

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE MINISTER OF
TECHNOLOGY, INNOVATION AND CITIZENS' SERVICES

The Freedom of Information and Protection of Privacy Act

Ministerial Order No. M450

I, Deputy Minister of Technology, Innovation and Citizens' Services, order the following under s. 33.1(3) of the *Freedom of Information and Protection of Privacy Act*, R.S.B.C. 1996, c. 165:

1. The Ministry of Finance and the Ministry of Advanced Education may disclose the personal information found in Appendix "A" to this order outside of Canada through the internet.

Date

20 Dec 2014


Deputy Minister of Technology, Innovation
and Citizens' Services

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: Freedom of Information and Protection of Privacy Act, section 33.1(3)

Other: _____

DATE

O/R/L.og#/2XXX/XX

Appendix "A"

Government accepts findings of independent HR review

Friday, December 19, 2014 12:59 PM

VICTORIA - Government has received the report prepared by independent reviewer Marcia McNeil, LLB, today—a review of the process followed by the public service in responding to allegations of inappropriate conduct, contracting and data-management practices involving employees and researchers.

Ms. McNeil's report says the allegations required a broad-ranging investigation, but her review concluded that the investigation that was put in place did not at all times follow established best practices and the investigation did not align with existing procedures.

The review made 12 findings. Findings of particular concern include:

- The interviews did not always give an adequate opportunity for employees to provide a full and fair response.
- Because employees were told they would have an opportunity to respond to the Investigation Report... such opportunity should have been provided before a final decision regarding discipline was made.
- The inclusion of the ministry review team members on the investigation team did not meet best practices in that the investigation was not conducted with a suitably open mind.
- The decision-maker in this case would have benefitted from receipt of a written analysis of the case.... Had any of these documents been generated, some of the flaws found in the investigation may have been identified before the final decisions regarding employee dismissals were made.
- The nature of the investigation warranted consideration of the use of an external investigator with significant experience in complex investigations.

The government and Public Service Agency accept all the findings in the report and accept accountability for the findings. The Head of the Public Service Agency will identify and implement policy and process changes to improve how the public service responds to any future allegations of employee misconduct.

Addressing the issues identified in this report will help ensure public service managers and human resources professionals have the tools, training and appropriate instruction they need to appropriately investigate and respond to significant allegations of employee misconduct.

The purpose of Ms. McNeil's review was to look closely at the steps the public service took in response to employee misconduct allegations and the process taken to arrive at the termination decisions of the public service employees in the Ministry of Health.

In her review, Ms. McNeil identified the actions and events that took place during the investigation from the point at which the allegations were received through to the point at which the termination decisions were made; and she assessed the human-resource and investigation procedures and practices used in responding to the allegations.

The Deputy Attorney General received the report to assess it for legal issues and compliance with privacy legislation. The Deputy Attorney General provided the report to the Public Service Agency on Dec. 19, 2014.

In compliance with government's duties under the Freedom of Information and Protection of Privacy Act, the report is not available on the government website. It is available to media on request from Government Communications and Public Engagement. The Head of the Public Service Agency, Elaine McKnight, is available to comment on the report.

Contact:

Government Communications and Public Engagement
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