



PEI Public Service  
Commission

Commission de la Fonction  
Publique de l'I.-P.-E.



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August 2, 2023

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, 2022 – March 31, 2023.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Shauna Sullivan Curley'.

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

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

**ETHICS AND INTEGRITY COMMISSIONER  
ANNUAL REPORT 2022-2023**

**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 eighth year of operation on March 31, 2023. I have served as Ethics and Integrity Commissioner since the establishment of the position.

**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.

**Consultation and Inquiries**

The office received eighteen documented inquiries and requests for advice. Again this year I spent considerable time responding to deputy ministers and chief executive officers seeking advice on conflict of interest issues within their own departments or agencies. Most of the inquiries related to employees undertaking employment or self-employment outside of their government position. Each situation is considered on an individual basis, taking into account the nature of employee's government position and the outside work. I provided advice as to whether the work should be permitted, and if so, whether any conflict of interest avoidance measures should be put in place. The final decisions were made by the respective deputy minister or chief executive officer.

I continue to receive a few inquiries on issues that are not within the mandate of the office. Where possible, I provide information on where the individual might go to seek a resolution of their issue.

**Presentations**

I resumed in-person presentations this year.

Following on the mobile mental health review conducted in the last fiscal year, in the fall of 2022 I offered all Executive Division employees a refresher on conflict of interest rules, with a particular focus on recusals and conflict of interest screens. From September to November I gave three group presentations and one individual presentation. Feedback was positive, with many employees indicating that they found the presentation very useful and practical.

In November 2022 I conducted a half-day workshop on Public Sector Values and Ethics as part of the Pathways for Learning calendar of the Public Service Commission. Employees from across the public service signed up to participate in this workshop.



I gave two presentations on Conflict of Interest Basics, the first in January 2023 to the management team of the Public Service Commission and the second in February 2023 to public sector human resource managers.

My final presentation for this fiscal year was in March 2023, a half-day workshop on Public Sector Values and Ethics for the current cohort of the Leaders in Action Program. Leaders in Action is a two-year intensive leadership development program for classified employees interested in assuming a senior leadership role in the public service.

Having offered presentations to many groups over the years as Ethics and Integrity Commissioner, I know that public service employees are eager for the opportunity to better understand conflict of interest policies and especially to have the chance to ask questions about the application of the rules to situations which might arise in their workplaces. In the half-day workshops, I include three case studies for the table groups to consider, and these scenarios always evoke lively discussion. The workshops and presentations are time well-spent as they contribute to a strong culture of public sector integrity.

## **PART II – CONFLICT OF INTEREST**

I spend the bulk of my time as Commissioner on 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 and Administration**

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. Essentially, for this group of employees, the Executive Division Conflict of Interest Policy layers over the general policy. Executive Division employees are expected to have 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.

The process begins with an orientation e-mail to each new Executive Division employee which includes the conflict of interest policies and the disclosure forms. Employees are asked to fill out the disclosure forms for themselves and their spouse (if applicable) and bring them to their orientation meeting with the Commissioner. At that meeting, I review the mandate of this office, review the conflict of interest policies, and go over their initial conflict of interest disclosure statements in detail. For employees coming into the Executive Division from the private sector, the full disclosure requirements of the Executive Division conflict of interest process are a new experience.

At the orientation meeting I inform newly appointed deputy ministers and chief executive officers that they are responsible for conflict of interest administration for employees in their department and agency, and that I am available to provide advice to them on those matters if they so choose.

Once a person has been serving as an acting deputy minister or acting chief executive officer for six months, they are subject to the Executive Division Conflict of Interest Policy. This practice covers longer-



serving acting deputy ministers and chief executive officers, while not requiring the many public service employees 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. This means that 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.

About a 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 and include the necessary forms to be completed. Once the statements are submitted and I have reviewed them, I meet separately with each employee, ordinarily in person but occasionally by video conference. We 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.

The appendix to this report is a list of positions for which conflict of interest disclosure statements were filed for 2022-23.

Changes in circumstances trigger the requirement to file new disclosure statements. The most frequent change in circumstances is a change of assignment, but it could be a change in assets, liabilities, community involvement, family status or any other matter which is required to be disclosed on the form. If the change in circumstances occurs soon after the filing of annual disclosure statements, I ask the employee to submit a short disclosure 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. If the employee's annual disclosure form is due relatively soon after a change in circumstances, I accelerate the time frame and require the complete new set of disclosure statements to be filed early.

I meet with each employee who has a new assignment within the Executive Division to review the documentation and identify any conflicts of interest or ethics issues which could arise due to the change in circumstances. Most importantly, I review with the employee any circumstances or relationships in their new department or agency which may give rise to a potential conflict of interest. At times an employee only becomes aware of such an issue after getting more familiar with the day to day work of the new department or agency, in which case the employee is expected to 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 Executive Division Conflict of Interest 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.

#### **Follow-up on the Mobile Mental Health Review**

As noted in last year's annual report, on October 26, 2021 the Clerk of Executive Council requested that I conduct a review of the actions of the then Deputy Minister of Health and Wellness with regard to the mobile mental health file and provide advice as to whether the deputy minister had complied with the conflict of interest policies. My report, submitted on February 28, 2022, contained a recommendation for policy amendments and outlined some actions I would take as Commissioner to improve the knowledge and understanding of Executive Division employees around conflict of interest avoidance measures. The report was released in the summer of 2022 as the result of requests under the *Freedom of Information and Protection of Privacy Act*.

In 2022-2023 I provided input to Executive Council Office and Legal Services staff on potential changes to the Executive Division Conflict of Interest Policy to address issues arising from the mobile mental health review, as well as other amendments of a housekeeping nature arising from experience with the policy over the years. As of year-end, the amendments were awaiting Executive Council consideration. In the meantime, I adopted the practice of providing direction to Executive Division employees regarding communication of any recusals or conflict of interest screens to their Minister, the Clerk of Executive Council and the persons to whom responsibility for any matters had been delegated (if applicable). Those instructions also included the expectation that employees stay away from any information or documentation relating to the subject matter of the recusal.

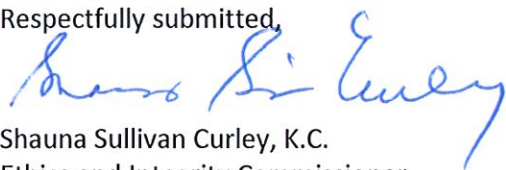
As noted earlier in this report, in follow-up to the mobile mental health review I provided professional development presentations to Executive Division employees on conflict of interest, including recusals and conflict of interest screens. These took place in the fall of 2022.

#### **ACKNOWLEDGEMENTS**

I thank Executive Division employees for their 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 Administrative Assistant at the Public Service Commission for supporting me in the execution of my duties.

Respectfully submitted,



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



## APPENDIX

### DISCLOSURE STATEMENTS 2022-2023

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

Deputy Minister, Priorities and Intergovernmental Affairs

Deputy Minister, Justice and Public Safety and Deputy Attorney General

Deputy Minister, Social Development and Housing

Deputy Minister, Transportation and Infrastructure

Clerk Assistant of the Executive Council

Secretary to Treasury Board

Assistant Deputy Minister, Agriculture and Land\*

Assistant Deputy Minister, Early Years

Assistant Deputy Minister, Environment, Energy and Climate Action

Assistant Deputy Minister, Health and Wellness

Assistant Deputy Minister, Intergovernmental and International Affairs

Assistant Deputy Minister, Mental Health and Addictions

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  
Provincial Government Lead, Construction of UPEI Faculty of Medicine\*\*  
Senior Advisor, Medical Affairs, Health PEI  
Executive Assistant to the Premier  
Ministerial Assistants (8)

\*Also filed in 2021-2022. Omitted from 2021-2022 annual report in error

\*\*Received after year end