



Select Standing Committee on Finance and Government
Services

INTERIM REPORT ON STATUTORY OFFICES

August 2021



LEGISLATIVE ASSEMBLY
of BRITISH COLUMBIA

First Report
Second Session, 42nd Parliament



August 24, 2021

To the Honourable
Legislative Assembly of the
Province of British Columbia

Honourable Members:

I have the honour to present herewith the First Report of the Select Standing Committee on Finance and Government Services for the Second Session of the 42nd Parliament entitled *Interim Report on Statutory Offices*.

Respectfully submitted on behalf of the Committee,

Janet Routledge, MLA
Chair

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COMPOSITION OF THE COMMITTEE

Members

Janet Routledge, MLA, *Chair*
Burnaby North

Ben Stewart, MLA, *Deputy Chair*
Kelowna West

Pam Alexis, MLA
Abbotsford-Mission

Lorne Doerkson, MLA
Cariboo-Chilchotin

Megan Dykeman, MLA
Langley East

Greg Kylo, MLA
Shuswap

Grace Lore, MLA
Victoria-Beacon Hill

Harwinder Sandhu, MLA
Vernon-Monashee

Mike Starchuk, MLA
Surrey-Cloverdale

Committee Staff

Jennifer Arril, Clerk of Committees

Karan Riarh, Senior Research Analyst

Natalie Beaton and Jenny Byford, Committee Researchers

Stephanie Raymond, Committees Assistant



TERMS OF REFERENCE

On April 15, 2021, the Legislative Assembly agreed that the Select Standing Committee on Finance and Government Services be empowered to:

1. Examine, inquire into and make recommendations with respect to the budget consultation paper prepared by the Minister of Finance in accordance with section 2 of the *Budget Transparency and Accountability Act* (S.B.C. 2000, c. 23) and, in particular, to:
 - a. conduct public consultations across British Columbia on proposals and recommendations regarding the provincial budget and fiscal policy for the coming fiscal year by any means the Committee considers appropriate; and
 - b. prepare a report no later than November 15, 2021, on the results of those consultations.
2. Consider and make recommendations on the annual reports, rolling three-year service plans and budgets of the statutory officers, namely, the:
 - i. Auditor General
 - ii. Chief Electoral Officer
 - iii. Conflict of Interest Commissioner
 - iv. Human Rights Commissioner
 - v. Information and Privacy Commissioner
 - vi. Merit Commissioner

- vii. Ombudsperson
- viii. Police Complaint Commissioner
- ix. Representative for Children and Youth

3. Inquire into and make recommendations with respect to other matters brought to the Committee's attention by any of the aforementioned statutory officers.

That the Committee be designated as the Committee referred to in sections 19, 20, 21 and 23 of the *Auditor General Act* (S.B.C. 2003, c. 2) and that the report in section 22 of the *Auditor General Act* (S.B.C. 2003, c. 2) be referred to the Committee.

That, in addition to the powers previously conferred upon the Select Standing Committees of the House, the Select Standing Committee on Finance and Government Services be empowered to:

- a. appoint of its number one or more subcommittees and to refer to such subcommittees any of the matters referred to the Committee and to delegate to the subcommittees all or any of its powers except the power to report directly to the House;
- b. sit during a period in which the House is adjourned, during the recess after prorogation until the next following Session and during any sitting of the House;
- c. adjourn from place to place as may be convenient; and
- d. retain personnel as required to assist the Committee;

and shall report to the House as soon as possible, or following any adjournment, or at the next following Session, as the case may be; to deposit the original of its reports with the Clerk of the Legislative Assembly during a period of adjournment, and upon resumption of the sittings of the House, the Chair shall present all reports to the Legislative Assembly.



INTRODUCTION

The Select Standing Committee on Finance and Government Services (the “Committee”) is mandated by the Legislative Assembly to consider the annual reports, service plans and budgets of the province’s nine statutory officers. The Committee meets with each office in the fall to consider and make recommendations on budget submissions and in the spring to receive financial and operational updates. This interim report provides a summary of the updates and discussion at the 2021 spring meetings.

Spring Updates

Committee Members appreciate the comprehensive updates provided by all statutory officers and acknowledge the important work they and their staff undertake in support of Members of the Legislative Assembly and in service of British Columbians. The Committee particularly recognizes the challenges and complexities of the last year and how the COVID-19 pandemic highlighted the important contributions each office makes to promoting government accountability and transparency, and public trust.

The Committee also appreciates how statutory offices are using the pandemic experience to examine office arrangements and culture with a view to making permanent changes that support modernization of the workplace. Committee Members look forward to hearing how these efforts unfold, how they support staff, clients and other stakeholders, and how they may impact staff engagement and improve operational efficiencies.

Meetings Schedule

The Committee’s consideration of statutory office financial and operational updates took place at the following meetings:

2nd Session, 42nd Parliament

May 3, 2021

Organizational Meeting; Planning

May 26, 2021

Planning

June 21, 2021

Office of the Conflict of Interest Commissioner; Office of the Information and Privacy Commissioner and Registrar of Lobbyists

June 22, 2021

Office of the Merit Commissioner; Office of the Representative for Children and Youth

June 23, 2021

Office of the Police Complaint Commissioner; Office of the Auditor General; Office of the Human Rights Commissioner

June 24, 2021

Office of the Ombudsperson; Elections BC

July 22, 2021

Deliberations, Adoption of Interim Report



OFFICE OF THE AUDITOR GENERAL

The Office of the Auditor General presented its financial and operational update on June 23, 2021. In attendance were: Michael Pickup, Auditor General; Russ Jones, Deputy Auditor General; Sheila Dodds, Assistant Auditor General and Chief Financial Officer; John McNeill, Manager, Finance and Administration; and Elaine Hepburn, Executive Operations Lead.

To begin the office's financial update, the Assistant Auditor General informed the Committee that the office is actively recruiting for financial and performance auditors and a communications team as well as information technology specialists to support the office's transformation to cloud-based systems. As of the end of May, the office is forecasting to underspend their salary budget by approximately three percent due to vacancies.

In relation to current work arrangements, the Assistant Auditor General informed the Committee that most staff continue to work full-time from home with approximately 10 percent of staff working in the office. The office's goal is to have all Victoria-based staff work at least two days per week in the office starting in September. The office is creating a plan, to be implemented in January, that will address work arrangements on a permanent basis with a view to balancing remote and on-site work arrangements and leveraging technology and office space. The Assistant Auditor General noted that the office also currently provides space to the Office of the Human Rights Commissioner and is set to increase the working space

available to that office later this year. The office has also reached out to the Ministry of Citizens' Services for input on how to better use and share their office space.

Committee Members asked for more information regarding future work arrangements. The Auditor General indicated that a review of work arrangements began earlier this year and any plan going forward will take a human-centered approach that takes into consideration the needs of staff and external clients. He emphasized that the office is examining ways to modernize the workplace in a way that works for everyone and that there likely will not be a one-size fits all solution.

With respect to performance auditing and reporting, the Assistant Auditor General noted that the office completed 40 audit opinions on public sector financial statements, six performance audit reports, and three information reports in the 2020-21 fiscal year. For the current fiscal year, the office has delivered three performance audits to date. Additionally, in March, the office provided a unique status report on 10 performance audits, some of which were postponed; work on four of the postponed audits will begin again later this year and are scheduled to be reported on in 2022-23. In response to the Committee's inquiry of the delayed audits, the Auditor General explained that several of the audits were delayed at the request of government due to the impact of the pandemic on workload and that the delay was factored into the 2021-22 budget request. The office is also currently working on a new

strategic plan and intends to release both a new service plan and strategic plan in September.

The Assistant Auditor General further discussed the establishment of an external thought leadership group comprised of five individuals with diverse backgrounds. This group will provide perspectives and input on a variety of issues to the office. In response to Committee questions about the intent of the group, the Auditor General clarified that the external thought leaders would not be making decisions but would be providing insight on issues from different perspectives, such as diversity, inclusion, or geography.



OFFICE OF THE CONFLICT OF INTEREST COMMISSIONER

Victoria Gray, Q.C., Conflict of Interest Commissioner, appeared before the Committee on June 21, 2021. The Commissioner was joined by the office's Executive Coordinator Carol Hoyer.

As described in the *Member's Conflict of Interest Act*, the Conflict of Interest Commissioner assists Members with understanding conflict of interest rules and financial disclosure requirements, and responds to complaints or requests from Members or the public. Additionally, the Commissioner reported that the office works with comparable offices across Canada to coordinate the development of best practices.

With a budget of \$734,000 for the 2020-21 fiscal year, the office is the smallest statutory office. The Commissioner noted that the most recent budget report is still in draft form; however, she anticipates a savings of approximately \$102,600 as travel and professional services costs were lower due to the pandemic. The most significant budget costs are salaries and benefits which allow for a total of 3.35 FTEs. Discretionary expenses, such as rent for office space, remain low.

The Commissioner addressed the concern of budget predictability which the Committee inquired about in February as part of the annual review of budget estimates for the 2021-22 fiscal year. Due to the nature of the work, the Commissioner noted additional resources could be required depending on the type and number of complaints or requests. The Commissioner provided examples from 2001 when the office required legal counsel to conduct an investigation and 2016 when a

challenge proceeded to judicial review. In both instances, additional funding was sought beyond the forecasted budget. While it is difficult to predict as it depends on the issues that may arise, the Commissioner estimated additional funding may be necessary an average of every five years.

Regarding the routine work of the office, the Commissioner reported that meetings with all 87 Members on 2021 financial disclosure obligations were complete. In 2020, this annual process was dissolved at the time of the election call and the office used the opportunity to revise and update bulletins on sponsored travel and letters of reference and support, as well as create a new bulletin on responsibilities for Members post-political office. The office next plans to implement technical upgrades to existing financial disclosure forms. Additionally, the office continues to work collaboratively with other statutory offices and agencies on issues of common concern, such as the Statutory Officers' Committee on the implementation of the *Declaration on Rights of Indigenous Peoples Act*.

For the first five months of 2021, the office reported receiving 59 requests from Members for advice. Comparably, this accounts for over 75 percent of all requests received in 2019 and 2020 which totaled 75 and 76 requests, respectively. The Commissioner attributes the 2021 increase to the large number of new Members and Members new to Cabinet or Parliamentary Secretary roles. To date, the office has only received two public requests for inquiries compared to nine in

2019 and 11 in 2020; neither of the requests met the required threshold to conduct an inquiry or investigation.

In consideration of the changing COVID-19 environment and anticipated ease of restrictions, the office does not expect any changes in work or budget. The Commissioner reported that the office positively adapted to remote work and will continue to conduct a significant amount of work remotely and use the office space at Menzies Street as needed. Moving forward, it is anticipated Members will have the option of attending annual meetings in person or virtually and that many will choose the virtual option.



ELECTIONS BC

On June 25, 2021, Elections BC presented its financial and operational update. In attendance were: Anton Boegman, Chief Electoral Officer; Yvonne Koehn, Deputy Chief Electoral Officer, Corporate Services; and Charles Porter, Deputy Chief Electoral Officer, Electoral Finance and Operations.

The Chief Electoral Officer informed the Committee that his office is currently completing a number of activities related to the 42nd provincial general election on October 24, 2020. This includes: conducting reviews and audits of election finance reports; consolidating and repackaging returned election supplies; preparing and producing the final election voters list with voter participation statistics; and conducting ongoing investigative and compliance reporting work. The Chief Electoral Officer stated that these activities will be successfully completed within budget. He also shared that Elections BC has completed over 50 percent of campaign finance reviews and paid out over \$4.2 million in eligible election expense reimbursements to candidates and registered political parties.

In response to questions about the impact of an on-demand election, the Chief Electoral Officer stated that the legislation provides for different timelines for some processes for an on-demand versus scheduled election in recognition of the varying impact with respect to organization and planning for both Elections BC and for participants. This includes a longer campaign period as well as extended dates for finalizing nominations.

Following the election, Elections BC shared its experience with administering a pandemic election with local governments in BC as well as with local governments and agencies in other provinces and internationally. The Chief Electoral Officer noted that this information sharing, learning, and collaboration is important for electoral management bodies. Additionally, the office reached out to local governments with pending by-elections to offer the use of COVID-19 safety barriers that were set up in provincial voting places.

The Chief Electoral Officer also provided an update on the implementation of recent amendments to the *Election Act* to modernize voting processes. The office is developing electronic voting book software and updating voting and counting procedures to reflect the use of technology in voting places. Work also continues on the development of the necessary regulations to bring these changes into effect.

The Chief Electoral Officer further provided an update on the capital spending plan. Elections BC reported progress on its three strategic capital priorities for this fiscal year, including: improvements to the vote-by-mail, and voting results recording and reporting systems in support of voting modernization; the development of an online client portal for candidates and parties to file nominations; and several improvements to the online voter registration service and corporate electoral information system.

Another area of discussion was the upcoming Electoral Boundaries Commission which must be established before October 24, 2021. The Chief Electoral Officer stated that the Commission's work could have a significant impact on Elections BC should electoral boundaries change, particularly with respect to the production of electoral maps and boundary data that underlies reporting systems. Once the Chair of the Commission is appointed, the Chief Electoral Officer will be putting forward a recommendation that Elections BC provide administrative support to the Commission. He noted that this was the model used for the last Commission and achieved savings while ensuring the integration of information and data from the Commission's work is transferred easily into Elections BC's map products and election management systems. In response to Committee questions, the Chief Electoral Officer clarified that the budget for the Commission falls under other appropriations and is not brought to the Select Standing Committee on Finance and Government Services.

To conclude his presentation, the Chief Electoral Officer discussed the office's work arrangements in relation to the pandemic as well as its return to work plan for when public health restrictions are eased. He explained that due to the nature of Elections BC's mandate, it maintained an in-person front desk service presence since September 2020 and staff have been working in the office in support of operational requirements. During the election, approximately 85 percent of staff returned to work in person and an additional 203 temporary staff were hired to work in person to support the administration of vote by mail. The office indicated that it plans to develop a new permanent flexible workplace model that includes both in-person and remote work arrangements.



OFFICE OF THE HUMAN RIGHTS COMMISSIONER

On June 23, 2021, Kasari Govender, Human Rights Commissioner, presented her financial and operational update to the Committee. The Commissioner was accompanied by Deputy Commissioner Stephanie Garrett and Chief Financial Officer Dianne Buljat.

The Commissioner reported that the office has grown to a team of 35 employees across four regions (Victoria, Vancouver, Kelowna and Prince George) of the province, 28 of whom hold permanent positions. Tenant improvements to the permanent office space in Vancouver were recently completed under budget by \$135,000 in operating costs and \$206,000 in capital costs; the office will fully reopen in September per public health guidance. Due to the delays in hiring and operational implications from COVID-19, the office returned \$1.127 million to the consolidated revenue fund in 2020-21; the Commissioner does not expect this same level of return for the 2021-22 fiscal year as staff positions are expected to be filled and programs will increase.

With respect to public engagement, the Commissioner emphasized the importance of fostering empathy and educating British Columbians on their individual roles with respect to human rights. In addition to engagement over phone, email and social media, she described activities the office has undertaken over the last year, including speaking events, virtual keynotes, and online workshops, as well as campaigns on confronting biases and human rights. The office

has also provided guidance and resources specific to COVID-19 related issues and is currently working on releasing guidance about the human rights implications of vaccination proof requirements.

Committee Members inquired about plans related to engaging and educating employers on their responsibilities. The Commissioner confirmed that this work is underway, and that the office recently piloted a workshop on human rights. She expects that there will be a high level of interest from employers given that the largest number of complaints before the Human Rights Tribunal are employment related. The Commissioner also shared that she has been speaking and doing keynotes with employers and expects that these will continue.

The Commissioner also reported progress on specific goals for Indigenous engagement. The office has met with a number of First Nations communities and Indigenous organizations and is on track to meet its goal of meeting with all 200-plus First Nations communities, and Indigenous and Métis organizations over the next five years. The Commissioner informed the Committee that the office has signed protocol agreements or MOUs with both the First Nations Leadership Council and the First Nations Education Steering Committee and hosted a virtual engagement session with Elders in April.

As part of the office's educational mandate, it is centralizing information from the websites of the Ministry of Attorney General and BC Human Rights Tribunal to ensure legal

information is available in an approachable and accessible format for employers and employees, landlords and tenants, and service providers and service users. The Commissioner additionally described work with the BC Human Rights Tribunal and the BC Human Rights Clinic on improving access to the human rights justice system through changes to service delivery and standardization of data. She further described knowledge sharing with other offices across the country on practices and emerging human rights issues, and reported that she has been named the Vice-Chair of the Canadian Association of Statutory Human Rights Agencies, the umbrella organization for human rights offices in Canada.

Committee Members asked about the office's comparability to other human rights organizations in Canada. The Commissioner explained that the BC office is different in that the Commissioner reports directly to the Legislative Assembly while most other offices in Canada are part of government, and that the focus of her office's work is systemic rather than adjudicative. She also noted that the BC office has a mandate to promote compliance with international human rights law.

With respect to inquiries and interventions, the Commissioner informed the Committee that she has made her first application to intervene in a judicial proceeding as a third party in the case of *Harvey vs. Gibraltar Mines Ltd* in relation to the test for family status discrimination. She explained that the Commissioner has this power to assist decision makers with understanding the systemic implications of a particular case. In response to questions about potential outcomes of intervening in this case, the Commissioner explained that family status discrimination typically deals with matters involving accommodations for caregiving responsibilities. She indicated

that the focus is assisting the judge with understanding the broader implications that the case may have on the test for family status discrimination in BC.

The office has also assumed administration of special programs that used to reside with the Human Rights Tribunal; a special program is any program that's adopted by an employer, housing provider or service provider to improve the conditions for an individual or a group that has faced disadvantage. Since February, the office has received 26 applications for new or renewed programs and approved 25 of them.

The Commissioner additionally reported that the office's evaluation plan is nearing completion. The plan will have key performance indicators that will help ensure the office is meeting its commitments and demonstrating progress. The Commissioner noted that this plan is integral to strategic planning and that evaluation has been built into every aspect of their work.

The Committee asked the Commissioner to speak more about what is meant by systemic discrimination and how the term is understood. The Commissioner described systemic discrimination as not about intent, necessarily, of any individual person, but rather about how laws, policies and practices operate. She acknowledged that there is a growing understanding of systemic discrimination and a continued need to raise public awareness of biases, and that individuals may experience potential defensiveness or shame when faced with the issue.



OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER AND REGISTRAR OF LOBBYISTS

The Information and Privacy Commissioner and Registrar of Lobbyists, Michael McEvoy, appeared before the Committee on June 21, 2021. The Commissioner was accompanied by Deputy Commissioners oline Twiss and Jeannette Van Den Bulk, as well as Dave Van Swieten, Executive Director of Corporate Shared Services.

The Commissioner informed the Committee that for the 2020-21 fiscal year, the office used nearly the full budget allocation with small, estimated surpluses of \$276 in the operating budget and \$1,405 in the capital budget. Increases in both operational and capital spending were approved for the 2021-22 budget to allow the office to cover increased service demand, contract technical expertise for complex technology investigations, oversee compliance with the new amendments to lobbying legislation, and prepare a transition to an updated case file management system.

The Commissioner reported that the COVID-19 pandemic created new issues for privacy and access to information operations with many public bodies finding it challenging to access hard copy files and therefore meet their freedom of information obligations. As such, the office adapted to temporarily allow a 30-day extension at the beginning of the pandemic. The office continues to respond to public and media inquiries about how privacy statutes apply during the pandemic, and while a restructured work environment was an

initial challenge, the office maintained continuity of service to the public and processed an equivalent volume of files as in previous years.

The COVID-19 pandemic has also raised issues of protecting personal information. The Commissioner provided the example of vaccine passports and noted that the office has been engaged with national, international, and other provincial regulatory bodies to ensure any such tool respects privacy and human rights. In response to questions about potential challenges with a vaccine passport, the Commissioner emphasized the importance of protecting personal information and ensuring trust and confidence in the design and architecture.

The Commissioner expanded on collaboration, noting that the office plays a prominent and respected role on the international stage as the secretariat for the Asia Pacific Privacy Authorities. At the recent 55th forum held in June 2021, the impact of COVID-19 on privacy, as well as issues of biometrics, facial recognition technology, and global interoperability in data protection, was discussed. The office will host the 56th forum virtually this upcoming December. The Commissioner highlighted that this work is of particular interest to British Columbians as both public and private sector legislation in BC are in the process of legislative review.

The Commissioner also discussed two joint investigative reports. Partnering with the Privacy Commissioner of Canada and

Commissioners in Quebec and Alberta, the office released a joint investigative report on Clearview AI's use of facial recognition technology in February 2021. Clearview AI developed technology that collected over three billion online images and allowed law enforcement and commercial organizations to match photographs of unknown people, including Canadians and children, against those images. The four Commissioners found Clearview AI's actions to be in clear violation of the privacy rights of Canadians and they are continuing work to bring the company into compliance with Canadian privacy laws. The privacy regulators are also developing guidance for the use of facial recognition technology by law enforcement. The office also collaborated with BC's Ombudsperson and Yukon's Ombudsman, Information and Privacy Commissioner and Public Interest Disclosure Commissioner on a joint investigative report addressing the use of artificial intelligence and challenges to privacy in the public sector, and providing best practices and guidance for public bodies implementing artificial intelligence.

Additionally, the office released a review of the privacy management practices of private sector liquor and cannabis retailers. The Commissioner shared that the sector was chosen for an audit and compliance review because of the type of personal information they collect, including driver's licenses, facial recognition images, and thermal temperatures during the pandemic; the Commissioner noted media stories of the issue and that the office received calls of concern regarding the sector's use of data.

Regarding public and stakeholder education, the Commissioner highlighted the office's participation in Privacy Awareness Week and a new speaker series initiative. The first virtual speaker presentation reached an audience of nearly 200 attendees and the office has made the series available on its YouTube channel.

With respect to the work of the Office of the Registrar of Lobbyists, the Commissioner reported that the office experienced a 300 percent increase in individual requests for information about lobbying rules and the registry. With the increase to their 2021-22 operational budget, the office is in

the process of hiring a compliance officer and an education and research analyst to increase public education of, and compliance with, the recent changes to the lobbying rules. The Commissioner also shared that the office published three guidance documents since February 2021 providing information on updates to the registry's funding disclosure requirements, guidance for those new to the registry, and guidance for those lobbying provincial entities, such as government corporations. The office additionally distributed a newsletter to highlight the new resources and participated in three sector-specific virtual speaking events. Looking ahead, the office will host the annual meeting of federal, provincial and territorial lobbying commissioners at the end of September to exchange best practices in education, compliance, and enforcement.

In response to questions about operations during the COVID-19 pandemic, the Commissioner reported that the majority of staff continue to work remotely, though the office's leadership team is in the process of assessing the short, medium and long-term operational needs of the workforce. The office is considering the view of all staff relating to office sharing and remote work and will provide a detailed report for the Committee in the fall.



OFFICE OF THE MERIT COMMISSIONER

The Office of the Merit Commissioner presented its financial and operational update on June 22, 2021. In attendance were Maureen Baird, Q.C., Merit Commissioner, and Dave Van Swieten, Executive Director of Corporate Shared Services.

The Commissioner first provided an overview of the office's responsibilities which includes: conducting random audits of appointments to and within the BC public service; acting as the final level of review for appointment decisions at the request of unsuccessful employee applicants; and reviewing processes related to eligible just cause dismissals of BC public service employees. To fulfill this mandate, the office consists of four full-time and two part-time employees as well as the position of Merit Commissioner which is a part-time appointment. The Commissioner highlighted how her office's work overseeing merit-based hiring contributes to ensuring a qualified and professional public service, confidence in the hiring process, and public trust in appointments to the BC public service.

With respect to just cause dismissal reviews, the Commissioner shared that the office has reviewed 19 cases to date. She noted that the office has been able to manage the additional workload of dismissal reviews through adjustments to the hours for part-time staff and use of contracted resources. In response to a question from the Committee, the Commissioner indicated that this approach has resulted in an estimated surplus of \$230,000 for the 2020-21 fiscal year as one budgeted position was not required.

The Commissioner also indicated that the office anticipates an increase of staffing review requests as it has already received more requests to date in the current fiscal year than during the entirety of the 2020-21 fiscal year. The Committee probed further into anticipated workload and also asked about potential repeated requests for reviews from the same individual. The Commissioner noted that it is difficult to determine if the increase is a trend as the office experiences varying numbers of requests year to year. As it relates to repeat reviews, the Commissioner stated that this would not be viewed as an issue as the requests are eligible for review and reviews of different competitions may feature different circumstances.

The Commissioner concluded her presentation by discussing the office's return to work plan following the lifting of the pandemic restrictions. The Commissioner noted that the current remote work arrangements had little impact on the office's work and these arrangements will continue into the fall. For the return to work plan, the office is considering various models and will evaluate those in the context of the nature of the work and the needs of the office and the technological supports that are available.



OFFICE OF THE OMBUDSPERSON

The Ombudsperson, Jay Chalke, Q.C., appeared before the Committee on June 24, 2021. He was accompanied by: John Greschner, Deputy Ombudsperson for Public Interest Disclosure and Public Authority Consultation and Training; Zoë Jackson, Manager of Systemic Investigations; and Dave Van Swieten, Executive Director of Corporate Shared Services.

To begin his presentation, the Ombudsperson informed the Committee that the office is projecting a surplus of \$75,000 in the 2020-21 fiscal year which is less than one percent of the office's operating budget of \$9.366 million. He also outlined his office's main functions and processes with respect to promoting fair public administration and noted that in the 2020-21 fiscal year, the office received over 7,700 complaints and inquiries, 650 of which were related to public administration changes related to COVID-19. In response to questions about the increase in complaints, the Ombudsperson explained that the profile of complaints is different due to the pandemic.

The Ombudsperson highlighted recent reports by the office including an investigation into the use of separate confinement in two youth corrections facilities and an investigation into incorrectly tabulated grade 12 final exam marks. Additionally, the office developed three best-practice guidance publications including a special joint report in relation to the use of artificial intelligence in public sector decision-making with BC's Information and Privacy Commissioner and Yukon's Ombudsman, Information and Privacy Commissioner and Public Interest Disclosure Commissioner. The Ombudsperson

also informed the Committee about the office's proactive fairness work with public bodies and shared that demand and requests for consultation from public bodies continues to be high.

In discussing the office's work on fair public administration, the Ombudsperson noted that ICBC received the most complaints in 2020-21. The office anticipates that complaints will increase with ICBC's new no-fault insurance model which brought ICBC disputes under the office's jurisdiction. The Ombudsperson noted that, to date, the office has been able to handle the increased workload with one additional staff member who has been hired to address ICBC-related complaints. In response to Committee inquiries about ICBC complaint volumes, the Ombudsperson noted that high complaint volume is not necessarily an indicator about the quality of a public body; rather it could be reflective of the size of the organization and the volume of interactions they have. The Ombudsperson further explained that his office monitors complaint trends for emerging issues and uses this information to inform targeted support provided to public bodies.

With respect to investigative responsibilities under the *Public Interest Disclosure Act* (PIDA), the Ombudsperson noted that the office dealt with 118 matters under PIDA in the last fiscal year. He highlighted that government intends to expand PIDA to the broader public sector in phases, and the office is awaiting a decision on the timing and rollout of those phases.

The Ombudsperson also touched on progress on the office's Indigenous community services plan. He shared that the office has conducted nine engagement sessions with service providers, five sectoral roundtables and four focus groups. Topics discussed at these sessions included: how to incorporate Indigenous traditional laws and complaint-handling knowledge into his office's practices; how to effectively communicate and engage with Indigenous peoples both on- and off-reserve; and how to adapt resources and practices to ensure that his office is providing the most culturally-safe and appropriate service to Indigenous peoples. Due to the pandemic and recent confirmations of unmarked graves at former Indian residential schools, the consultation work in this area has been paused and the office has turned its attention to building staff knowledge and capacity in this area. Committee Members sought clarification on funding and resources for the Indigenous community services plan. The Ombudsperson confirmed that an Indigenous liaison officer was hired the previous fiscal year and continues into the current fiscal year, and that an additional \$150,000 was allocated this year to support consultations which the office expects to fully spend.

The Ombudsperson further provided an update on the replacement of the joint case management system for his office, and the offices of the Police Complaint Commissioner, Merit Commissioner, and Information and Privacy Commissioner and Registrar of Lobbyists. So far, the contract has been completed with the successful proponent of the request for proposals process and a project manager has been put in place to lead the implementation of the replacement. The Office of the Ombudsperson will be the first office to implement the new system and it is currently engaging staff in a development workshop. The Ombudsperson informed the Committee that budget adjustments related to the project have not been required at this time.

To conclude his presentation, the Ombudsperson discussed the office's work arrangements in light of the pandemic. The office continues to use a remote work model and senior management and operational teams are currently determining how the workplace will adapt once the pandemic-related restrictions are eased.



OFFICE OF THE POLICE COMPLAINT COMMISSIONER

On June 23, 2021, Clayton Pecknold, Police Complaint Commissioner, presented his financial and operational update. Also in attendance were: Andrea Spindler, Deputy Commissioner; Amie Foster, Executive Director, Operations; and Dave Van Swieten, Executive Director, Corporate Shared Services.

The Commissioner started his presentation with an overview of the office's role in providing oversight of the disciplinary process for police officers, emphasizing that the office is not an investigative agency. He particularly highlighted limitations the office faces in how it can intervene in different proceedings and how this contributes to inefficiencies and a lack of timeliness for some processes. He described opportunities for legislative reform to address some of these issues, including the ability to call a public hearing earlier in the process and the ability to undertake systemic reviews.

Committee Members inquired further about legislative constraints within the complaints process. The Commissioner noted that the current legislation is complex and confusing and that the Special Committee to Review the Police Complaints Process made recommendations in 2019 aimed at improving efficiency and timeliness and that another special committee is currently examining modernization of the *Police Act*. While indicating that broader changes to the legislation are necessary, he stated that smaller changes could be made in the interim to address some of the challenges within the existing legislation.

As it relates to complaints, the Commissioner shared that the office continues to see an increase in the number of complaints and the number of reportable injuries (e.g. injury resulting from use of force). With respect to the reportable injuries, he explained that police are required to report these and that they do not always result in an investigation; for certain thresholds, such as death or serious injury, there is a requirement to investigate. The office also continues to take a "no wrong doors" approach to intake and facilitates contact with appropriate agencies when the office receives a matter outside of its jurisdiction.

Another area of ongoing work is the collection of race-based data. The office has been reviewing and incorporating learnings from the Human Rights Commissioner's *Disaggregated demographic data: The grandmother perspective* report. The Commissioner further noted that a pilot project involving the contracting of an Indigenous cultural safety advisor to provide support and advice with respect to complaints that involve an Indigenous person has been positive and will also continue.

The status of the Surrey municipal police service was another topic of conversation. The Commissioner shared that the office has a contracted resource reaching out to the planners of the police service; to date, 40 police officers have been hired along with some civilian staff with a soft launch expected this fall. The Commissioner stated that the office is approaching this transition iteratively and will revise and update its plans based on the best available data at the time. Committee Members

asked for more information about outreach. The Commissioner informed the Committee that the police board has been responsive and that his office will continue to support and work with the board as the police service hires and develops its policies and programs with the aim of preventing misconduct.

With respect to working arrangements, the Commissioner informed the Committee that staff have adapted well during the pandemic and that the office will be incorporating learnings from this experience into the future work environment. He shared that the office has outgrown its physical space and is looking at options for space in Vancouver while also acknowledging that some functions could shift to being fully remote. He anticipates coming back to the Committee in the fall with more information about the long-term plan for physical space and work arrangements.

The Commissioner also provided an update on hiring, noting that the office is in the final stages of signing offers of employment for new analysts. The office took a broad approach to the competition, including going to non-traditional organizations in search of interested individuals, as well as adding preferred qualifications with respect to experience working with vulnerable populations and racialized communities, and experience with trauma-informed approaches. The Commissioner stated that the office continues its move toward a predominantly civilian organization (90 percent of applicants in the recent competition have no prior policing experience) while noting that some individuals with policing investigative experience will continue to be required for complex investigations. In response to questions about resourcing in the coming months and years, the Commissioner shared that the office is focused on putting resources in place to receive and process matters based on current projections; however, there is some uncertainty with respect to the outer years. He emphasized the need to recruit, onboard and train analysts as well as put systems and supports in place to prepare analysts for work.



OFFICE OF THE REPRESENTATIVE FOR CHILDREN AND YOUTH

On June 22, 2021, Dr. Jennifer Charlesworth, the Representative for Children and Youth, appeared before the Committee to present her office's financial and operational update. She was accompanied by: Samantha Cocker, Deputy Representative for Advocacy and First Nations, Métis and Inuit Relations; Alan Markwart, Acting Deputy Representative for Operations; Dianne Buljat, Chief Financial Officer; and Jeff Rud, Executive Director, Strategy and Communications.

The Representative outlined the office's mandate which includes: assisting children, youth, and their families in dealing with child- and youth-serving systems; advocating for improvements to those systems; and providing oversight of the Ministry of Children and Family Development and other public bodies that deliver services and programs to children and youth. The Representative noted that the office completed the 2020-21 fiscal year with a surplus of \$441,460 due to pandemic-related savings in travel and office expenses. She also highlighted that the office continues its agreement for shared financial, human resources and IT services with the Office of the Human Rights Commissioner.

In the 2020-21 fiscal year, the office received a record high of 4,525 reports of critical injuries and deaths of which 1,883 were determined to fall within the office's mandate—a 42 percent increase over the previous fiscal year. The Representative informed the Committee that she expects to see further increases as health authorities begin to report critical injuries and deaths in relation to mental health and addiction services

for children and youth. She explained this continued growth in the number of reports has caused some challenges with respect to workload and that this has partly been addressed by using the savings from the Burnaby office closure to hire additional staff. The Representative also noted that the advocacy cases have become increasingly complex in recent years and require longer involvement by advocates, contributing to increasing caseloads. In response to questions about the increase in reports of critical injuries and deaths, the Representative indicated that this is a result of multiple factors, including better awareness and reporting, and the complexity of multiple issues impacting young people such as gang affiliation, sexual exploitation, mental health, and drug toxicity.

The Committee inquired further about the office's process for handling cases. The Representative explained that analysts review each report of a critical injury or death to determine if it falls into the office's mandate. The cases that are in-mandate are then reviewed by the leadership team to determine next steps. This could include: referral to the office's advocacy team for follow up; a comprehensive review which takes approximately three to four months; or a full investigation which takes on average two and a half years.

The Representative also reflected on the office's strategic priorities over the next 18 months, particularly with respect to Indigenous child welfare and supporting the resumption of child welfare jurisdictions by First Nations, Métis and Inuit communities. She noted that the office has established strong

working relationships with Indigenous leadership and engages with Indigenous communities, agencies, and service providers at the grassroots level. The office also used the funding from the Burnaby office closure to obtain specialized legal services on Indigenous child welfare, an expert knowledge keeper, and Elder services. Other strategic priorities include: children and youth with special needs; mental health and substance use services for children and youth; transitional support services; residential services for children and youth; children's rights; and early support and intervention services.

The Representative further highlighted that the office's advocacy jurisdiction recently expanded to include young adults aged 19 to 23 years who are eligible for agreements with young adults and the tuition waiver program. The Representative explained that the pandemic has impacted the office's work in this area with respect to conducting in-person outreach, education, and engagement. As such, the office pivoted to online outreach and engagement which has been effective at increasing accessibility for some; however, the Representative explained that online engagement is inappropriate or inaccessible for some groups and that the office will resume in-person engagement in September while continuing with online outreach and engagement efforts, including being more creative in going to and connecting with youth in different places in the community.

As it relates to the pandemic and work arrangements, the Representative noted that the office has permanently moved to voluntary remote and decentralized working arrangements for staff with hub operations in Victoria, the Lower Mainland, Prince George, and Kelowna. Looking forward, she expects that flexible work arrangements will continue, with most staff continuing to work remotely, at least on a part-time basis. Committee Members inquired about the impact of remote work arrangements on connection and coaching. The Representative shared that the office put in place several mechanisms to create opportunities to maintain and improve connection, including having more frequent all-staff gatherings, establishing working teams, and creating opportunities for staff to work and get to know one another in smaller groups.

