



April 30, 2018

Mr. Jay Chalke  
Ombudsperson  
Province of British Columbia  
PO Box 9039 Stn Prov Govt  
Victoria BC V8W 9A5

Dear Mr. Chalke:

RE: Final Report on Implementation of Misfire Recommendations

I am writing to you in response to recommendation 41 in your April 2017 report *Misfire: the 2012 Ministry of Health Employment Terminations and Related Matters*, which called on government to provide a written status report on the implementation of the report's recommendations.

On April 7, 2017, government responded to each of the 41 recommendations in *Misfire*. On the same day, government announced it had engaged the Honourable Thomas Cromwell to administer a reparation process and monitor the implementation of the recommendations. An unqualified and comprehensive apology was extended to all those adversely affected by the Public Service conduct described in the report.

The Public Service's commitment to address and implement each of the recommendations has not wavered since the report's release. The first status update on progress toward delivering on the recommendations was posted to government's web site on October 5, 2017. A second update was posted January 30, 2018.

I can now report that the Public Service has delivered on 39 of the 41 recommendations in the *Misfire* report. In the appendix to this letter, I have provided more detailed information about each of the recommendations. I trust it will meet with your satisfaction. Work is still underway on two recommendations:

- Recommendation 6, which calls on government to revisit the BCGEU settlements resulting from the events of 2012. As agreed to by all the parties last spring, the

Honourable Thomas Cromwell is reviewing employee submissions and will make his recommendations to government. We anticipate receiving these recommendations in the coming weeks. Though government's actions are complete, government will consider this recommendation underway until the process of reparation it contemplates is complete.

- Recommendation 33, which calls on the Ministry of Health to develop and implement an organizational reconciliation program. The program, created with the participation of all employees in the Ministry of Health and aimed at charting a path toward re-establishing respectful, professional relationships within a vibrant workplace, has been launched and will culminate in the delivery of a final report.

The events of 2012, and the resulting toll they took on the lives of the individuals impacted by them, demanded meaningful changes to policies and processes in government. Under the twenty-four recommendations aimed at addressing the systemic factors that contributed to the events described in the Misfire report, we have implemented a comprehensive suite of necessary legislation, policies, procedures and programs. These include:

- Introduction of public interest disclosure legislation, for consideration by the Legislative Assembly, to provide for the reporting, assessment, fair investigation, and resolution of allegations about wrongful conduct within the BC government;
- Introduction of legislation, for consideration by the Legislative Assembly, to expand the role of the Merit Commissioner to review just cause dismissals in the Public Service;
- Standards and clear accountabilities for public service investigations;
- Policy and practice changes to ensure appropriate steps are taken, including considering labour relations and legal advice, prior to just cause termination decisions;
- Clear guidelines to support employees and managers in assessing whether a real or perceived conflict of interest exists;
- Policies regarding internal and external communications about personnel matters, and communications about police referrals; and
- Appointing a member of each ministry's executive as an Ethics Advisor to provide leadership and guidance to employees on questions of ethics that arise.

Though we have actioned all the recommendations there is still significant work to do. The legislation introduced to provide for public interest disclosure and review of just cause terminations, if passed by the Legislative Assembly, still requires extensive work to bring it fully into force. In addition to the individual reparations recommended in the Misfire report, the Hon. Thomas Cromwell, as provided for in his terms of reference, continues to consider submissions from impacted individuals to inform his recommendations to government for additional ex gratia payments to be made in the

coming weeks. Organizational reconciliation in the Ministry of Health will require sustained effort and long term commitment to fully realize its goals.

The Public Service has a responsibility to treat its employees with professionalism and respect, and as described in the Misfire report, we fell far short of acceptable standards. Once again, on behalf of the Public Service, I offer a heartfelt and unqualified apology for the harm caused to the impacted individuals and those closest to them. I remain acutely aware that an apology cannot erase the harms caused by the events described in the Misfire report. I do hope, however, that the systemic changes and reparations will in some small way lessen the effect.

The Honourable Thomas Cromwell has, in his monitoring reports, noted the professionalism of the public servants working to address the Ombudsperson's recommendations. I would also like to thank the dozens of individuals across multiple ministries who have worked so diligently on this important effort over the last year. The seriousness with which they took up the challenge is deeply appreciated and embodies the positive culture shift we strive for as we learn from the mistakes of the past.

In closing, please be assured that work will not stop with the completion of the recommendations. I take very seriously my responsibility to see that the Public Service better equips public servants to meet the standards of integrity we must expect of those who serve our Province, and to ensure that such tragic events could never happen again. To this end, the work to change practices and develop a strong culture of trust and respect across the Public Service will continue with the focus and attention it deserves.

Yours sincerely,



Don Wright  
Deputy Minister to the Premier, Cabinet Secretary  
and Head of the Public Service

**Individual Reparations - Recommendations Pertaining to Employees, Contractors and Researchers**

Rec #	Implementation Status
R1, R2, R3(a), R4(b), R5, R14	<p><b>Complete.</b> All specified ex gratia payments were made as recommended by the Ombudsperson.</p>
R3 (b)	<p><b>Complete.</b> R3(b) For each of the individuals, the direct financial impact has been reversed and the disciplinary findings removed from their employment records. This has been confirmed by the Deputy Minister of the Public Service Agency. The Hon. Thomas Cromwell is continuing to follow up with the individuals and may recommend additional reparations.</p>
R4(a)	<p><b>Complete.</b> R4(a)i: The compensation fund was established on July 17, 2017. R4(a)ii: The Ministry of HLTH sent letters to impacted individuals on May 12, 2017 seeking their consent to share their contact information with the Hon. Thomas Cromwell for the purposes of inviting them to participate in the reparation process. The Hon. Thomas Cromwell contacted the individuals who provided their consent to advise them of the process to apply to access the fund. In addition, the Hon. Thomas Cromwell took steps to contact other individuals who might be eligible but who were not initially identified. The Hon. Thomas Cromwell provided his recommendations to government on the fair and equitable distribution of the fund; government accepted and implemented the recommendations.</p>
R6	<p><b>Underway.</b> The parties agreed to refer this matter to the Hon. Thomas Cromwell to be addressed; his <a href="#">terms of reference</a> were amended accordingly. The parties have made their submissions to the Hon. Thomas Cromwell for his consideration. We anticipate receiving these recommendations in the coming weeks.</p>
R7	<p><b>Complete.</b> On April 6, 2017, the then Head of the Public Service offered an unqualified and comprehensive apology to all who were adversely affected by the public service conduct as part of <a href="#">government's statement</a> on receiving the Ombudsperson report.  On May 31, 2017, a second <a href="#">public statement</a> expanded on the apology and confirmed the Public Service would be addressing the recommendations. The statement also confirmed the engagement of the Hon. Thomas Cromwell to monitor and oversee progress, and to facilitate and administer a reparation process for individuals impacted by the events recounted in the Ombudsperson's report.</p>
R8, R9, R10, R13	<p><b>Complete.</b> Letters of apology were sent to the individuals.</p>

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R11	<p><b>Complete.</b> In May 2017, individuals reviewed the contents of the boxes and items were returned.</p>
R12	<p><b>Complete.</b> The Office of the Comptroller General issued a <a href="#">public statement</a> on June 29, 2017 confirming its response to R12 and R13.</p>
R15	<p><b>Complete.</b> On July 17, 2017 the Ministry of Finance transferred \$500,000 to the University of Victoria to fund the endowment.</p> <p>The University of Victoria, in consultation with Mr. MacIsaac’s family, developed Terms of Reference for consideration by the University of Victoria’s Senate and Board of Governors. Following approval by the University’s governing bodies, information about the new Roderick MacIsaac Graduate Scholarship was posted to the University of Victoria’s <a href="#">website</a>. The first disbursement is scheduled to take place in September 2018.</p>
R16	<p><b>Complete.</b> The Ministry of Health has launched a new award, <i>Passion: Leading Co-op Student Success</i>, to showcase individuals who are committed to enhancing the employee experience and building internal capacity. The first award will be presented during Public Service Week, which runs June 11-16, 2018.</p> <p>The Public Service Agency launched an award to recognize excellence across the Public Service. The <i>Staff Award of Excellence: Supporting a Co-op Student Experience</i> recognizes Public Service employees who have demonstrated excellence in training, mentoring and supporting a co-op student. The first winner of this award was announced on December 13, 2017.</p>

### Systemic Recommendations

Rec #	Implementation Status
R17	<p><b>Complete.</b> A policy framework for assessing and addressing situations to determine whether a conflict of interest exists has been implemented across the BC Public Service:</p> <ul style="list-style-type: none"> <li>• Revised <a href="#">Standards of Conduct</a>;</li> <li>• <a href="#">Guideline for employees</a> seeking information on disclosing a possible conflict of interest; and</li> <li>• <a href="#">Guideline for managers</a>, ethics advisors and deputy ministers seeking information on assessing and addressing a conflict disclosed by an employee.</li> </ul>

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R18	<p><b>Complete.</b> In each ministry, a member of executive has been assigned and fully trained in the role of Ethics Advisor to assess and provide advice to employees and their supervisors about disclosed prospective conflicts of interest and other elements of the corporate ethics management framework. A <a href="#">summary package</a> was provided to Ethics Advisors as pre-reading for their training.</p>
R19	<p><b>Complete.</b> The <a href="#">Accountability Framework for Human Resource Management</a> has been revised to ensure a clear allocation of responsibility among senior executives responsible for ensuring that any internal human resource investigations occurring under their leadership are conducted in accordance with the principles of administrative fairness, have a clearly articulated, and regularly reassessed scope and focus, and have appropriate lines of reporting.</p>
R20	<p><b>Complete.</b> An <a href="#">independent compliance review</a> of the investigatory policies established in response to the McNeil review is publicly available online.</p>
R21	<p><b>Complete.</b> <b>R21(a):</b> The <i>2018/19 Investigation and Forensic Unit Professional Development Framework and Plan</i> has been implemented and posted <a href="#">here</a>.</p> <p><b>R21(b):</b> An update of the Investigation and Forensic Unit's <a href="#">Policy and Procedures Manual</a> was initiated following the practice review by KPMG. The manual incorporates all recommendations from the KPMG report plus a review of best practice and CPA recommendations.</p> <p><b>R21(c) and (d)</b> A new process for investigative oversight has been implemented. It includes clearly identified points at which investigators must obtain approval from the Comptroller General before moving to the next investigative phase. The <a href="#">Policy and Procedures Manual</a> provides tools and assessment criteria for each key decision. In addition, incidents of a certain level are guided by an oversight committee comprised of: the Comptroller General; the Deputy Minister of Finance; the ministry executive team in the implicated ministry; and the Deputy Minister of the Public Service Agency.</p>
R22	<p><b>Complete.</b> A report outlining progress toward implementing the recommendations in the KPMG report was submitted to the Office of</p>

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	the Auditor General. It is recognized and understood the Auditor General is an independent Officer of the Legislature and as such will determine her own interest in receiving the information provided.
R23	<p><b>Complete.</b></p> <p>The Head of the Public Service has approved procedures for <a href="#">Reporting of Potential Crimes to a Police Force</a> to address the reporting, by government, of alleged employee misconduct in non-emergency situations to the police. In keeping with the Ombudsperson's recommendation, training materials have been developed and initial sessions scheduled for April and May 2018.</p>
R24	<p><b>Complete.</b></p> <p>The Ministry of Health and the Corporate Information and Records Management Office, in consultation with the Office of the information and Privacy Commissioner, have established <a href="#">Administrative Health Data Access Suspension Guidelines</a>.</p>
R25	<p><b>Complete.</b></p> <p>On June 30, 2017 the Deputy Minister of the Public Service Agency communicated the new <a href="#">Termination for Just Cause for Excluded and Included Employees</a> policy to all deputy ministers in government and to all executive members in the Public Service Agency.</p>
R26	<p><b>Complete.</b></p> <p>On April 7, 2017 the Public Service ceased the practice of suspending excluded employees without pay pending an investigation. The <a href="#">directive</a>, and the date it took effect, was communicated by the Deputy Minister of the Public Service Agency to all deputy ministers in government and to all executive members in the Public Service Agency.</p>
R27	<p><b>Complete.</b></p> <p><i>Bill 13, the Public Service Act Amendment, 2018</i> was introduced in the Legislature on April 10, 2018 and passed Third Reading on April 17, 2018. Subject to Royal Assent, the legislation will expand the role of the Merit Commissioner to provide that office with responsibility for reviewing just cause dismissals in the public service.</p>
R28, R29	<p><b>Complete.</b></p> <p>A <a href="#">policy</a> has been implemented that addresses:</p> <ul style="list-style-type: none"> <li>• Communication of personal information internal to the ministry and government; and</li> <li>• General public disclosure of general HR matters (including referral of public servant conduct to the police).</li> </ul>
R30	<p><b>Complete.</b></p> <p>A <a href="#">report</a> was prepared and submitted to the Head of the Public Service. It includes recommendations and an assessment tool for executive readiness that looks to increase the likelihood of a successful match. Report findings are based on focus</p>

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	groups with members of the BC Public Service executive and BC Public Service Agency staff, best practice research and research on executive transitions in other jurisdictions.
R31	<p><b>Complete.</b> Written <a href="#">protocols</a> for providing and receiving risk-based legal advice have been established as recommended by the Ombudsperson.</p>
R32	<p><b>Complete.</b> Consultations have taken place with the Office of the Ombudsperson and <i>Bill 28, the Public Interest Disclosure Act</i> was introduced on April 25, 2018. Subject to passage by the Legislative Assembly, the proposed legislation will provide for the reporting, assessment, fair investigation, and resolution of allegations about wrongful conduct within the BC government. Individuals will have the option of reporting allegations of wrongdoing to designated internal entities or externally to the Ombudsperson. The proposed legislation also provides protection against reprisals for individuals who disclose alleged wrongdoing under this Act.</p>
R33	<p><b>Underway.</b> The Ministry of Health has developed and launched a comprehensive organizational reconciliation program that includes the elements outlined by the Ombudsperson. This program is the result of two completed phases of work and a third to roll out over the next 12 months:</p> <ol style="list-style-type: none"> <li>1. A formal apology from the Deputy Minister for the events described in the <i>Misfire</i> report, including specifically the impact it had on individuals in the Ministry. Sessions in which all employees could express their feelings, concerns, and areas they wished to see improved. Direct access to counseling resources and supports was offered to all employees.</li> <li>2. A collaborative process to create a concrete plan to address the concerns voiced during the first phase, to ensure all employees had the opportunity to participate and build respectful relationships together. A detailed plan was produced with concrete deliverables, objectives and outcomes.</li> <li>3. Over the next 12 months, the plan will be implemented, monitored and evaluated. The Ministry of Health recognizes the importance of sustained effort and long term commitment in its journey to organizational reconciliation.</li> </ol>
R34	<p><b>Complete.</b> The Ministry of Health consulted with BC health researchers affiliated with drug therapy research to identify gaps in areas related to evidence-informed programs and decision-making in: pharmaceuticals; public health surveillance; health service; and high quality data analytics. The review is posted <a href="#">here</a>.</p> <p>The Ministry also identified intangible gaps and impacts when it reached out to researchers and contractors. The Ministry</p>

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	acknowledges the value of the relationships and the role they played within rich and productive networks, and is working to rebuild trust with the research and contractor community.
R35	<p><b>Complete.</b>  In Fall 2017, the Ministry of Health developed a <a href="#">plan</a>, with timelines and milestones, to address the gaps in:</p> <ul style="list-style-type: none"> <li>• pharmaceutical and public health services;</li> <li>• data access; and</li> <li>• infrastructure to study and integrate evidence into practice.</li> </ul> <p>This was part of a more comprehensive research strategy under development at the time.</p> <p>In March 2018, the Ministry of Health released <a href="#">Putting Our Heads Together: Knowledge and Research Management Strategy</a>, which outlines a new approach for strengthening the culture and infrastructure for research use and knowledge management across the Ministry, including a commitment to strengthen partnerships with the research community and other health sector stakeholders.</p>
R36	<p><b>Complete.</b>  A new category to recognize public servants whose work is outstanding in the area of evidence-based or evidence-informed policy or program development was launched across the BC Public Service as part of the Premier’s Awards Call for Nominations on February 2, 2018. Criteria and a short description are posted <a href="#">here</a>. The 2018 Premier’s Awards ceremony will take place in November 2018.</p>
R37	<p><b>Complete.</b>  In November 2017, government granted \$200,000 to the University of British Columbia, Faculty of Medicine, Department of Anaesthesiology, Pharmacology and Therapeutics.</p>
R38	<p><b>Complete.</b>  Staff from the Ministry of Health and from the University of British Columbia (UBC) met several times to discuss the Patient Safety Chair. UBC confirmed the 2005 endowment met the threshold to establish an endowed chair; the UBC Board of Governors approved the endowment in December 2005. Since then, the funds have been managed by UBC’s Investment Management Trust in accordance with both UBC policy and the Patient Safety Chair Endowment Terms of Reference.</p>
R39	<p><b>Complete.</b>  A new <a href="#">BC Coroners Service Release of Information</a> was implemented in Fall 2017. The policy was informed by</p>

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	consultation and discussion with all Coroners Service staff at four Professional Development conferences held in May and June 2017 in Kelowna, Victoria, Burnaby and Prince George. An additional document, the <a href="#">BC Coroners Service Headquarters Policy on Electronic Disclosure to Family and Personal Representatives</a> , provides additional guidance to the Chief Coroner.
R40	<b>Complete.</b> Government's initial response to the Ombudsperson was sent on April 7, 2017 and <a href="#">posted online</a> .

### Ongoing Monitoring

Rec #	Implementation Status
R41	<p><b>Complete.</b> On October 5, 2017 government posted, to its publicly-accessible website, a <a href="#">status update</a> on progress toward implementing the Ombudsperson's recommendations.</p> <p>A second <a href="#">status update</a> was posted on January 30, 2018.</p> <p>In addition to the documents submitted to the Office of the Ombudsperson in response to specific recommendations, this report represents the Public Service's response to the Ombudsperson's recommendation that government provide a written status report on the implementation of the recommendations by April 30, 2018.</p>