importantly, I review with the employee any potential circumstances or relationships in their new department or agency which may give rise to a conflict of interest. Sometimes they only become aware of such issues after they are more familiar with the work of the new department or agency, in which case they advise me of the situation later.

The Executive Division Conflict of Interest Policy includes a requirement to disclose gifts and personal benefits with a value exceeding two hundred dollars, or if the total value received from one source in a twelve-month period exceeds two hundred dollars. Disclosures are to be posted on the Commissioner's website. No such disclosures have been received to date.

Employees leaving the Executive Division must comply with post-employment restrictions as outlined in the policy, including a six-month cooling-off period. The purposes of these post-employment restrictions are to safeguard confidential government information and to protect against departing employees receiving preferential treatment from their former colleagues within government. Section 17 of the *Lobbyist Registration Act* also includes post-employment restrictions applicable to certain positions within the Executive Division.

### **Mobile Mental Health Review**

On October 26, 2021 the Clerk of Executive Council requested that I conduct a review of the actions of the Deputy Minister of Health and Wellness with regard to the mobile mental health file and to provide advice as to whether the deputy minister was in a conflict of interest. This is the first time that this office has been asked to conduct such a review under the Executive Division Conflict of Interest Policy.

The process was time-intensive and occupied much of my attention as Commissioner until the submission of the final report on February 28, 2022. In the report, I found that the deputy minister took some actions to limit his involvement in the topic under review but did not fully comply with the requirements of the Executive Division Conflict of Interest Policy.

In the report, I recommended that the Executive Division Conflict of Interest Policy be amended to authorize and require that the Clerk of Executive Council be informed in writing of all conflict of interest avoidance measures, and that copies be provided to the Premier and the Minister responsible. As of year end, discussions were underway with the Clerk on the potential development of a registry for these matters. In the meantime, and pending further consideration of the recommended policy change, I began providing Executive Division employees with more explicit instructions around communication of

recusals and conflict of interest screens, as well as direction to stay away from information on matters on which they could be in a conflict of interest.

As of year end, preliminary work had begun for a professional development session on recusals and conflict of interest screens. I plan to offer the session to all Executive Division employees coming under my jurisdiction.

I believe that the review was a useful and instructive process which resulted in recommendations for improvement which will be of benefit.

Both the Clerk of Executive Council and the Chief Executive Officer of the Public Service Commission offered to provide this office with whatever resources were required to complete the review. That said, the time commitment required for the review necessarily meant some delay in the regular work of the office, including the cancellation of one of the public sector values and ethics presentations. Following the submission of the report, I worked to catch up on the regular business of the office and to address the work consequential to the mobile mental health review.

### **PART III – PUBLIC INTEREST DISCLOSURE AND WHISTLEBLOWER PROTECTION**

By October 17, 2021, the *Public Interest Disclosure and Whistleblower Protection Act* was fully proclaimed and in force, thereby superseding the Public Interest Disclosure and Whistleblower Protection Policy that had been administered by this office since October 15, 2015. Responsibility for public interest disclosure and whistleblower protection now rests with the Public Interest Disclosure Commissioner appointed by the Legislative Assembly. The Office of the Public Interest Disclosure Commissioner opened on February 14, 2022.

Once the Public Interest Disclosure and Whistleblower Protection Policy was superseded by the Act coming into force, changes were made to the government website (both the Commissioner's and the Public Service Commission's pages) to reflect the change in jurisdiction over whistleblower matters.

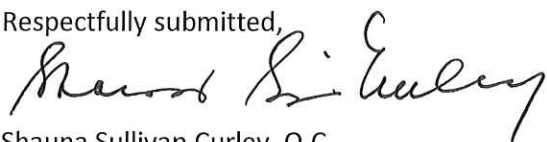
From April 1, 2021 to October 17, 2021, this office had two inquiries relating to public interest disclosure and whistleblower protection, one of which was quite time-consuming. There were no disclosures of wrongdoing or reports of reprisals received during that time period.

### **CONCLUSION**

I thank Executive Division employees for their continuing cooperation in the conflict of interest disclosure process.

I also thank the Hon. Dennis King, Premier; Dan Campbell, Clerk of Executive Council; Tanya Rowell, Chief Executive Officer of the Public Service Commission; and Delma Good, Executive Assistant at the Public Service Commission for supporting me in the execution of my duties.

Respectfully submitted,



Shauna Sullivan Curley, Q.C.

Ethics and Integrity Commissioner

## Appendix A – Disclosure Statements 2021-2022

Clerk of Executive Council and Secretary to Cabinet

Chief of Staff to the Premier

Principal Secretary and Senior Policy Advisor to the Premier

Deputy Minister, Agriculture and Land

Deputy Minister, Economic Growth, Tourism and Culture

Deputy Minister, Education and Lifelong Learning

Deputy Minister, Environment, Energy and Climate Action

Deputy Minister, Finance

Deputy Minister, Fisheries and Communities

Deputy Minister, Health and Wellness (2)

Deputy Minister, Priorities and Intergovernmental Affairs

Deputy Minister, Justice and Public Safety and Deputy Attorney General

Deputy Minister, Social Development and Housing (2)

Deputy Minister, Transportation and Infrastructure (2)

Clerk Assistant of the Executive Council

Secretary to Treasury Board

Assistant Deputy Minister, Early Years

Assistant Deputy Minister, Health and Wellness

Assistant Deputy Minister, Intergovernmental and International Affairs

Assistant Deputy Minister, Mental Health and Addictions

Assistant Deputy Minister, Mental Wellness

Chief Executive Officer, Finance PEI & Executive Director, Island Investment Development Inc.

Chief Executive Officer, Innovation PEI

Chief Executive Officer, Island Waste Management Corporation

Chief Executive Officer, PEI Energy Corporation

Chief Executive Officer, PEI Liquor Control Commission & PEI Cannabis Management Corporation

Chief Executive Officer, PEI Public Service Commission  
Chief Executive Officer, Tourism PEI  
Executive Director, Climate Change Secretariat  
Provincial Government Lead, Construction of UPEI Faculty of Medicine  
Senior Director  
Special Projects Advisor  
Executive Assistant to the Premier  
Ministerial Assistants (7)