



ANNUAL REPORT

Ethics and Integrity Commissioner

April 1, 2023 – March 31, 2024

Prepared by: Jessie Frost-Wicks

Table of Contents

| | |
|--|---|
| Introduction | 2 |
| Part I – General..... | 2 |
| Administration and Reporting | 2 |
| Consultation and Inquiries | 2 |
| Presentations | 3 |
| Part II – Conflict Of Interest..... | 3 |
| Conflict of Interest Disclosure and Administration | 3 |
| Amendments to the Executive Division Conflict of Interest Policy | 5 |
| Acknowledgements..... | 6 |
| Appendix | 7 |
| Disclosure Statements 2022-2023 | 7 |

ETHICS AND INTEGRITY COMMISSIONER

ANNUAL REPORT 2023-2024

Introduction

The position of Ethics and Integrity Commissioner was established as of March 31, 2015, and Shauna Sullivan Curley was appointed the first such Commissioner. She remained in this position until her retirement on September 29, 2023. At that time, I was appointed to the position and am now completing my first year in the role. The primary focus 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 ninth year of operation on March 31, 2024.

Part I – General

Administration and Reporting

The Commissioner's position is part-time, as required, and the appointment to the position is for a five-year term, with the possibility of reappointment. 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 sixteen documented inquiries and requests for advice. Most of these inquiries came from deputy ministers and chief executive officers seeking advice on conflict of interest issues within their own departments or agencies. Many of the inquiries are related to employees undertaking employment or activities outside of their government position. In each case, I consider the employee's role within government, and provide advice as to whether the work or activity should be permitted, and what, if any, conflict of interest avoidance measures should be put in place. As always, the final decision rests with the employee's deputy minister or chief executive officer.

I have received a few inquiries from members of the public, often pertaining to matters that are not within the mandate of this office. In those situations, I will try to direct the individual to the appropriate office or entity that may be able to assist the individual in seeking an answer to their question, or a resolution of their issue. As an example, a person inquiring about the conflict of interest policies and procedures for Members of the Legislative Assembly was referred to the Conflict of Interest Commissioner.

Presentations

I found no records pertaining to presentations given by my predecessor in the first 6 months of this fiscal year. I am aware that she was hesitant to schedule presentations knowing that she would be in the process of transitioning the role to a new person.

In November 2023, 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. It was well attended and appeared to be well received. The workshop covers the role of the Ethics and Integrity Commissioner and an overview of public sector values and ethics, with a particular focus on the key aspects of the Conflict of Interest Policy. Case studies were discussed within small groups and generated some lively discussion and debate as to appropriate action in certain circumstances. This presentation will be offered again at least twice in the 2024-2025 fiscal year.

In January 2024, I had the opportunity to give a brief presentation to the DMC highlighting recent amendments to the Executive Division Conflict of Interest Policy. There seemed to be quite a bit of interest from the group, and I was subsequently asked to give a more detailed explanation in writing that could be distributed to the group, which I was happy to provide.

Although I am still relatively new to this position, I can state that the public servants I encountered in the presentations I have given were eager to learn and eager to understand the rules and rationale for them. The presentations and workshops are a worthwhile endeavour as they contribute to a strong culture of public sector integrity, which in turn translates to greater trust and confidence from the public we serve.

Part II – Conflict Of Interest

Most of my time as Commissioner is spent 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.

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 and include the necessary forms to be completed. Once the statements are submitted and I have reviewed them, I meet separately with each employee, usually in person but occasionally by video conference. At that time, 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. Appended to this report is a list of positions for which conflict of interest disclosure statements were filed for 2023-24.

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.

Amendments to the Executive Division Conflict of Interest Policy

As an indirect result of the Mobile Mental Health Review which was reported on by Ms. Sullivan Curley, changes were recommended and incorporated into the Executive Division Conflict of Interest Policy. These changes came into effect as of August 2023 and provide for a more streamlined approach to conflict of interest reporting and greater protection for both those in the conflict and those that are tasked with acting in the stead of the employee in the conflict.

Acknowledgements

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

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

Respectfully submitted,



Jessie Frost-Wicks
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
Deputy Minister, Economic Development, Innovation and Trade and Chief Executive Officer of
Finance PEI
Deputy Minister, Education and Early Years
Deputy Minister, Environment, Energy and Climate Action
Deputy Minister, Finance
Deputy Minister, Fisheries, Tourism, Sport and Culture
Deputy Minister, Health and Wellness
Deputy Minister, Housing, Land and Communities
Deputy Minister, Priorities and Intergovernmental Affairs, Deputy Clerk of Executive Council
and Deputy Secretary to Cabinet
Deputy Minister, Justice and Public Safety and Deputy Attorney General
Deputy Minister, Social Development and Seniors
Deputy Minister, Transportation and Infrastructure
Deputy Minister, Workforce, Advanced Learning and Population
Secretary to Treasury Board
Assistant Deputy Minister, Agriculture
Assistant Deputy Minister, Early Years
Assistant Deputy Minister, Environment, Energy and Climate Action
Assistant Deputy Minister, Health and Wellness
Assistant Deputy Minister, Mental Health and Addictions
Chief Executive Officer, Innovation PEI
Chief Executive Officer, Island Waste Management Corporation
Chief Executive Officer, PEI Energy Corporation

Chief Executive Officer, PEI Housing 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
Provincial Government Liaison, UPEI Board of Governors
Senior Advisor, Medical Affairs, Health PEI
Executive Assistant to the Premier
Ministerial Assistants (10)