



COMMISSION OF INQUIRY
RESPECTING THE MUSKRAT FALLS PROJECT

Transcript | Phase 3

Volume 7

Commissioner: Honourable Justice Richard LeBlanc

Thursday

25 July 2019

CLERK (Mulrooney): All rise.

This Commission of Inquiry is now open.

The Honourable Justice Richard LeBlanc
presiding as Commissioner.

Please be seated.

THE COMMISSIONER: All right.

All right, before we begin this morning, I think we need to – or I need to express a few things related to the present witness who is being called and as well to some work that he has done for the Commission of Inquiry.

I think – and the last six months have probably been the busiest time for me in my full legal and judicial career, and I'm sure, for many of you sitting in front of me, you're feeling the same way. And it's taken a bit of a toll in the sense that I have found that preparing for Phase 3, which was the phase to look forward, I found it somewhat more onerous based upon the work that we were trying to get through in Phase 2 in the amount of time that we had to deal with Phase 2.

I also felt that in trying to look at possible witnesses for Phase 3, I needed to hear enough evidence and to see enough to appropriately consider topics for this particular phase and, as well, consider how they would work within the Commission's Terms of Reference.

In about mid-April 2019, I decided that it would be appropriate to look to have a study done involving members of our public service basically on two questions. And this is – this was based upon some of the evidence that was being heard at the time. First of all, the question was, does record-keeping within the Newfoundland public service appear to be sufficient? And, secondly, what constraints, if any, exist upon Newfoundland public servants communicating different viewpoints to superiors, and why may this be so?

Due to the time constraints that existed at that stage – it was mid-August – or mid-April, rather – I had suggested to Commission counsel to approach the local university here, Memorial University. And in discussions with Memorial

University officials, Dr. Blidook and the Harris Centre, it was suggested that in the time frame that we would have, that the interviews would have to be limited to approximately 20 Newfoundland public servants – and I had asked that it be both current and retired – at the director level or higher. And this is what, basically, I was advised could be done.

I recognized at the time that it would be, with more time available, much better for me to obtain a more fulsome number of interviewees so that more weight could be put on the results. But I did feel that it was appropriate that this small sample might be adequate to at least give me some idea with regards to what recommendations, potentially, I might make at the end of the day.

Obviously, I will say that, you know, at the time in mid-August [sp. April] to the 1st of May, it was crunch time in the sense that we needed to get something done and I did not feel that we would have the time to do anything more significant than that in approaching Phase 3. As well, I'll be frank, cost is another factor that I have been very conscious of throughout the Inquiry and the amount of money I spend, and that was another consideration I had at the time.

As I say, an approach was made to Memorial University with regards to this. The Harris Centre was involved in doing the work as well as Dr. Kelly Blidook. A contract was entered into on May the 1st, 2019, with the expectation that the report would be submitted by June 28, 2019. The methods for doing the study were left entirely to the Harris Centre and Dr. Blidook. That included, you know, finding interviewees, how the interviews were to be conducted, et cetera.

The report was actually received from Dr. Blidook on July the 17th, 2019 – again, a reflection of the short period of time that he was given to complete the report. And he also had advised that he had other work that he was – he had to attend to as well as doing this report.

So I have to admit that, throughout this process, I was concerned about the size of the number of public servants to be contacted but, again, felt that based upon the time constraints for this

Inquiry, that this might be the best I could do at that stage.

Early this week, I was advised by Commission counsel that the province of Newfoundland and Labrador were concerned that Dr. Blidook's report would amount to an unfair – to unfairness to the public service based most specifically on the small size of the sample and the issue of whether or not it met scientific requirements, et cetera.

While in my view, going more to the issue of the weight I would give to Dr. Blidook's evidence as opposed to its admissibility, I did instruct Commission counsel to notify the solicitor for the province that I would propose that Dr. Blidook not be tendered as an expert but rather that he could testify only to his discussions with the interviewees and, due to the small sample size particularly, he would not be providing opinion as regards to any conclusions he drew from what he had heard.

I did this because, again, I was well aware of the potential limitations of the process that was undertaken in this regard. I do, however, and I did indicate that I saw value in hearing the comments that were reported to – from the interviewees reported to Dr. Blidook. It would be unlike – it would not be unlike hearing from Donovan Molloy or Todd Stanley during this Inquiry and other public servants.

My understanding is that the interviewees were chosen by the Harris Centre and they provided their information on a confidential basis. As a result, even if I had the time, which I don't, I'm not able to call these individuals as witnesses even if I had time to so, as I say. However, in my view, there is likely some relevance and value to my hearing what they told Dr. Blidook in responding to the – in my responding to the Commission's terms of reference.

So, as a result, this morning, I wanted to put this on the record for all parties to consider. I have, in the last 24 hours, had a look at the report. I have suggested some redactions to the report to be in line with my thinking with regard to what I expect to hear from Dr. Blidook. And in that regard, I'm not sure if they've been shared with everyone or not, but they will be very shortly.

I would've dealt with this yesterday, but I didn't realize the extent of the issue until we had a discussion yesterday after we concluded the hearings. So my apologies to everybody for providing this at short notice.

And what I propose at this time is that, give you all an opportunity to review the redacted report, speak to your respective clients, understand and if you have a questions or comments you'd like to make with regards to the limitations that I'm placing on Commission counsel with regards to the questions to be asked to Dr. Blidook and what I expect to hear, you know, I'm prepared to hear that when we return.

So I propose that we break now for 15, 20 minutes or so and give everybody an opportunity to consider their position. And then I'll hear from anyone who wants to raise something at that stage.

Dr. Blidook, please give us a few minutes just so we can get this straightened out and, hopefully, we'll hear from you shortly.

So we'll just adjourn now for a few minutes.

CLERK: All rise.

Recess

CLERK: All rise.

Please be seated.

THE COMMISSIONER: All right.

Anybody wish to make any comments at this stage before we begin?

Mister –

MR. COFFEY: Yes, Commissioner, I haven't – I don't think I've had time, frankly, to look at the redactions and compare them back and forth. I mean, we just literally – I don't know how many minutes ago it came out online –

THE COMMISSIONER: Okay.

MR. COFFEY: – for us, but I would just like a little bit more time –

THE COMMISSIONER: Sure.

MR. COFFEY: – to be able to gather my thoughts.

THE COMMISSIONER: No problem.

Five more minutes or so?

MR. COFFEY: I –

THE COMMISSIONER: There's not that many redactions.

MR. COFFEY: I understand but – yeah, I got to – you got put it in a – you know, in context of the entire –

THE COMMISSIONER: Okay.

MR. COFFEY: – thing and think about it.

THE COMMISSIONER: So again –

MR. COFFEY: So 10 –

THE COMMISSIONER: – time being of the essence, five minutes or so.

MR. COFFEY: Ten minutes if we could –

THE COMMISSIONER: Five minutes or so.

MR. COFFEY: Thank you.

THE COMMISSIONER: Okay.

CLERK: All rise.

Recess

CLERK: All rise.

Please be seated.

THE COMMISSIONER: All right. Any – do we have everybody here? Okay.

Any other comments before we begin?

All right, so Dr. Blidook can –

MR. FITZGERALD: Sorry, Commissioner.

THE COMMISSIONER: I'm sorry.

MR. FITZGERALD: I do have a comment.

THE COMMISSIONER: Okay, sorry.

MR. FITZGERALD: I have – I've heard your comments this morning, and I recognize that we're under a time crunch. And I don't take issue with Mr. Blidook, as a political scientist at Memorial University of Newfoundland and Labrador. And I also hear that he's not going to be qualified as an expert. I do have a duty to my clients and I appreciate where you're coming from, that it may go to weight. But I am objecting to this witness, in this circumstances.

As I see it, unlike Mister – Judge Molloy and Todd Stanley, we had an opportunity to cross-examine those witnesses. We don't have any such opportunity here with these 15 people. With respect to, you know, the timeline that we're under, as I see it, you know, everyone is doing their best here, and I appreciate that you are as well. However, you know, this kind of parallels, in many ways, some of the things that you're investigating.

I think about risk being removed, so the House of Assembly debate could occur at a particular time. And, as I see it, if we can't get the material and the evidence we need within the time period, we shouldn't be settling for something less than is best practice. And we want best practices, and that's what we're here to do and look into the future for. But I don't think having a witness, based on hearsay from 15 former or current civil servants – I don't see how that's fair to my client. I see the evidence being more prejudicial than probative, and the very first thing – one of the very first things you said in this Inquiry was that this is about fairness.

And while we – there is a redacted report there, and we'll have an opportunity to question it, but the perception will be out there in the media that a political science professor from Memorial University, has wrote a paper entitled, speak no evil, hear no evil or something to that effect. That will be the headline in the paper tomorrow, and it will reflect negatively on all the civil servants in the province. And I just can't, in good conscience, not make these comments and object to this this morning. And I realize that

you seem to have made your ruling on – that it will go to weight, but I need to put that on the record for my clients.

THE COMMISSIONER: Right.

MR. FITZGERALD: Thank you.

THE COMMISSIONER: Thank you, Mr. Fitzgerald.

Mr. Simmons.

MR. SIMMONS: Thank you, Commissioner. We don't take a position one way or another on how you determine to handle the evidence of Dr. Blidook and so on. One procedural comment – just for consideration – is that on the question of whether a person is qualified as an expert or not, the qualification is based on their credentials, not on the work product or the evidence that they intend to present or that they're called upon to present. So I would regard the question of expert qualification as being something that stands separately based on the witness's qualifications.

And another more general comment is that I understand from reading the report that the work probably falls in the nature of what would be considered a qualitative study in the social sciences, and I'm not any expert on all of that, but from my general understanding is – and this may be useful to get from the witness as we move on – that there may be some different considerations as to the academic approach to qualitative studies versus studies that require reliance on statistical evidence.

THE COMMISSIONER: Okay, all right. Thank you.

Mr. Williams.

MR. T. WILLIAMS: Thank you, Commissioner.

I'd like to echo the comments without repeating the same issues that my learned friend, Mr. Fitzgerald, has raised in that we, too, have concerns and we want it on the record that we have concerns with the evidence of this witness. Given the fact that, frequently, perception is reality to the public at large, and while this

gentleman is not being put forth as an expert, your comments this morning is that you felt we may be able to get some relevance from it and you can apportion the weight.

But the viewing public at large don't appreciate some of the legal niceties for which the Commissioner, obviously, appreciates in counsel (inaudible). So we have concerns that the perception of a limited survey, which as we've indicated is not a scientific sample size, could be perceived the wrong way, and I think we need to have that on the record of – as a concern in terms of former public servants, as well.

THE COMMISSIONER: Okay.

Mr. Budden.

MR. BUDDEN: Very briefly, Mr. Justice, my thoughts really are much the same as Mr. Simmons'. This – Dr. Blidook clearly is an expert. He has a very impressive CV, has been at Memorial since 2007 and has wrote and studied in this – you know, in this area. So I don't think his expertise can be fairly questioned. With regard to the report itself, as with all evidence before this Inquiry – this Inquiry has heard from a hundred-plus witnesses, many of whom have made very strong statements, have given evidence. That's all been reported, just as this evidence will be reported.

I don't think we can be totally intimidated, if that's the word, by the fact that this will be presented and published in the media. Ultimately, there will be a report, and this is evidence – as everything else we've heard is evidence – for you to weigh, for you to ultimately analyze and to write a report based on.

That's what this is all about. It's about writing a report. And our position is that there is worthy evidence in this report, even redacted, even properly qualified as you have already done by your opening comments. So I think this is a – this witness will give valuable evidence that we would like to hear and have the opportunity to question him on.

THE COMMISSIONER: Mr. Ralph?

MR. RALPH: Commissioner, I understood that the – this witness was not going to be qualified as an expert. He’s going to be called as – I just wanted to confirm that. Thank you.

THE COMMISSIONER: Okay, so –

MR. COFFEY: (Inaudible.)

THE COMMISSIONER: I’m sorry, Mister ...

MR. COFFEY: Coffey.

THE COMMISSIONER: Coffey, thank you.

MR. COFFEY: Thank you.

Thank you, Commissioner.

Commissioner, the – in relation to this matter, first of all, I’d like a clarification. There are redactions. The parts that are redacted, does that mean that you, yourself, are going to disregard them?

THE COMMISSIONER: Absolutely.

MR. COFFEY: Okay, thank you.

Secondly, you know, in relation to this matter – and you’ll recall that when Professor Holburn testified, I asked him about the fact that he used four examples and brought up – and he certainly acknowledged that you couldn’t really then, in light of the very small grouping, the very – the way it – they were chosen and stuff, that you couldn’t really infer much, if anything, from them in a reliability – from a perspective of a reliability basis.

You know, my understanding is that the very same thing applies here, you know, and will apply here in relation to the principles involved. And therefore, although maybe anecdotally interesting – the comments – as they might be, what, if any, relevance one might draw from them is certainly open to question.

As humans, we are unduly influenced by anecdotal narrative, and there’s a lot of psychology – psychological studies which will bear that out. So, you know, with that in mind, I do, on behalf of my client, echo the comments of Mr. Fitzgerald.

Thank you.

THE COMMISSIONER: All right. Thank you for those comments.

You know, it’s – being Commissioner in this Inquiry, it’s a very difficult balance that I’m trying to maintain. It’s – obviously fairness is extremely important. It’s one of the goals or one of the principles that I set out at the beginning, and I’ve been mindful of that, and that’s what, basically, caused me to have the concerns that I have expressed earlier this morning. And I’m trying to maintain that fine balance, and yet at the same time do the job that I’m required to do.

You know, if I saw – obviously, I’ve read the report – if I saw in the report a total view that is one way, I think I might be looking at the issue of this perhaps a little differently, and certainly would give it a lot less weight. I need to hear Dr. Blidook first and then to be able to assess what weight I’m going to give it, to be quite frank.

But in the circumstances this is not a report – to me, some of the comments that are referred to in the report are very considered comments. And, you know, while some of these people are retired, you know, there’s a lot to be learned from past experience. And also, there would be a lot to be learned from present experience.

I think this is all being, to be quite frank, being blown a bit out of proportion. I didn’t – you know, I allowed Judge Molloy to testify. I allowed cross-examination and examination of Mr. Stanley. I’ve allowed some similar questions because they go, ultimately, I think, to at least one of the Terms of Reference that I have to meet. And, you know, as I said, I recognize the limitations in this evidence, and I will give it due accord when I make my report. But in the circumstances I think there is value and relevance to hearing what he’s reported. And that’s all that’s going to happen here.

I take the point with regards to qualification, but, as I said before, that’s off the table for this witness. I’m not asking, and I don’t want him to be asked to provide opinions – I’m assuming he won’t be – with regards to what he’s heard. That’s not to take anything away from Dr. Blidook’s experience or whatever, it’s just to take into account the precise circumstances we

have in this particular case with regards to how this report was prepared. So having said that and accepting the objections of some of the parties, I've heard you and I can appreciate where you're coming from. But again that balance is a delicate one that I'm making.

And in the circumstances I think it's a fair one not only to the public service, but I also think it's fair to the public as well. So having said that, let's proceed to hear Dr. Blidook.

So, Dr. Blidook, do you wish to be sworn or affirmed?

DR. BLIDOOK: Affirmed.

THE COMMISSIONER: Okay, if you could stand, please, and if you could turn your microphone on? Just press the button that's there. Take – and –

CLERK: Do you solemnly affirm that the evidence you shall give to this Inquiry shall be the truth, the whole truth and nothing but the truth?

DR. BLIDOOK: Yes.

CLERK: Could you please state your name?

DR. BLIDOOK: Kelly Blidook.

CLERK: Could you spell you last name?

DR. BLIDOOK: B-L-I-D-O-O-K.

CLERK: Thank you.

THE COMMISSIONER: You can be seated there, Sir. And if you just move the microphone a little bit towards you and speak into it that would be great.

Ms. Morry.

MS. MORRY: Thank you, Commissioner.

Now, Mr. Blidook, first of all I'd like to request that several exhibits be entered. Those are P-04477 through P-04480, along with P-04515 and P-04534.

THE COMMISSIONER: All right. Those exhibits will be entered as numbered.

MS. MORRY: Thank you.

Now, Professor Blidook, first I'd like to talk a little bit about your educational and professional background. Your CV is in evidence here at tab 1 of your binder, P-04477. You – your Ph.D. is noted there in the middle of the page. What were your fields of study during your Ph.D.?

DR. BLIDOOK: I focused in Canadian politics and comparative politics, wrote comprehensive exams in those areas. Although I'd say that my expertise is more so in Canadian because that's what most of my research has been on although I do study other countries. And I have a minor field in empirical methods.

MS. MORRY: Now, your CV lists quite a lot of articles and papers and books that you've authored over the years. And I just wanted to ask you a little bit about the research in a couple of them. Now, your book *Constituency Influence in Parliament*, I understand you used some qualitative methods in that? Could you talk a little bit about that?

DR. BLIDOOK: Sure. So that book was actually stemming from my dissertation. It – I would still say that the primary data source for that book is actually quantitative. There's a lot of statistical work in it. But I also conducted interviews at that time with Members of Parliament. It was seen as really supplementary material so that the nature of the findings could sort of be borne out, as well, through qualitative explanations of MPs and so on.

So that was really sort of my first foray into elite interviews.

MS. MORRY: So at tab 2 in your binder is the study that has already been discussed a little bit this morning. I understand you followed a qualitative methodology in terms of seeing who'd respond to the research questions that the Commissioner mentioned earlier.

So, generally speaking, what is qualitative research?

DR. BLIDOOK: So I'll just start by saying that the distinction between qualitative and quantitative is actually often thought of as a sort of a fake distinction, but I think for basic – for basically trying to understand it, that the distinction one would make is that you're attempting to make meaning based on text, words, the things that are given throughout a process by which you can actually kind of get deeper and deal with unique elements.

I think that if most of us think of, for example, quantitative research, we'd be thinking of data that can be looked at in a statistical manner. So, can we determine trends, can we actually find that there's statistical significance with those trends, et cetera.

With qualitative research, it's not that you're not looking for trends necessarily, but you are not finding them based on any sort of statistical method.

MS. MORRY: Sure.

And so, in order to complete this study, you – I understand you conducted interviews with 15 current and former civil servants, is that correct?

DR. BLIDOOK: That's correct.

MS. MORRY: So, who were these people, generally speaking; not in terms of identities but –

DR. BLIDOOK: Sure.

MS. MORRY: – in terms of their histories?

DR. BLIDOOK: Yeah.

So what we set out to do was to try to speak to senior civil servants, sort of a main focus on the director level and above, and so 13 of the interviews actually came from that level. We did get two interviewees that were below the director level, and I – when I first set out to do this, I thought it'd be helpful to sort of get a little bit of information. I realized there was going to be limits in the total number of people we could speak with, and the amount of information we'd get, but it was suggested that at least some input from people below those levels might also help us understand if they are distinctions with

experience. Ultimately, I didn't find major distinctions and so those aren't really in the report.

But so basically I had six deputy ministers, three assistant deputy ministers, four directors and two interviewees who were below the director level. Three of them are currently employed with the civil service, with the remaining 12 having left – either retired or moved on or terminated.

And I do, also, point out that, of those 15, five were female, and I point out in the footnotes that that isn't based on having collected data about gender or sex or identity, but simply a means of communicating this is – these were people who we can think of as female, but I don't mean to speak to that.

You know – understand.

Okay.

MS. MORRY: Okay.

Now, how did you find – how were these participants recruited for the study?

DR. BLIDOOK: So, the Harris Centre has a number of contacts that they've developed over the years – both within government and people who have since left government – with the sorts of events that they have, and they have a number every year. Over time, they've developed a number of contacts.

And so, when they were first asked about trying to help facilitate this study – and they approached me – they had said that for – you know, for the time frame that we had and, also, for, sort of, some credibility to try to find people who would already know that there was, sort of, a credible backing, if you will, they offered to use their contacts, let them know that this study was being done and if they were interested to contact me.

And so, they said that there was no selective process, other than the fact that they tried to focus heavily upon those higher ranks. So, I can't really speak to – other than the fact that, as it also notes in the footnotes, these would be people who are more likely to have worked in public policy or, as they say, in regional

development relevant to Newfoundland and Labrador. It's not to say that all of them come specifically from those areas, but chances are there's a bit of a weighting towards those areas; given the people who would have interacted with the Harris Centre in the past.

MS. MORRY: Sure.

Now, did – is that how all the participants heard about the study? Was it through the Harris Centre?

DR. BLIDOOK: No. Good point.

So, upon having completed interviews with people, we notified them that if they wanted to let other people know that these interviews were being done – this project was being done, that they could pass along my contact information and have them contact me. It's a form of what's known as snowball sampling.

In this case, one or two interviewees, I believe, also came from that process. So, they heard about the study through another person and contacted me. I can't say for certain simply because I didn't probe the maintenance by which they were – they became aware of the study, and, so, I have to, kind of, go based on how I was contacted by email and if I think it came one way or another.

MS. MORRY: Sure.

Now, in terms of this method of recruitment, could you speak about the importance of anonymity to the participants?

DR. BLIDOOK: Yes. So when we set out to do this, we just felt that both the spotlight of the Inquiry and also the nature of the topics were going to be difficult for people to come forward on. And, I do think that the – that what we ended up with kind of speaks to that as well. We – like, I also note there was sort of informal communication that reached both me and the other interviewer who was working with me that people who worked within government were hearing about it, but they were rightly concerned, quite reluctant to participate. And that's certainly something that we got a fair bit, even with retired civil servants, was a number of

questions and concerns around how exactly anonymity would be maintained.

So I do have a process in place – it's been approved by the university's ethics board – to do that, but at the same time, it's understandable that people would still be concerned that if they speak that somehow they would be identified, perhaps through what they said or whatever. So I tried as hard as I can to avoid having ways to trace back to people, because it was certainly a heightened concern around anonymity amongst most of the interviewees, and I think that it also affected the nature of the sample.

MS. MORRY: Sure.

Now, how were your interviews conducted?

DR. BLIDOOK: So, I produced what is known as a – sorry, I'm blanking a little bit –

MS. MORRY: (Inaudible) –

DR. BLIDOOK: – an interview schedule.

MS. MORRY: Yeah.

DR. BLIDOOK: A produced interview schedule, which is really – it's a list of questions. And in that interview schedule there were, I believe, 17 or 18 questions, half dealing with the first research question and half dealing with the second research question.

And so the interviews were – I referred to them as semi-structured because with an interview schedule, you have a – you use those questions as a guide to ensure that you get the information relevant to each of those questions. And in most of the interviews, the questions were pretty much asked in order as they were, but the interviewer – in a qualitative interview, you need to have some space for recognizing when you found something interesting or new and to perhaps pursue that. And beyond that, to also alter the interview if it's relevant to do so.

So for example, don't ask a question when it's clearly already been answered. So that's really the nature of these interviews. And so, there was a structure to them. And, certainly, to go through the transcripts of my colleague, who conducted a number of the interviews, the transcripts show

that most of the questions were actually being answered – asked and answered in order. But, I can certainly say in some cases, it's not every single question.

MS. MORRY: Sure.

Now – so, you conducted these interviews – you and your colleague conducted these interviews. You ended up with 15 transcripts. How did you move from having those 15 transcripts to generating the report?

DR. BLIDOOK: So I went through a process with each interview – the transcript for each interview – where I would review the entire text of it and what I would try to do is identify themes within them. So, this would start out often with just a printed version of it and a pen and going through and saying this seems to be what's being talked about here, this seems to be what's being talked about here, and the next step in that process is to try to kind of essentially code the interviews, understand how many people are talking about which themes and what are they saying about those themes.

So I actually produced – in this case, I used an Excel spreadsheet – there's a number of ways of doing this – where I – once these themes were identified – would list them across the top. I'd have the interviews down the side. It's also – sorry – in the interview there was also four sort of survey-type questions, which are in there, you've seen them. Those came at the end of each sort of section on each research question – so those, I simply tabulated – but for the remaining qualitative data, I would – using each of these sort of codes or themes – identify which of the interviewees were actually speaking to those themes. And what that allows me to do is kind of say, okay, so which themes are most prevalent? Which ones really stand out? And also, by doing that and visualizing it, it actually lets you connect themes. Like, sometimes things are actually – you got two different things, but you realize, okay, these are actually kind of talking about this broader theme.

So that's really the process that I went through to ultimately come up with what I saw as the most relevant themes and to also sort of weed out problems or inconsistencies or things that certainly maybe were talked about a lot of the

time but also were inconsistent in terms of how they were talked about, and I didn't feel they were relevant ultimately to report upon.

MS. MORRY: Sure.

So, there's perhaps – I wanted to put a couple of ideas to you upfront, just to get a sense of what limitations and what inferences might or might not be appropriate.

So, how would you respond to the idea that the pool of people who were interviewed are not reflective of the – a broader group of civil servants. That is to say, is there a sampling bias of any kind?

DR. BLIDOOK: Sure. So I think that's a reasonable concern, and I certainly understand why people are concerned about it.

So I do outline a fair bit of this in my method section. I realized afterwards with some criticisms that perhaps I could have even gone further, but I felt like I was almost writing too much about methods, given the audience and the nature of what I was doing, and I realized maybe some people would like additional clarity in some of those aspects.

But – so there's a number of issues that we know exist. Self-selection bias is the one that I highlight. It's probably most important under these circumstances. So what are the reasons why you end up interviewing one person and not another person? Well, maybe because they're interested in the topic. It might be because they're concerned about the topic. It might be because they have an axe to grind. It might be because they're scared; they may decline because they're scared.

So I think that all those things can potentially be going on, I think they're reasonable cautions to have about the data and I do outline them in the report.

MS. MORRY: Mmm.

And, to be clear, are – do concerns about sampling bias apply to other types of research as well? Is it, for example, if you were to have run a survey, is it the case – would it –?

DR. BLIDOOK: This exists across the board and it's often not given the attention that it requires.

So I mean an example I would use is the Canadian Election Study. Some of the top people in this country, colleague of mine at the university but also a number of colleagues, and even my former supervisor worked on the Canadian Election Study. So every year there is an election, they do this massive study, rolling cross – rolling cross-section samples over the period of the campaign to collect survey data. They get representative samples from each province, they get, you know – so if you go through and break it down in terms of all the things you might consider to be sort of representative, they do it extremely well.

MS. MORRY: Mmm.

DR. BLIDOOK: But interestingly enough, in every single election, we get – you know, I think in the last election, we got close to 70 per cent turnout, people actually voting. Prior to that, we got as low as, like, sort of low 60s in Canada. But the Canadian Election Study always has 85 per cent voter turnout. Why is that? Well, it's because people who are interested in politics are still more likely to answer the questions than people who aren't.

So they have samples of 4,000, 5,000 people, they have a system that is understood as being – it's – works across, it works comparatively, other countries do exactly the same sorts of things, but they can't get rid of it, and really, a lot of topics that are – if they're specific to a given area, that exists.

MS. MORRY: Sure. Thank you.

Now, in terms of – what about in terms of the idea that 15 people is just not enough people to have interviewed?

DR. BLIDOOK: Sure. So, I mean, I think that – and this is – speaks to issues like data saturation, which I think is an important concept, and I understand that that would be a concern regarding this as well.

So, what I'm doing here in this study is I'm really kind of – I frame what we're looking at

here more so as key informants than as being a representative sample. And quite often with qualitative work, that's the best you can do. And, quite frankly, it would be hard to – it'd be hard to get the kind of data you want, and sometimes to have to work with what is available to find those stories. And so, this is sort of a starting point, right? How can we get people to inform us about what's going on and inform us about things that are relevant when we know that they're afraid to do so or they may well be afraid to do so?

And so, ultimately what we end up with is, I think enough people to find consistency in stories, and to me that's a big part of my interviewing process is where – if everybody was actually biased or if everybody was off, what are the ways that I can kind of help or determine whether that's the case? It's one of the reasons why those survey questions are in there to kind of give you just a general snapshot of where does everybody actually stand on this main question.

I think that helps a fair bit to kinda say, yes, I mean 15 is small number, we certainly can't derive any statistical significance from it. But what we can do is look for the consistency amongst those stories and we can use those as a guide to learn something now and hopefully know more later. So if we wanted to build – which, actually, I do talk about it in the report itself.

I'm quite upfront about the fact that I think that there is more we could learn and I think that we could do more than what is there. But that doesn't diminish the fact that consistent stories across a sample that shows that it's not particularly biased in either direction probably tells us something pretty important and it helps get us the direction we wanna go.

MS. MORRY: Okay. So with some of that being addressed, I – perhaps we can get into you reporting what you heard on the various key themes you identified. So, on Research Question 1, on whether record keeping within public service appears to be sufficient, I wonder if you could talk to me about the theme you identified, of a lack of consistency.

DR. BLIDOOK: Sure. So this was quite prevalent across interviewees. There were – there were perhaps a few interviews that – that didn't see this to the same extent, that's probably true across all the themes, but, typically, if I chose a theme, if it came out, it was because it was quite prevalent. And this was quite prevalent.

So a number of people talked about inconsistency in documentation in terms of – just the variation of what people do, how they see documentation, what they believe they are supposed to do between departments. A number of people identified that if they moved from departments, they would find that people had completely different practices in terms of what they did. I guess one way of qualifying that is that certainly it would differ with certain departments anyways. But that was not the nature of the main point that was being made here.

Otherwise, it was – it was ultimately that people felt like there was uncertainty. And uncertainty was an issue that came up a lot.

MS. MORRY: So, the – one of these – you had mentioned that you asked one, sort of, question where you asked the interviewers – interviewees to, sort of, rate their view on general documentation practices within government. What – what sort of information did that question yield, about the nature of the people?

DR. BLIDOOK: So that showed that approximately two thirds of the interviewees felt that they would still classify general documentation practices as 'usually sufficient'. So there was – sort of a five-category scale. The question that I would actually be in – I think a reasonable survey question that you could – if you were to use it, you could actually get statistical – meaningful statistical data from. But in this case, it's not meant to be used that way; it's simply meant to just kind of show where these interviewees stood generally, so we can get that kind of sense of them.

So this isn't – you know, it's not a totally positive picture, as I point out, approximately one third feel they can't classify general documentation practices as being sufficient. But

it also shows that most of them actually fall into the 'usually sufficient' category.

MS. MORRY: And then you asked a similar – another question about the interviewee's own approach to documentation.

DR. BLIDOOK: Mm-hmm. So, yeah, and this was meant to kind of, you know, get some sense of what they felt was occurring for them themselves versus what they felt was occurring around them. And, as I point out – and this is usually the case when you ask people about the general; and then you ask them about the specific, they tend to sort of view themselves as above average.

So the answers here are more positive, with two documenting themselves as – or stating themselves, in terms of documentation, as 'entirely sufficient'. So, yeah, here we see a slightly – even more positive story, but, again, that's just people rating themselves. And that gives us, again, a bit of a sense of just where people fall on these questions, how they saw things going on for themselves.

MS. MORRY: Now, on page 14 of your report, you get into another theme about perceptions of the access to information protocol and legislative scheme. What sort of information did your interviewees report on that topic?

DR. BLIDOOK: So there was a – I mean, the topic of ATIPPA tended to come up usually organically. We also did have a question about it and – but in most cases, because we were talking about documentation, a number of people connected ATIPP directly to that topic right off the bat or relatively early in the interview.

And so people talked about – well, and you'll see 'cause it also connects into the next theme as well, that as sort of a concern or a chill. But – as well as ATIPPA being onerous, which is the theme we're on right now, a lot of people simply saw that it played a big role in terms of – it created a lot of work for a lot of people. A lot of people saw it as sort of a concern that – that people, because of the nature of the requests, because of the timeframes of the requests, most people see ATIPPA as valuable.

They saw it as an important part of the public service, but they also saw it, in its current state, as creating a lot of work and also causing people to be concerned about the nature of that work. And so some of the things around the uncertainty in documentation then bleeds into this concern around ATIPP.

MS. MORRY: Okay.

So you mentioned that some interviewees reported concern around how they do their work, could you describe some specific concerns that people have raised?

DR. BLIDOOK: Sure.

So some people said that it – basically it makes a – it's burdensome. So this is sort of the first set of interview quotes that I'm kind of looking at here, in terms of the additional workload that it creates and just sort of the caution that also comes along with that.

We also questioned, to some degree – sorry, I'm kind of looking at the report as I'm talking (inaudible) –

MS. MORRY: Yeah, that's fine.

DR. BLIDOOK: – but also jogging my memory and trying to go back through.

People talked about the nature of notebooks, sort of the effect on the amount of documentation that was going, how people were altering the nature of documentation they were doing. So practices around using notebooks or black books, which, of course, some people claim they still use, but other people saying that they've kind of fallen out of use; that people were sort of changing their behaviours around what they saw as concerns around ATIPP.

Further, again, just uncertainty, so this fits a little bit with the previous theme of inconsistency. But where people were not entirely clear about what ATIPP meant, exactly how to sort of meet the requirements around ATIPP in terms of the work that they were doing. And then we also asked people a bit about the concept of the duty to document. In part because – I mean, I thought that this concept would have some consistent meaning

amongst civil servants, even though it's not actually in legislation currently. And that kind of gave us a big sort of range. Some people not being familiar with it at all, haven't – hadn't heard of it.

But also concerns around – and this was one thing as I was trying to sort of look at solutions and feedback on what to do about this – was whether there should be a duty document. And a lot of people had realistic concerns about what that might do in terms of additional workload, strains on resources, the ability for government to function. While others actually saw it as something that should be brought in. But I think generally the consensus was that even if people sort of saw it as valuable, they felt like there would probably need to be some changes to the current act to sort of facilitate that and ensure that it doesn't sort of just become one additional level of burden on top of what already exists.

MS. MORRY: Sure.

Now, on page 18, one comment that you make – sort of the third paragraph there – could you talk – you talk about one of the overarching impact of the access to information regime. What is that?

DR. BLIDOOK: Sure.

So – and that – this leads us into the next theme, which is that of a culture of avoiding creating documents. So that a number of people are behaving in a way – and it was certainly communicated to me as though this was relatively common – that people, you know, adjust the nature by which they communicate. And – now, this isn't entirely new. I want to clarify that. A lot of people point this out – think this was something that actually kind of – they started to really observe in the early 2000s. But most people still did kind of chalk it up to additional concerns with the most recent version of ATIPPA as well. So there was sort of this evolving nature of change, or this concern around creating documents that was – has been occurring for a long time, but has increased over time as well.

MS. MORRY: Yes. Actually, if I could just clarify, in terms of the timing of the periods that your interviewees were talking about, what –

how would you characterize the time periods they're reporting on?

DR. BLIDOOK: Sure.

So a number were able to speak to, sort of, the early 2000s. I can't – I wouldn't really give a date. I think –

MS. MORRY: (Inaudible.)

DR. BLIDOOK: – one person mentions 2003. But I wouldn't say that that's exactly, sort of, that year, but more so kind of that period. And up to – I mean, up to current, really, because I have interviewees that are current, but certainly into the, sort of, the most recent Liberal government. So, you know, most of the interviewees have experience working in government enough under the most current version of ATIPPA to speak to it.

MS. MORRY: Okay.

Thank you.

So now, still on page 18 there, you move into this next idea of interviewees reporting that they – concerns about things being reported in the news. So could you talk about what you heard on that subject?

DR. BLIDOOK: Sure.

And so this is getting more into what I saw as kind of a cultural component, this constant reference to: Do you want to see it on the front page of *The Telegram*?

And this, of course – there are connections here again. This is about, again, sort of limiting written communications, about this constant idea that any version of what you communicate today might be in the news tomorrow. Again, this kind of contributes to this idea of this chilling effect, the concern that, yeah, you're always kind of being watched, that you're always – anything – and beyond that I think it's important to say that things can be taken out of context.

I know this was something that was already noted today in terms of media coverage. I think it's a perfectly reasonable concern. I get it. But the same kind of concern existing here that you

could be writing something entirely innocuous but it ends up in an access to information document, it goes to interested parties such as the media or opposition parties or whatever, and it becomes something that it isn't – it is even – it isn't even what really was meant or what was said. And so there's, you know, there's concern that if you put things in paper – even if they're sort of safe, what you're saying or what you're doing – that doesn't mean that they're safe in terms of how they will be reported the next day or whatever.

MS. MORRY: Sure.

In terms of the concept of a transitory record, what did your interviewees have to say on that?

DR. BLIDOOK: So there was a lot of reference to this – you know, I will balance this by saying there were one or two interviewees who felt like the concept of a transitory record was very clear – what to do regarding transitory records was quite clear.

But I'd say that on the whole that wasn't the message, that a number of interviewees mentioned that the definition around transitory records was unclear, that a lot of people aren't entirely clear on what they are and what they aren't and that the – sort of, the activity around them was also kind of unclear – what exactly to do, you know, a lot of deleting and so on, where people were saying: Well, we don't know that this kind of deleting should actually be taking place.

There's also, as we talk about sort of ATIPPA – there's differing views on the value of transitory records. So some people saying that this was a good practice, it's good to not require them, that there's a lot of transitory records, deleting them should be fine. Other people saying that they actually felt like they were a valuable form of information and that – the fact that there was this process of kind of getting rid of them quite often was problematic.

So there was some variation in terms of how they were viewed and what their value was. But there was, I think, a much more sort of clear statement that a lot of people felt more clarity and/or training might be necessary around what they are and how to deal with them.

MS. MORRY: Right.

Now, in terms of training, was that something that interviewees brought up on other subjects, too?

DR. BLIDOOK: Yeah, so in the section where I talk about solutions –

MS. MORRY: On page 19 there.

DR. BLIDOOK: Yeah, if you want to.

I mean, training was something that – you know, to talk about what these problems are and what to do about them. I mean, people quite often came to the idea that they just felt that training was often insufficient. And that’s – again, I understand the concern that this may – it’s not meant to be personal towards anybody or the training programs that exist. But there were cases where people talked about the range of training programs that used to be available to civil servants, too, like the amount of – one interviewee actually talked about there used to almost be like a book with, like, different courses you could choose. As a civil servant, there was a lot of things you could do and that you could learn. And so, this has really been scaled back significantly.

But in this area, specifically, a lot of people mentioned that clarity on definition of transitory records, clarity in terms of requirements around ATIPPA. They – a number of them felt that these just simply weren’t clear and weren’t consistent – consistently being applied across different government departments and amongst different government employees.

MS. MORRY: And what did participants in the interviews have to say on the subject of a duty to document, where there is particular suggestions that they made?

DR. BLIDOOK: So, some were actually concerned that this would be something that would be brought in. Basically, we’re saying that they thought it would be a problem. If we went in that direction, this would be an additional burden. Others talked about it as something that there should be – that they felt, right now, the nature of the behaviour, at least in terms of their own personal experience was such

that a duty to document would be better. It would enhance transparency. It would enhance documentation practices.

So, there were, certainly, concerns around the effect that it would have. I don’t think that anybody was particularly concerned about the basic idea of a duty to document, but more so that they were concerned that if all it were was, sort of, a duty to document on top of current legislation, that in and of itself would simply create more work, and that’s all it would really do. With the number of people saying it would, kind of, plug things up. It would slow things down quite significantly.

MS. MORRY: Okay.

Now, let’s talk next about the second research question on the constraints on communicating different viewpoints to the extent that they exist. So could you describe, generally, what sort of questions you’re asking to find out more about the topic?

DR. BLIDOOK: Sure.

So, the very first question here – and I’ll just – I’ll clarify again.

MS. MORRY: Yeah.

DR. BLIDOOK: So, this survey-type question was not asked first, but I felt like presenting it first was helpful to, kind of, give you an idea of where people tended to fall on that topic and then to break down what the themes were that came from it.

MS. MORRY: Mm-hmm.

DR. BLIDOOK: But this was not the first question on the theme. This was actually one of – like, the last question on the theme. So people would talk about this theme, go through all of it and explain the things they wanted to, kind of consider it, and then they would give me a response in terms of where they fit on this survey-type question.

So here, the responses are a little more negative. We actually have, you know, almost a third of the samples suggesting that, sort of, in the general sense, communicating different positions

within government are usually insufficient. So yeah, this, kind of, speaks to the idea that perhaps people don't feel entirely safe. Always, you know, speaking to superiors and giving opinions or advice that are not in line with what they think is expected.

There's a few different themes here, so I think it's worth unpacking them because that's not the only, sort of, reason why people might have chosen that. But just as a snapshot, again, of the sample, definitely a little bit more negative on this compared to the documentation question.

MS. MORRY: Sure.

And so, in terms of the first theme that you identified here on this subject, the – there's – it's page 22 there. Could you describe what your interviewees had to say on whether they feel they can say what needs to be said?

DR. BLIDOOK: Sure, and there was actually sort of two dimensions within this theme. I think there's an element of – where some people feel based on precarity or based on the possibility there'd be any form of sanctions, so that they might be shut out or they might ultimately put themselves in a bad position. The concern that being able to speak to superiors was sometimes truncated, but I think it's important to qualify that, in part because most interviewees talked about this in a general sense. Relatively few of them had specific examples of themselves, and I think that's an important qualification, right?

So people are saying they observed this, they say they saw this, they saw this amongst colleagues, this was something that was concerning; but, in most cases, they said that they were typically able to say what they wanted. They were able to report in the manner that they felt they should.

So now the second dimension to this is people observing this behaviour of perhaps people having fear, but not seeing that there was really – that the fear was warranted, if you will. A couple people talked about the fact that there are – some people have greater levels of insecurity, greater levels of confidence. I mean, even just – we know this, right? That sometimes –

MS. MORRY: Just in terms of personality traits.

DR. BLIDOOK: Personality traits. So people are different.

And so some of the problem – now, this would still probably connect to sort of the sufficiency of this occurring, but it wasn't always based on the fact that people were necessarily right to be afraid or to have fear. It was simply that they felt like they might be out of line or they felt like – maybe they were afraid there was actually going to be a sanction, but there was no real reason for them to. This was kind of communicated as well, right?

MS. MORRY: Okay.

DR. BLIDOOK: So, yeah, I'd say those – both of those were coming out of the interviews. On one hand, concern around actual sanction or precarity, the likelihood that someone would actually lose a job for doing this; but secondarily, people also observing that that's not always the case, but sometimes people just don't provide the advice or provide the opinions that they should anyways because of this perceived concern, I guess.

MS. MORRY: Sure.

DR. BLIDOOK: Yeah.

MS. MORRY: So in terms of job-security concerns, your report mentions the idea of reluctance to take promotions, even, in some cases?

DR. BLIDOOK: Yeah, so there was a fair bit of discussion around being in at pleasure positions which – and I don't think anybody suggested that those positions shouldn't be like that.

MS. MORRY: Mm-hmm.

DR. BLIDOOK: I think that most people who understand the nature of government understand the importance of – you can't have people at the head of government departments that can't simply be moved if things aren't working – that's necessary. I think everybody kind of accepts that.

But what it does is that it still does create an element of precarity and so – and I realize that we are probably near the page where there is

actually a cut-off footnote, I apologize deeply for it. Footnote number 19 which is on the previous page, “Some participants specifically referenced the period in 2016 when ...” and of course you want to know the end of the story.

MS. MORRY: Page 23 there, Madam Clerk.

DR. BLIDOOK: Just – people were referring to periods in which there were a number of terminations or people being let go and that creating an additional concern. So on one hand, we know that deputy ministers can be let go at pleasure but when it happens, when there’s more of it, it also creates a little bit more of a concern around it. And so some people did talk about that period and say that that led to this additional concern that oh, my goodness the likelihood of this happening is actually – it’s there. So that was mentioned as well.

I’m not sure if I’ve fully answered your question.

MS. MORRY: Not, that’s fine –

DR. BLIDOOK: Okay.

MS. MORRY: – thank you.

So I just wanted to sort of bring you through the subjects that –

DR. BLIDOOK: Right.

MS. MORRY: – were discussed –

DR. BLIDOOK: Okay.

MS. MORRY: – and – yeah – no.

Now you also make a note there on page 24 that these were, sort of, general concerns and I think you’ve already spoken about that but you mentioned that it’s not a lot of specific indications about time frames or particular governments; it’s not about –

DR. BLIDOOK: Yeah, I mean, so a lot of people had, sort of, one or two or times when but it wasn’t that bad or it wasn’t that prevalent; I think there was only one or two interviews that really, kind of, spoke to it – sort of personal experience and it being a bit more significant.

But there was often, you know, sort of anecdotes, occasions, people – there’s also, you know, just difficulty working with certain people –

MS. MORRY: Mm-hmm.

DR. BLIDOOK: – that would also come up. I mean, to have a fair and balanced view of this, a workplace is often like this and it’s not always like this because of one particular problem, there’s a lot of personalities and everything else going on. And – so overall, though, I think it’s important to point out, as you’ve kind of helped along here, most people were talking about other people or things they observed. The examples that were personal were relatively few, often relatively minor, occasionally a bit more extreme.

MS. MORRY: Sure.

Okay. And then the next theme that you identified within this research question was on whether civil – whether the interviewees feel that their input is valued.

DR. BLIDOOK: Right.

MS. MORRY: Can you talk a bit about what interviewees reported on that subject?

DR. BLIDOOK: Sure. And this also kind of breaks down along two lines. I think, on the first, we have a number of people who feel that – sorry, excuse me.

MS. MORRY: Sure.

It’s on the – yeah, page 24 there.

DR. BLIDOOK: Yeah, sorry, no, I just – I felt, like, a hiccup coming on or something.

MS. MORRY: Oh.

DR. BLIDOOK: Yeah, so this issue of not being valued, there are kind of two main components to it. On one hand, a number of people expressing that they felt that while they weren’t limited in terms of their ability to say what they want, provide the advice, give expert opinion, et cetera, that they often felt that it

didn't matter, that they – that whatever they did wouldn't make any difference anyways.

And I did try to point out – like, I think that a lot of this is about experience and I think a lot of this is about personality again. So in some cases, some people may be just doing the job as it's supposed to be done. They may not be feeling the affirmation that maybe they want, and so they feel bad.

In other cases though – and the reason why I think this is an important concern is because this would also be an avenue to the problem we're still concerned about, right? To have a superior who doesn't sanction you or doesn't do anything really, but just kind of doesn't listen to you or doesn't ignore you is still a version of not being able to do your job, and it may actually ultimately have an effect on your ability to do your job. So on one hand, there were these people who felt powerless, felt like they were hitting their head against a wall. There were also people who expressed that some people have these concerns but perhaps they don't really understand the job of being a civil servant, and I think that it's important to balance these out and to understand that these are both fair, right?

A lot of people talked about the fearless advice, loyal implementation. You give fearless advice; you say what you need to say; it's often not accepted. It's just the nature of your job. And so as soon as it's not accepted but you're asked to put into practice whatever the decision is, you switch to that and you do it. And some people express it in a – you know, they get it. That's their system, and maybe their experiences are also such that they never really felt that they were really being ignored.

So that's the thing, is that there could be experiences in which people are actually right about saying that they're not valued. There may also be cases where people feel not valued but they're just not – they want a higher level of, sort of, affirmation than maybe is being provided. And certainly to understand the nature of being a Cabinet minister, having talked with people more informally, just my knowledge of government separate from the data, if I may for a second, like, we know that they're busy. We know that they're often not asking for every single angle and every single piece of advice.

They're trying to get things done; quite often, it tends to be curt, it tends to be – you know. So those things, I think it's just worthwhile recognizing that that is –

MS. MORRY: Sure.

DR. BLIDOOK: – that may be a fair bit of this, right? And that was also the way that some people were balancing this out, to say some civil servants maybe feel that way, but maybe they also just aren't doing the fearless advice, loyal implementation the way that they should.

MS. MORRY: Sure.

Now, what comments did interviewees make on possible improvements on that subject or what – to what extent did they think improvements were necessary?

DR. BLIDOOK: So a lot of people talked about – again, they kind of come back to training. In this case, though, training involved two different dimensions. So, on one hand, training for civil servants. You know, understanding the nature of interactions – how they can sometimes be conflictual and so on – that, perhaps, some people need some of that. I mean, one person is really looking and saying – you know, some people just aren't secure enough, and maybe training would kind of help that. They would understand that that's what they're supposed to do and that's what's acceptable.

As well, sort of, even understanding just the nature of precarity, how to work in a work environment where you have to do a job well, but it's not secure, which can be difficult and draining. It can have an effect on how people do their work, right?

So these were some things that came out of the interviews, but people would also mention, sort of, training for the politicians themselves. A number said that the Cabinet ministers probably aren't adequately prepared for the difference between what they are doing and their political views or partisan views or whatever compared to what the civil service should be doing. And so there were elements where people would say sometimes they just don't understand what our role is supposed to be. And perhaps that could be enhanced.

There was – well, so there was also – I mean, this was – you know, this came up a little bit. It was just the actual nature of precarity – how necessary is it? Certainly, nobody is suggesting that at-pleasure positions shouldn't exist but that beyond that, there are a number of positions. One interview actually talked about specific policy analyst – the position that they would hold and how they were no longer part of the union.

Looking at that and just, basically, trying to outline, like, maybe that's not necessary. Maybe these people don't need to be placed outside and basically put in a more precarious situation than – maybe we can actually accommodate –

MS. MORRY: Mm-hmm.

DR. BLIDOOK: – them within a union, basically, is the idea they're trying to express, right?

You know, but again, I kind of clarified the – I get these solutions and as I've outlined them, they are vague. They're coming just from the interview data and what people are suggesting and the –

MS. MORRY: Sure.

DR. BLIDOOK: – best that we can do without saying, oh, here's what the change should be or here's what should be in the legislation. I don't think that we're in a position to make those kinds of recommendations, but these are, obviously, much more broad.

And, then, a number also just said that – so from their perspective – and, again, I think it's worth highlighting – I mean, I – there are cautions around the data. There are cautions around who is being interviewed. We know there's probably self-selection bias.

But a number of people felt that as a – sort of a cultural issue here, there is something that should change, that ultimately it should sort of be reaffirmed to the civil service, to understand that this is their role and they should understand this and they should – a number actually suggested that the Premier sort of reaffirm this to them, to find some means of communicating this and letting them know that this is actually

sort of – we'll be doing our jobs better if we do it this way, and this is what we want.

MS. MORRY: Mm-hmm.

DR. BLIDOOK: As opposed to maybe feeling that perhaps there are actually concerns in terms of how you communicate to a minister.

MS. MORRY: All right.

So, Professor Blidook, those are all my questions on this report.

DR. BLIDOOK: Okay.

THE COMMISSIONER: All right, thank you very much.

All right, Province of Newfoundland and Labrador.

MR. RALPH: Good morning, Mr. Blidook. My name is Peter Ralph, and I represent the Province of Newfoundland.

The first case – first question I want to ask you is I want to, sort of, imagine I'm the clerk of Executive Council, and I've got your report today. And so I ask you, I mean, are there any policies that I can recommend at this point, or is there further work required? Based on what you've come up with.

DR. BLIDOOK: Yeah, I think that's a good question. I appreciate – I understand where you're coming from.

So, I mean, I see the nature of the report as being one that starts to give us a bit of a map in terms of areas that we probably do want to kind of look into, we want to understand them better. I certainly accept the criticism that with only 15 interviewees and with a number of them having been retired, that it could potentially be premature to take actual action on these areas. And I think that – well, I can't actually speak to it. I think it's in that black box –

MR. RALPH: Yes.

DR. BLIDOOK: – on the end.

MR. RALPH: Yes.

DR. BLIDOOK: I think that my recommendation, if I could at this point, would be to recognize there is possibly these problems. And if I can speak just separately from the data, I don't feel like the story in the report is that far out of the stories that I have heard separately from having researched this topic. That – some of these problems have been communicated more informally in a number of ways.

So I think, at this point, it's important to have an awareness of the fact that these problems probably do exist. But I think if we were to go down the road of concrete solutions, I think we'd want to get a bit more robust feedback from civil servants. I think – and I think we would want to, if we could, a little more effectively and openly, allow civil servants who are currently in government to give a little bit more feedback on this.

I don't think anything major should occur without sort of an additional step of saying: Okay, so we know these problems probably exist; we probably have more information now; we can probably do a much more effective survey, now that we've kind of highlighted some actual areas because, to begin with, it's really hard to do survey research until you know what the questions need to be and what the categories need to be. This helps kind of get us there a little bit, right?

MR. RALPH: So this is your preliminary work, and then you perhaps have – how you say – a more robust, quantitative study combined with a qualitative study, perhaps?

DR. BLIDOOK: I mean, sure. So, I mean, I will always say that more data is always better, so long as it's good data. So absolutely, I think that more could be done. I do think that – I'm trying to find the right balance of saying I think that I've found some stuff that matters. I don't think that this is just garbage –

MR. RALPH: Right. But is it fair to say that what –?

DR. BLIDOOK: – that it's not actually there, but I do think it's reasonable to be cautious. I think the – you should interpret this report as something that hopefully guides us a bit, but it would be really hard to take an absolute,

concrete step based on it without probably looking a little bit deeper –

MR. RALPH: Right.

DR. BLIDOOK: – and asking a few more people and knowing a bit more about them.

MR. RALPH: So from a public policy perspective, you're not saying you have enough information right now to commit funds or perhaps make statutory changes or anything of that nature. Is that fair to say?

DR. BLIDOOK: Sure. I mean, I guess I would take a view of it that if these areas are highlighted – and if it would – so, for example, if you were the clerk, I don't know what you already know as being the clerk. Maybe you're aware of some of these issues; maybe they come up from time to time; maybe this just helps kind of solidify, okay, you know what, that is there. I could see kind of seeing that as something that's meaningful.

But, yes, I am not saying, certainly, here's the policy that should be followed based just on the data that I have.

MR. RALPH: Right.

DR. BLIDOOK: I don't think that that's really a thing that could be done.

If there's awareness that's already there and this helps kind of shed a bit of a light on that, it's entirely possible the clerk is already able to say, you know what? Maybe there is already some of these areas of problems; maybe these are things that I wasn't – wasn't already – the thing is, I don't really know what the clerk might be thinking. But I would be a little surprised if there wasn't some evidence of these problems anyways. Does that make sense?

MR. RALPH: Right. Well, you know, yeah, I appreciate what you're saying.

The – in terms of these relationships, obviously these are very difficult relations. Often, these are relationships between a Cabinet minister and a senior civil servant.

DR. BLIDOOK: Yeah.

MR. RALPH: And, you know, these are necessarily kind of often very stressful jobs. In the end, you know, if you have a Cabinet minister who is hell bent on, you know, cutting taxes and programs and you have a civil servant who doesn't feel quite the same way, then there will be a level of job satisfaction with that, and that just comes with the territory.

DR. BLIDOOK: Mm-hmm.

MR. RALPH: And – you're nodding your head. Are you agreeing with that statement?

DR. BLIDOOK: Yeah. I mean, I don't think we're getting beyond some of the things – like, I do point out – I think I'm clear that sometimes these things are personal. Sometimes they're the nature of the workplace, right? We can't just say well, something needs to change because this particular relationship is difficult and because it's sometimes conflictual, or sometimes the deputy minister and the minister just can't work together.

MR. RALPH: Yes.

DR. BLIDOOK: That's – that absolutely exists, right? We know that. We can't try to change things just because that occurs because we know that that occurs everywhere.

MR. RALPH: Right.

DR. BLIDOOK: Having said that, if people are expressing actual concerns about it that are beyond that, if their experience is one where they feel that they actually couldn't say what they wanted to, that they were in an environment where it wasn't possible to. Or if in one case where the director was saying, you know, this was an issue with a number of directors, they all felt that they were just increasingly becoming less important. I think that's a bit more of a cause for concern, right?

MR. RALPH: So it's interesting to me because – interesting to me that I think you sort of suggested that perhaps there were some people that didn't actually define their role properly, that you spoke to. They had the sense that they perhaps didn't understand their role as a senior civil servant as they might well have. Is that fair to say?

DR. BLIDOOK: I don't think – I mean, so I – what I'm trying to get across here is that there were interviewees who were looking at this issue of not valued or of fear and saying from their perspective, it was more the individual who felt it than the actual institution around them, right? That some people are –

MR. RALPH: It was a very individual thing as opposed to systemic thing, is that what you're suggesting? The person's feelings?

DR. BLIDOOK: I think that there is a systemic problem here. I think that something underlies this. I don't think that I'd see the consistency that I see across the interviews if there wasn't something there. But I think that this – the difficulty of it is that I don't think that every case of it is one of there being an actual systemic problem. There are also personal issues, and this is where more data would actually probably help us a fair bit, right?

MR. RALPH: Right.

DR. BLIDOOK: Because I know that both – to me, both those – I'm sorry, I don't mean to state it as fact. For me, the evidence is there that both of these are actually issues, right? On one hand there is the personal; on the other hand there's enough people kind of saying there is actually a problem here. There is something that should be addressed. Which is why they're suggesting that something from above kind of be done. That training be brought in to kind of help people to ensure that these relationships work better, right?

MR. RALPH: Right. And –

DR. BLIDOOK: Does that make sense?

MR. RALPH: Yeah –

DR. BLIDOOK: Like (inaudible).

MR. RALPH: – oh, absolutely.

So this is a – in an qualitative study like this, it's not – it's a great deal of sort of – not measuring but you're taking the, sort of, the temperature of someone's perception, as opposed to – you're not – you're never quite sure, I guess, whether you are – people are talking about the same

thing. I mean, you don't know if two people are talking about the same duty to document. It's conceivable that they're not – what they understand as the duty to document may be different.

DR. BLIDOOK: Yeah, in some cases it is quite different.

MR. RALPH: And so, I mean, and does that provide a limitation in terms of what you can learn from something like this, this kind of study? I mean, are you – are we all talking about the same thing here? In terms of constraints, or in terms of duty to document, (inaudible) or in terms of being valued, I mean, are we –

DR. BLIDOOK: Sure.

MR. RALPH: – talking about the same thing?

DR. BLIDOOK: I'll – I mean, I'll clarify. There are limitations. I agree there are limitations. I think that there's enough from the data to suggest that there are problems that require – or that warrant looking further into.

MR. RALPH: Right.

DR. BLIDOOK: Right. I mean, I don't really –

MR. RALPH: Yeah, (inaudible) –

DR. BLIDOOK: – I'm trying to –

MR. RALPH: – (inaudible).

DR. BLIDOOK: – I'm trying to recognize the fact that I do think – I think that the data is helpful. I think that it gives us something important. But I'm perfectly comfortable saying there are limitations to it and that we – it doesn't put us in a position to say absolutely what should occur or exactly what is happening.

MR. RALPH: Now, you know, I read your report and there's times I sort of get a false note. And what I mean by that, it doesn't sort of – it's not consistent with my experience, in terms of government. And I'll ask you about – you know, you did the – I think, a qualitative part – was it – it wasn't your Ph.D. dissertation, was it? I think it was on – in Parliament, I believe, that you did some qualitative work, along with some

quantitative. You mentioned that earlier in your testimony?

DR. BLIDOOK: Oh, we were talking about the – yeah, so my first book had interview data and also statistical data. Actually, the statistical data was a little more prevalent than the interview data. But that was sort of the first – while I was working on my dissertation. So I think it was 2005, 2006 is when I started going to Ottawa and interviewing people and kind of learning the process of –

MR. RALPH: Right.

DR. BLIDOOK: – sort of doing that, yeah.

MR. RALPH: So in the meantime, you were very familiar with the – sort of, the institutions and how Parliament or the legislature worked in Ottawa. Is that fair to say?

DR. BLIDOOK: Yeah, I'd say so.

MR. RALPH: So, I mean, you were interviewing people and you were very familiar with everything they were talking about. There is very little that would come up that you wouldn't know anything about?

DR. BLIDOOK: Oh, yeah, no, I understand what you're getting at.

Yeah, so there – certainly this is the first time that I've interviewed civil servants. My interview work has mostly been with political staff or with politicians. So, if the point is, there is a difference here, I can accept that.

MR. RALPH: Yes. So, I mean, I don't think – it's fair to say that information management is not part of your specialty.

DR. BLIDOOK: No, that's correct.

MR. RALPH: And, I guess, public administration itself is not something that, you know, you've studied a great deal of. Perhaps a bit. Of course, you can't get the Ph.D. in political science, I suspect, without some public administration, but it's not a focus of your research.

DR. BLIDOOK: No. My primary areas are definitely Canadian and comparative politics. So yes, public administration is definitely a subfield within political science and I am familiar with it, but it is not – it's not my primary area.

MR. RALPH: So, I mean, it's fair to say that, I mean, you have no sense of how information management has sort of evolved in the provincial government.

DR. BLIDOOK: I don't have a strong sense of it. That's correct. I am somewhat familiar with the sorts of – the programs that they're talking about, the nature of what they're doing. And I do – I did depend on the interviews a fair bit for people to sort of identify those areas for me. I have never worked in government, either, but it's also – yeah, I don't study the civil service primarily, and so there are a number of things that would be, yeah, newer to me for sure.

MR. RALPH: Yeah.

So it's interesting to me that you've got civil servants, some of whom worked 15 years ago or in that vicinity, and some that are working now and –

DR. BLIDOOK: I'll just clarify that. So the vast majority of interviewees have worked under the current ATIPPA regime, which would be 2015 forward. I did have one interviewee who retired prior to that period, but I think there's only one. So they are quite current. Just so we're – just so I'm clarifying it, so I don't get –

MR. RALPH: (Inaudible) appreciate that.

DR. BLIDOOK: – stuck with people being 10 years ago. There's nobody in this sample who retired 10 years ago. They've –

MR. RALPH: Right.

DR. BLIDOOK: – all retired or left or continued to work –

MR. RALPH: Fair enough.

DR. BLIDOOK: – in a much more recent period.

MR. RALPH: But I would suggest, you know, the ATIPPA act – and I think you're familiar with this because you read the Wells report – perhaps parts of it – you know, came in in 2015. So there would be, obviously, a big learning curve when that new act came in, and –

DR. BLIDOOK: Mm-hmm.

MR. RALPH: – so the experience of someone who was there going through that perhaps would be very different from someone who's going through ATIPPA now in terms of lessons learned and the frustrations associated with that experience.

DR. BLIDOOK: Yeah, some of the interviews kind of bring things up to speed a little bit more, and I definitely saw that. I saw people referring to the information management system with different names, simply because it was relatively recent as well. So there was definitely some additional information that comes with the most current interviewees or people who have left just in the last year or so, compared to earlier. Absolutely.

MR. RALPH: Because the question – your research questions – it was interesting to me that – I wasn't quite sure what time perspective you're looking at.

DR. BLIDOOK: Sure.

MR. RALPH: You know, is it –

DR. BLIDOOK: So I mean –

MR. RALPH: – right now, at this point in time, record-keeping. So you're not actually measuring, I guess, what's happening within government, per se, if I can call it measurement – and perhaps we can. It's – you're measuring basically what's inside the mind of the person and their perspective on those things at this point in time.

DR. BLIDOOK: Yeah.

MR. RALPH: Right. So it's not the thing that you're studying; it's –

DR. BLIDOOK: So –

MR. RALPH: – the perspective or the – you know, the person’s perception of that thing.

DR. BLIDOOK: So I’m getting two different questions from what you’re saying, so maybe you just want to –

MR. RALPH: (Inaudible.)

DR. BLIDOOK: – can you just clarify a little bit what ...?

MR. RALPH: You know, my point being is that it wasn’t clear to me when I looked at the question, you know, are you asking the person about now? I mean, what’s your – how does record-keeping appear now. Or is it more of a general, you know, how has record-keeping been in the province, you know, over the last, even say, five or six years or whatever?

DR. BLIDOOK: Right, right.

MR. RALPH: You know, so is it a point in time or is it – or are you not really interested in a point in time; you’re just sort of more getting a general kind of sense? Because you’re not actually in a position where you’re going to suggest recommendations; you’re kind of saying next steps in terms of research.

DR. BLIDOOK: It certainly makes it more difficult having the limitation in terms of current civil servants, right?

So because we’ve only got three and then we’ve got people who have worked up until quite recently but, yeah, not today. They’re not still there right now. It means that the time period for the study really is recent government, but it is not today government, with only a handful of people who – well, sorry, three who currently work in and a number who were quite recent being able to tell us sort of, like, what’s been going on in 2017, 2018, 2019.

But, no, I mean, to think of this more broadly, the study really does kind of cover a period of time, much like the Inquiry kind of does, right? I would say that we’re trying to understand how we got to where we are, and some of the interviews also kind of speak to that, right? Like, they talk about changes and evolving and trends. And so, I mean, on one hand we could certainly

say, well, I mean, that trend may have completely changed in the last year or two, but I think that that’s also kind of unlikely. I think that people who have worked in government, have worked in recently and have seen the nature of the behaviour can probably speak to what’s going on generally even if they can’t say, oh, well, maybe they made a X change.

And certainly if X change has occurred, that –

MR. RALPH: Right.

DR. BLIDOOK: – helps a bit, right?

MR. RALPH: Right.

DR. BLIDOOK: Does that make – like, am I –

MR. RALPH: Yeah, absolutely.

DR. BLIDOOK: Okay.

MR. RALPH: So, I wanted to ask you about, I guess, the second set of questions – well, not the – I guess there’s the – I guess on page 21 of your report.

And you’ve got, what constraints – this is page 21 in terms of the red numbers on the top.

DR. BLIDOOK: Yeah.

MR. RALPH: And, “**What constraints, if any, exist upon NL ... servants communicating different viewpoints to superiors and why this may be so?**”

And then the next question is, “... *as a measure of your own approach to communicating a different position, would you say it is.*”

I guess my question is, do you find this odd that, you know, it’s kind of more negative in the first instance and then their own kind of sense of – so are they talking about their perspective on other people and their own perspective on how – what kind of job they’re doing?

DR. BLIDOOK: Sure. So, yeah, so this comes – I think there’s two things going on here. I think there is actually bias when you ask people about the general versus the specific. I think that that – when people talk about themselves –

MR. RALPH: In which direction –

DR. BLIDOOK: – that –

MR. RALPH: – the bias, the –

DR. BLIDOOK: Well, I say – I think I say very early on there's a tendency for most people to view themselves as above average which –

MR. RALPH: (Inaudible.)

DR. BLIDOOK: That bears itself out in survey data all the time.

MR. RALPH: Yes.

DR. BLIDOOK: It's impossible.

MR. RALPH: It's like 80 per cent of the people vote.

DR. BLIDOOK: Right

MR. RALPH: Right.

DR. BLIDOOK: Well, not exactly, but – okay – yeah. But, anyways, it's –

MR. RALPH: Yes. (Inaudible.)

DR. BLIDOOK: Far too many people view themselves as above average. A lot of them have to be wrong, right?

MR. RALPH: Right.

DR. BLIDOOK: Otherwise, the concept of average kind of falls apart. So I think that's important to identify here, that people would often see themselves as doing something better than how everybody else does it. I think that's part of this.

I think the other part, though, is – and it's partly maybe the nature of the interviews themselves. It might be the sorts of people that I'm interviewing. Most of them said I was able to say what I needed to say, but what I observed was not that. I saw people who weren't and I saw people who were concerned about precarity and I saw people who weren't willing to take promotions. But they would say: That wasn't me –

MR. RALPH: Right.

DR. BLIDOOK: – but that was other people.

MR. RALPH: So if you got someone –?

DR. BLIDOOK: So that's why you would get this result, too, right? Like, I'm saying both those factors probably play a reason in why we see the more positive versus the negative. One of them is about observing problems, but not really feeling them themselves. And one of them is sort of a natural human bias towards thinking that we do things better than other people do.

MR. RALPH: Yes.

So the people that you're speaking about in terms of – they feel pretty good about their interaction with ministers. I guess that's really what we're saying.

DR. BLIDOOK: So –

MR. RALPH: Ultimately, is that fair to say?

DR. BLIDOOK: Within the first theme, I think that most people were actually quite positive about their interactions on that level. The not-valued theme, the second theme under this question, I think that's where we get a little bit more of the – yeah, it's not that I'm unable to communicate. It's not that I'm not able to do my analysis, provide my advice. It's that it's not valued anyways when I do it.

So that's the second component. A lot of people talked about that in the personal, right?

MR. RALPH: Right.

DR. BLIDOOK: Do you understand? Like, I'm – there is a component here that is personal, but on the first theme, most people were talking about the general. They're talking about things they had observed –

MR. RALPH: Right.

DR. BLIDOOK: – not about problems they, themselves, had.

MR. RALPH: Right.

So, I mean, can you state, with any certainty, that when – in the first question – or is it possible that people are talking about people that, perhaps, are not executive? That are not deputy ministers? Having more difficulty expressing themselves? Or you can't go that far?

DR. BLIDOOK: I don't actually think that's – I don't think that's the case, actually. Certainly – I mean, director level and up, my impression here – and this is a good question. I don't want to, kind of, try to defend too much, but also try to answer you properly.

It wasn't my sense that they were talking about people who were really low down, but there was concerns around, sort of, directors who needed to sometimes provide information or something to a minister or an ADM. I do think that it fits within the senior bureaucrats, that a lot of the stories still – that's what they are.

MR. RALPH: Now, had you ever come across the duty to document, before you were engaged in this study? Was that something that you'd studied, researched before you engaged in this interviews with civil servants?

DR. BLIDOOK: I mean my familiarity with it was actually from interactions with Donovan, so I was on a panel with Donovan a number of years ago which – we talked about this a fair bit and so on. And so, I knew that these things were there, I knew that they had been discussed, but as far as – yeah, like, for example, the actual document that I source, I hadn't read that document prior to this topic coming up and being asked to look into –

MR. RALPH: Right.

DR. BLIDOOK: – this topic. So that –

MR. RALPH: But you had –

DR. BLIDOOK: – for me was part of just researching to kind of –

MR. RALPH: Okay.

DR. BLIDOOK: – get up to speed on some of these things. But it was something I was certainly aware of previously because – well, at least two or three times where I've seen

Donovan speak or I've been on a panel with him or whatever, it was something he was talking about a fair bit, it's something that he – you know, that would come up. So I was – it was an awareness that I had, but not something that I had sort of read up on, right?

MR. RALPH: Previously.

So you – you'd heard Donovan's take on duty to document many times?

THE COMMISSIONER: So we're speaking about Judge Molloy?

MR. RALPH: I'm sorry –

DR. BLIDOOK: I'm sorry, yes.

MR. RALPH: – excuse me, sorry.

DR. BLIDOOK: My apologies –

MR. RALPH: Judge Molloy.

DR. BLIDOOK: – I think I – 'cause I brought the name out. Judge Molloy.

MR. RALPH: Yes.

DR. BLIDOOK: Absolutely. And my awareness of the concept, I am almost certain, links back to him. If not, it's certainly something I know I've heard him talk about on a number of occasions.

MR. RALPH: So you spoke to these civil servants about, I guess, the chill and the concern about documents becoming public, that they had drafted, that they'd written. And, the impression I had was that they were – it wasn't necessarily that they were concerned that – of the embarrassment to the minister. It was more – they were kind of concerned about their own, sort of, reputations.

Is that fair to say or is there – both of that happening there?

And no one likes to have their work reviewed, I think. Right? In a public way like that.

DR. BLIDOOK: Yeah, a lots.

MR. RALPH: And you're – well, you're expecting it to be fair – to be a private thing and then, all of the sudden, it's – you know, it sits on the front page of *The Telegram*, it's not –

DR. BLIDOOK: Mm-hmm.

MR. RALPH: – a pleasant experience.

DR. BLIDOOK: Mm-hmm. Mm-hmm. Yeah, so I'd say – as I'm thinking back to the way that these were expressed, I'd say there was probably elements of both of those. People talking about kind of being in their office and seeing their minister get grilled in question period or – like there is that concern, certainly –

MR. RALPH: Yes.

DR. BLIDOOK: – that things will get out and it will be what you did wasn't meant to be taken this way, but now it's a problem and you created a problem –

MR. RALPH: Right.

DR. BLIDOOK: – certainly. But I think there also was the concern that, yeah, just simply that – that focus on yourself, that people will be aware that this was you, even with redactions or whatever the case may be. I think both of those exist if – is best way I can answer your question, I think.

MR. RALPH: And there's a quote here and I don't know if I can – if I had the page number here but I don't. But maybe you can find it, it said: "*Interview A* went further to outline the role of executive council in terms of setting expectations and being able to use directives to adjust behaviour. It was noted, however, that what typically happens with regard to such directives is reactionary to the problems"

DR. BLIDOOK: Oh, the pendulum. Yeah.

THE COMMISSIONER: What page you are on (inaudible)?

MR. RALPH: I'm actually – I'm trying to see if we can find it. Sorry.

UNIDENTIFIED MALE SPEAKER: Page 14.

MR. RALPH: Page 14?

DR. BLIDOOK: Mm-hmm.

MR. RALPH: And, again, so, in terms of familiarity with the –

THE COMMISSIONER: Wait. Where are we on? Just looking at the name –

DR. BLIDOOK: The very –

MR. RALPH: Did you find –?

DR. BLIDOOK: – I believe it's the very – you're talking about the very first paragraph on page 14.

MR. RALPH: That's correct.

DR. BLIDOOK: It begins: Interview A went further to outline ...

THE COMMISSIONER: Right. Thank you very much. I see that now.

MR. RALPH: 'Cause, you know, I would suggest to you that the fact who does directives in government is the Office of the Chief Information Officer, it wouldn't be – Executive Council wouldn't be involved in that. And I just wonder if you – how you arrived at that conclusion, that that's what this person was telling you. Can you – you probably can't remember that conversation.

DR. BLIDOOK: I'm – I'm reasonably certain Executive Council was mentioned, but it – you could be correct and it could be – it could be an error on the part of the interview.

MR. RALPH: Okay.

DR. BLIDOOK: It's certainly possible. I don't believe I'm transcribing a term there that wasn't used to make that expression.

MR. RALPH: Okay.

DR. BLIDOOK: But, it's certainly possible that – not having it in front of me and not being able to look it up and just check on that particular case, it's quite possible that that was said. It might have been in error and then worked its

way in with me – bringing in the information that I was given. But that’s – that’s certainly possible. I don’t – it’s –

MR. RALPH: It’s not, you know –

DR. BLIDOOK: Yeah.

MR. RALPH: – and it seems wrong.

DR. BLIDOOK: (Inaudible), yeah.

MR. RALPH: Yeah. And I can’t imagine the civil servant would get it wrong. So, it seem to me that it’s likely it was a mistake made by the note-taker or the interviewer. Right? Well, I guess you can’t comment on that.

DR. BLIDOOK: I –

MR. RALPH: Perhaps you didn’t –

DR. BLIDOOK: – I am really sorry.

MR. RALPH: – you – how many interviews have you listened to?

DR. BLIDOOK: Sorry?

MR. RALPH: How many of these interviews would you have done?

DR. BLIDOOK: So, we’d 15 – I did four and my associate did 11.

MR. RALPH: Now, I’m kind of returning, I guess, to something I asked you before but the – one of the questions you had, the first one was: Does record keeping within the NL public service appear to be sufficient? And – and I guess the question is: Appear to whom? Because who is – whose appearance there? So is – you’re talking about civil service –

DR. BLIDOOK: Oh, it’s a – it’s a – it’s a question to the individual to provide –

MR. RALPH: Okay.

DR. BLIDOOK: – their measure of it. Right? So – so would you say it is, is that – what is your perspective on this thing, is what each of these questions are.

MR. RALPH: Right. So – and so you can’t go to the next step and say, based on what they have told me, I have concluded that it is sufficient or insufficient. That’s not the purpose of what you’re doing here.

THE COMMISSIONER: I’ve not – I’ve already restricted his ability to even –

MR. RALPH: Okay.

THE COMMISSIONER: – suggest –

MR. RALPH: Fair enough.

THE COMMISSIONER: – that.

DR. BLIDOOK: I have no opinion.

MR. RALPH: Now, with respect to bias, again, so you did – you didn’t do all the interviews. And, you know, when you’re interviewing someone and sort of quote, unquote sort of, a disgruntled former employee is being interviewed, is it – is it readily apparent to you that perhaps they have a jaundiced view –

DR. BLIDOOK: Mm-hmm.

MR. RALPH: – of what’s happening within government?

DR. BLIDOOK: So I – I didn’t take that impression. Now, again, so I had a – Wade Kearley is the individual who helped me with interviews and just – I’ll just clarify quickly he is trained as an interviewer. He’s – he’s not just a student who I hired or something. He’s someone who’s done interviews previously. And so, I basically – because he was introduced to me by the Harris Centre, I discussed with him in advance what he knew about interviewing, what sorts of things had he done previously. Has a background. Also, has done a bit of work in the civil service, so has some familiarity.

And so, he was doing a number of the interviews. But what he would – I mean, we would – we would – we would chat. Right? We would – on top of just him doing them, I would try to update with him regularly to kind of see how things were going and if he noticed certain questions weren’t working or just bares other things.

And sorry, I'm getting to your point. In at least one case – so we were seeing this – this expression of people who perhaps sort of might be shut out. People are talking about, you know, sometimes people actually almost get to a point where they aren't being listened to anymore. There was one interview where he was able to sort of identify for me, I think that's going on here, I think this is one of the people who – this is their perspective, but I think that that's also that they've gotten into sort of this spot.

MR. RALPH: And I'm sorry, and that spot is – ?

DR. BLIDOOK: I couldn't – I couldn't speak to that as being a current or a former, unfortunately, for you right now. I – it may have been a current. My recollection is that it probably was, but I'm simply uncertain on that. Into this spot of feeling that the nature of their opinion-giving was probably getting to a point where they were annoying people, right? So they were kind of pushing – they – simply, I guess – I'm trying to be fair but also kind of express the nature of that particular interview.

He saw someone who had probably set themselves up as things weren't going well anymore. They might be perfectly capable but almost like they'd gotten a little frustrated, the fact that they were capable and they were – they had good advice and it was constantly being not followed. That fits with some other people, but this was somebody who had almost come across as, okay, so they've almost – almost like they may have gone a little bit too far. They've gotten into a place where now they are actually the person who stands out who other people don't listen to.

Now, I don't – I say that in part because Wade was trying to, if he could, communicate to me if he felt that there was actually some kind of an issue or a bias or if this person was different from other interviewees. There were none of these where it came across as simply this person is angry at what happened. There were definitely people, though – and I think I have a few quotes in there of people saying that they left for these reasons. So they were unhappy with how work was in government, right? They moved on to other things.

I know at least one or two interviewees talked about feeling like they were not valued and that was the reason why they left. They were kind of done with it. Whether or not that makes somebody disgruntled – I mean, I think you have people who have positive experiences in the workplace and negative experiences in the workplace. This suggested these people had more negative experiences.

MR. RALPH: Right.

So I guess from your perspective, though, that doesn't really matter. It doesn't change what you're doing. You're not trying to measure the thing; you're trying to measure their perspective on that thing.

DR. BLIDOOK: Sure. And I think, I mean, you know, there's a reason why exit interviews exist. Sometimes when people have freedom to speak about the workplace, it's valuable information. This is why this is used to try to track are there problems. So the idea that somebody might be unhappy with a workplace, that's still valuable information about that workplace.

MR. RALPH: Yes.

DR. BLIDOOK: It doesn't – it will be different, and I don't think you'd want everybody to be people who had a bad experience. I think you'd want to have a cross-section of people that had various experiences, and I do actually think I have that. But without a doubt, there was one or two people who had a bad experience and didn't enjoy working in government anymore for those reasons. For the – fitting into the themes but also said, yeah, I'm done.

And so that might be things that they actually wanted to talk about, that they were – it fit within the questions that the study was doing.

MR. RALPH: Now, I don't have too many more questions for you, but the title of your report is kind of disturbing. It seems to be a bit over the top that you're talking about evil. You know, I don't think that's where we are. I mean, I don't think it's like sort of a concentration camp or something. I mean, that's – you know, you're – it's an odd kind of expression to use, isn't it?

DR. BLIDOOK: Hmm.

MR. RALPH: To use the word evil.

DR. BLIDOOK: You know, in writing the title – and I did kind of bounce around trying to think of what’s the best way to say this. So – and I will say for myself and certainly for sort of, you know, academics in general, we try to find titles that aren’t just purely descriptive in the sense that they’re almost to the point of being boring. And so there’s a tendency to try to say, is there something we can stick out there that kind of captures a little bit of this?

But I take your criticism. I think that you could certainly criticize the title because of the term evil. I don’t think this was meant to be about evil so much as just kind of capture from a well-known saying and to kind of just work with it a little bit about that – it’s about the problems in terms of peoples’ ability to speak and it’s about the problem in terms of peoples’ ability to write or to document.

MR. RALPH: Right. And – but it’s not speak no evil, I mean, it’s not like – you what I mean? It’s not – you don’t speak at all and you don’t –

DR. BLIDOOK: Speak limited evil. Speak –

MR. RALPH: I mean, perhaps the question is, is it – you know, is a Cabinet – or is a civil servant doing his job –

DR. BLIDOOK: Mm-hmm. Mm-hmm.

MR. RALPH: – in providing advice, not – you know, not that he’s completely mute or is refusing to kind of hear anything that’s bad going on.

DR. BLIDOOK: Right.

MR. RALPH: And to that extent, it seems to be a bit over the top.

DR. BLIDOOK: And – right. And so your concern is that the title is not as representative of the findings –

MR. RALPH: Yes.

DR. BLIDOOK: – because I do actually kind of point out that to some degree, the findings aren’t all negative.

MR. RALPH: Don’t support that title.

DR. BLIDOOK: I do focus on the negative. I do try to answer the questions with the hot spots that I think matter most. But I do, I think, in the report try to balance that by saying, just so you know, this wasn’t all bad or just, you know, there’s a fair bit of positive feedback –

MR. RALPH: Yes.

DR. BLIDOOK: – here, too. But I don’t spend a lot of time on it, because kind of like the same reason why the newspaper doesn’t tell us all the people who (inaudible) –

MR. RALPH: Right.

DR. BLIDOOK: – surgeries yesterday.

MR. RALPH: Right.

DR. BLIDOOK: It doesn’t help us to document all of the non-problems. But I –

MR. RALPH: And (inaudible) –

DR. BLIDOOK: – can accept a criticism, and this is informative for me, too, to kind of see – I’m not meaning to highlight particular people; I’m not meaning to offend anybody. I’m trying to (inaudible) –

MR. RALPH: Right. Because it doesn’t really seem –

DR. BLIDOOK: – question –

MR. RALPH: – much to do with what’s going on inside the covers of –

DR. BLIDOOK: Okay.

MR. RALPH: – this report.

DR. BLIDOOK: Okay.

MR. RALPH: And I guess the other thing as well, and maybe this is a – not a particularly fair point, but, you know, it’s pretty clear inside the

report what you're talking about. But the title says you are exploring documentation practices. And that doesn't seem to be the case.

DR. BLIDOOK: You'd prefer if it said exploring perceptions of –

MR. RALPH: I think so.

DR. BLIDOOK: – documentation practice.

MR. RALPH: I mean, that's more, I think, fair, isn't it?

DR. BLIDOOK: I understand what you're getting at. Yeah. I could – I would actually be open to a collective –

MR. RALPH: (Inaudible.)

DR. BLIDOOK: – process by which we try to come up with the best title for it. I realize it may –

MR. RALPH: A prize, perhaps?

DR. BLIDOOK: Anyways, I take those criticisms. I think they're very reasonable and I get where you're coming from.

MR. RALPH: I have no further questions, Commissioner.

THE COMMISSIONER: All right, thank you.

I think we'll just take a quick break this morning, five or 10 minutes, and then we'll come back and continue on.

So 10 – let's – up to 10 minutes anyway.

CLERK: All rise.

Recess

CLERK: All rise.

Please be seated.

THE COMMISSIONER: Okay.

Nalcor Energy.

MR. SIMMONS: No questions.

Thank you, Commissioner.

THE COMMISSIONER: All right.

The Concerned Citizens Coalition.

MR. BUDDEN: Good day, Dr. Blidook.

As you know, my name is Geoff Budden; I'm the lawyer for the Concerned Citizens Coalition, which as I believe you also know, is a group of individuals who for a number of – mostly retired senior civil servants themselves, interestingly – and who have for many years been observers and critics of the Muskrat Falls Project.

DR. BLIDOOK: Mmm.

MR. BUDDEN: I don't have a lot for you today. I've got six or seven questions, but one just sort of rounding off some of the matters that were put to you in the direct examination by Ms. Morry.

If you were to approach this in a – what would be your preferred approach to this question, how would you answer this question exploring chain of command communications and documentation practices in the NL public service, if you were able to – if you had the proper resources to put to it?

DR. BLIDOOK: Sure.

You know, I mean, it could get pretty big if you were to, sort of, do this on a full scale. Certainly one thing that I wanted to include in this study, had there sort of been the time and resources, was to also do a survey. I think that's one thing that would really help this a lot.

And I would have probably gone about the initial nature of the study in much the same way, to start to gather qualitative data, to start to understand by digging deeply with people, what sorts of things come out. And from that, that gives you a fair bit of information you can work with to sort of fine-tune – if you want to fine-tune interviewing processes, but beyond that, to be able to construct a proper survey. It's really hard to do without, so I think that the initial step of sort of qualitative data gathering is valuable.

But on the scale of what we want, it'd be helpful to also be able to have actual statistical evidence: How many people this, how many people that, people's views on things. And to have that occur within the civil service as it exists currently, and probably it wouldn't hurt to have retired civil servants as well to, sort of, understand if there are changes and trends and so on.

I mean, as you get bigger it's, like, oh, I would do this and I would do that. But I would say one thing that absolutely would aid this study would obviously be to have more interviews in the current civil service, and also to have a survey to accommodate understanding broad trends, right?

MR. BUDDEN: Sure.

DR. BLIDOOK: Yeah.

MR. BUDDEN: Okay, thank you.

You know, these questions are all predicated by an awareness, obviously, that it is a very small sample, and you've already qualified what uses can or cannot be made of that; having said that, I'm going to ask you these questions anyway to see if you can answer them.

Were you able to distinguish any – what you would regard as – meaningful patterns evolve within the data around a couple of issues? One, is there any distinction at all between how the very highest levels of the public service at the DM level view these issues, as opposed to those, perhaps, a step or two below them?

DR. BLIDOOK: Yeah, we –

MR. FITZGERALD: Commissioner, if I may.

I believe that goes into opinion evidence with respect to his interpretation of the interviews that he had taken. He is not an expert, and you were very clear this morning in your ruling that we wouldn't be having any questions on opinions in that nature.

So I object.

MR. BUDDEN: The distinction I would make and why I would suggest it is a permissible question, is I'm simply asking him to dive a

little deeper into what he's already spoken to. If there is – is there a pattern within the patterns, I suppose. And while, obviously, this witness is here and we can't totally escape the fact that he is here because he has expertise in this field, I don't think this question is really any different than what he's already spoken to. It's just a slightly deeper dive.

THE COMMISSIONER: I think the nature of the – well, let me just say this: First of all, this is going to get trickier because of some of the questions Mr. Ralph, himself, asked the witness.

MR. BUDDEN: Yes.

THE COMMISSIONER: So – and for which there was no objection, except for one where I spoke up.

But I think if you were to reframe your question to – because I think what you're asking the witness is when you – based upon the questions, the interviews that you did, did you – was there a difference between what a DM – a deputy minister was saying, versus a director?

MR. BUDDEN: Yes.

THE COMMISSIONER: And that, I think, goes more to fact than it does an opinion, and I think that's a fair question to ask.

MR. BUDDEN: Okay.

Well, perhaps, if we can regard the question that way. If the – well, you heard as Mr. Justice LeBlanc put it, if you could answer that question.

DR. BLIDOOK: Sure. But I think probably the best way for me to respond is going to be a bit disappointing.

I mean, I think that there are differences that would obviously just come with rank but I don't think that there were – we could really say that perceptions were vastly different. I will say, speaking to the data collection process itself, we did actually have a question about whether people saw differences sort of from higher level to lower level, which would sort of capture a bigger range than just, you know, a director up to DM.

But responses to that I don't think really inform this Inquiry much. So I don't – I mean, they were a little all over the place and while there were some opinions on it, I don't feel like there's something I can really make of them that will help you a lot here, so ...

MR. BUDDEN: Okay.

DR. BLIDOOK: Yeah.

MR. BUDDEN: Well, that's fair enough. I'll move on –

THE COMMISSIONER: Okay.

Let me just sort of help the witness a little bit.

It's not so much what you make of them. It's what they are. So the question that I would ask as a follow-up is – so when these people were interviewed, and I'm not even sure how important this question is, but I just want to try to make the point of how to approach this witness. I'm trying to figure out how to keep everybody on this – on the straight and narrow here.

So when you spoke to these individuals, whether they be a deputy minister, a director or somebody below a director, what did they tell you about their perceptions on these questions? Did they tell you something differently?

DR. BLIDOOK: Right.

So, if I understand correctly, the question is: Did deputy ministers, sort of as a group, have a different collective perception than ADMs –

THE COMMISSIONER: Right.

DR. BLIDOOK: – as a group and had different perceptions than directors –

THE COMMISSIONER: I think that's –

DR. BLIDOOK: – as a group?

MR. BUDDEN: Yes, yes.

DR. BLIDOOK: Yeah, I don't feel that I can give you guys an answer that's yes and give you any real details on it. I don't think there's

enough of a difference there, other than things that simply relate to rank itself. I don't think there was anything, like, that – I didn't do a direct comparison of these and in part that is difficult with the small numbers of each. So then you're going to compare six to four to three to –

MR. BUDDEN: Yes.

DR. BLIDOOK: – two. But I – nothing that I recall or that I saw that was really, like, wow, all the deputy ministers really – this. And I just – I don't think it's there. But it wasn't a primary focus for me to be prepared to answer that question either. I didn't really go at it as trying to compare each of those ranks.

MR. BUDDEN: Okay, fair enough.

I'm going to page 14 or your report, which of course is 447 – or it was 04478. I guess it's still the same exhibit number. If we go to the 3.1.2 – scroll down a bit please, Madam Clerk.

Yeah, if we look at that first sentence there, I'm just gonna read it, because I wanna contrast it with something that's written elsewhere.

Quote: “Almost all participants spoke about Newfoundland and Labrador's Access to Information and Protection of Privacy Act (ATIPPA) at some length” – and this is the key part – “and a number pointed to it almost immediately as the main driver affecting behaviour around documentation practices during their experience.”

Then we go back a page, if we could Madam Clerk, and that part – yes, the one that's centered there.

The paragraph, and I'll read it: “Documentation practices are also dependent, as many interviewees indicated, upon the people involved. The Minister, the Deputy Minister, the Assistant Deputy Minister, can each play a role in terms of expectations of protocols. As was noted by *Interview A*, some Deputy Ministers are highly process oriented and want everything in writing, while others find documentation cumbersome or a drain on resources and” would “look for other means of arriving at decisions. This is an important point, mentioned often, that

suggests personal/cultural variation that is not clearly driven by institutional factors.”

Well, to me they seem to be saying different things.

DR. BLIDOOK: Mm-hmm.

MR. BUDDEN: Those two conclusions. Do you see them as saying different things, and if so, how do you reconcile that?

DR. BLIDOOK: Sure. So both of these things were there. I think – I guess that’s my main point in kind of pointing at each of them.

I don’t think that they’re in conflict with each other; I think that both are significant and both definitely came out of the interview. So on one hand, people were quite clear that – there are – there’s personal variation, people behave differently, people have different expectations. That’s there. And that’s – I think that’s important, and that’s one of the – that’s something that we have to kind of separate from the fact that there are things that we can change, but the fact that people differ is not one of them.

MR. BUDDEN: Mmm.

DR. BLIDOOK: What we can change is the institutional factors. We can change the nature of legislation that governs behaviour. We can change, you know, like, the things that exist within the institution that affect what people will do or what the incentives for certain –

MR. BUDDEN: Sure.

DR. BLIDOOK: – behaviours are. So, we know that both those exist, I’m highlighting that both of them came up, and I also mean for that to balance, so that we’re not looking at one thing and saying it is a systemic issue and that’s clearly what it is; we know that there’s also this other issue, right? So, people did speak to both of these parts, I –

MR. BUDDEN: Okay.

DR. BLIDOOK: Does that make sense? Like, I

–

MR. BUDDEN: It does. Though I would perhaps take it a bit farther and if you – you say here on the one hand, “a number point to it almost immediately as the main driver affecting behaviour around documentation practices”

I would suggest to you that sounds to me more like an institutional factor –

DR. BLIDOOK: Mm-hmm.

MR. BUDDEN: – than it does a “personal/cultural variation,” or am I losing a distinction there between, perhaps cultural and institutional?

DR. BLIDOOK: No, it’s correct.

So, it’s true that a number immediately went to – as soon as the topic came up, ATIPPA became what they would start to talk about. Without me prompting it, without me saying anything about it, it would be something that would come up. If we’re gonna talk about this, this is what’s making the change or this is what’s creating the problem. And that is institutional, right? That’s a

–

MR. BUDDEN: Yeah.

DR. BLIDOOK: – that’s a piece of legislation that governs how people are supposed to act and creates things that they must do and things that there are sanctions for not doing, right?

MR. BUDDEN: Sure, of course.

I interrupted you. Please carry on.

DR. BLIDOOK: But, I’m just – I guess my point is: I’m not saying that that’s it, that that’s all there is, but I would say that a number of people sort of saw that as primary; it came up right away.

MR. BUDDEN: Yeah.

DR. BLIDOOK: In a couple of cases people didn’t talk about ATIPPA until I mentioned it.

MR. BUDDEN: Okay.

DR. BLIDOOK: But in a lot of cases that – it was clear that it was happening a fair bit in the

interviews that people were going to talk about ATIPPA before very much –

MR. BUDDEN: Sure.

DR. BLIDOOK: – else came up.

I'm just – again, that doesn't mean that I didn't have a number of people also pointing to the personal factors, the fact that this isn't all just about ATIPPA or just about the nature of the institution; some of it is about different people. So if you see inconsistencies, sometimes you see inconsistencies because of people's expectations, sometimes you see inconsistencies because people didn't know what they were supposed to do or what the law was suggesting they do.

MR. BUDDEN: Sure, and some individuals are note-takers by nature, others perhaps rely more on their memories, others document more carefully.

So, that would be, I assume, what you mean by personal factors, that all of us here are hearing the same evidence –

DR. BLIDOOK: Mm-hmm.

MR. BUDDEN: – but we all take notes, perhaps, in our own individual ways.

DR. BLIDOOK: Mm-hmm.

MR. BUDDEN: But that, surely, is different from a general, almost universal – well not quite universal – but at least a general reluctance to document because of a fear of –

DR. BLIDOOK: Right.

MR. BUDDEN: – fear of ATIPPA, put –

DR. BLIDOOK: Yeah.

MR. BUDDEN: – it that way.

DR. BLIDOOK: So the reason why these are – I mean these are in different themed sections –

MR. BUDDEN: Yes.

DR. BLIDOOK: – but it's also sort of, for me, in writing this, an attempt to make sure that we balance the various things that are going on and not just say this one thing is the problem. The interviews aren't telling me that one thing is the problem; they're –

MR. BUDDEN: Gotcha.

DR. BLIDOOK: – highlighting multiple things, right?

MR. BUDDEN: Okay. But one thing that many of them are highlighting is this being influenced by their perception of ATIPPA.

Did – what was their perception of the obligation imposed on them by ATIPPA, and did it appear, to your knowledge, to be a correct perception of the ATIPPA obligation? You sort of allude to it at one point in your report. I'm not sure that's even a fair question for you or if it's getting into your expertise, but to us it's important.

Is the civil – is the public service under a misapprehension about, perhaps, what their true duties are under ATIPPA?

THE COMMISSIONER: I'm not sure this is a question that this witness should respond to, I don't think.

MR. BUDDEN: Okay.

THE COMMISSIONER: I'm not even sure he could respond to it because I'm not sure how much he knows about ATIPPA. But we know if – I take your point.

MR. BUDDEN: Yeah.

THE COMMISSIONER: Section 29, for instance, of the ATIPPA legislation protects advice. Advice seemed to be one of the issues that some of these people refer to. So, I –

MR. BUDDEN: That was where I was going –

THE COMMISSIONER: Yes.

MR. BUDDEN: – and I can't lay my hands on it, but I know, in your paper, you do identify the

same exemption that – exception that Mr. Justice LeBlanc just did.

THE COMMISSIONER: Page 15.

MR. BUDDEN: Commissioner did.

Pardon?

THE COMMISSIONER: Page 15.

MR. BUDDEN: Page 15?

Okay, well, perhaps we could – if that may help frame question if I could ask him to explain that particular comment.

THE COMMISSIONER: It starts at the bottom of page 13 – or 14, rather, that you referred –

MR. BUDDEN: Yes.

THE COMMISSIONER: – to him earlier.

MR. BUDDEN: So, I'm going to – it really continues almost, on from the first quote I put to you. "While there was general approval of the principles underlying the Act," – ATIPPA – "there were many concerns regarding it. These ranged from those who saw inconsistent practices related to it, those who saw it as creating a chill on effective communication practices, and those who saw it as creating more work in an environment already short on resources."

And here's the key part, perhaps, Doctor.

DR. BLIDOOK: Mm-hmm.

MR. BUDDEN: "Despite provisions in section 29 of the Act that can protect advice, proposals or policy options provided to public bodies or ministers, there appears to be a wide range of communications in these areas and other forms of communication that can be requested, and which drive concerns for those providing such communication. The altering of communications to produce less written information was a significant theme in all interviews, though despite substantial criticism it should be noted that some participants voiced positive viewpoints to some of these changes as well."

So, I guess what I'm getting at: Did there appear to be a clear understanding among the people who were interviewed as to the operation of section 29 and how it does protect advice proposals or policy options?

DR. BLIDOOK: Right. That's a good question.

So, really, this would, kind of, require me saying here is an interpretation of – and determining: does the interviewee understand that interpretation?

I don't know that the interview data provides a clear enough answer to your question.

MR. BUDDEN: Okay.

DR. BLIDOOK: Because I don't think that the question – in terms of framing it properly to answer you, I don't quite think it's there. I think it would've required a more specific statement from them of what they understand, and I didn't come at it that way.

MR. BUDDEN: Sure.

DR. BLIDOOK: Certainly, people talked about a lack of clarity more generally, and they talked about these areas, generally. But, I – yeah, I just don't think that there's enough there, I'm sorry.

MR. BUDDEN: That's fair enough. If you can't answer it, that's – you can't answer it if the data doesn't give you the foundation.

I just have another couple of questions on a – jumping around a bit here.

Did you have any sense of, I guess – and again, the data may not get you here, but I'll ask the question anyway. Did there be any – would – did you get any sense of an awareness among the public servants with whom you dealt – with whom were interviewed that the process of documentation can perhaps protect them and their reputations; that by putting on the record what their advice is, they perhaps, if that subject later comes up for a criticism such as perhaps the decision to build a dam, there their advice is and in that way, ATIPPA can be their friend or the documentation process can be their friend.

Did you get any awareness of that?

DR. BLIDOOK: That didn't really come out. That's a very reasonable sort of interpretation or expectation that people might see things that way.

There was certainly sort of concerns, though, at some level – and maybe this actually does get a little bit to your previous question about people recognizing that the notes that they would write would then – could then also be altered, right, and changed. And so what might be something that they were sort of advising or providing in the first place might – the wording of it may actually change to a point where they may not feel quite the same way about it.

So I'm simply saying that 'cause I think it's related to your question. But I don't recall anybody really specifically just saying: If I document things, it's a protection, it's a way of kind of saving myself. It seems to me that it was usually sort of the opposite – and maybe that's the nature of the interview that it didn't provide a space for people to go that direction. I mean, I feel like it would have, but I just don't recall people really going down that road, so.

MR. BUDDEN: Sure, yeah. 'Cause I guess what we're left with then is, you've documented that there was an awareness of ATIPPA and it certainly influences decisions, but you can't take us beyond that, whether that awareness is accurate, to what – whether it influences decisions in a positive way or negative way. These are all questions that you simply cannot answer because the dive wasn't deep enough.

DR. BLIDOOK: Yeah.

So, I mean, a number of people did speak to sort of that the insufficiency of documentation could be – could ultimately be a problem, but – and on the flipside, I mean, so where I'm talking about some people having positive viewpoints, some people said that the nature of these changes required people to be more concise to – things have to be short and brief and have to avoid anything that might be seen as opinion or whatever. And some people saw positives in that as well, right?

MR. BUDDEN: Sure.

DR. BLIDOOK: But, I – yeah, again, I don't think I've got an answer that is specific to your question, so I'm sorry.

MR. BUDDEN: Okay. Thank you.

Perhaps, Madam Clerk, page 11. There's a paragraph here under Findings and it – I'll read it because it sets up the – my next question. The study arose – “This study arose out of perceived problems related to the Muskrat Falls hydroelectric project, and it is important to note at the start that many participants saw the processes leading to the sanctioning of that project as relatively unique. This should be understood within the context of the scope of the Muskrat Falls project, and this should not be seen as dismissing any connection between the practices that led to that project and current practices within government. However, a common” theme “that arose from speaking to current and former senior-level civil servants is that if significant problems plagued the Muskrat Falls process, those same problems – while evident to some – are not as problematic or do not appear likely to result in a similar outcome. A number of participants in this study highlighted this point, with some suggesting that there were deliberate efforts to hide information with Muskrat Falls that are not in line with anything they have seen or experienced during their time working in the NL public service.”

My question is this – I guess it's a – two related questions. What kind of information and to what purpose was it being hidden?

DR. BLIDOOK: Oh. There isn't the detail that you're asking for there and it wasn't, primarily, the purpose of me to get into Muskrat Falls. So, I didn't probe –

MR. BUDDEN: Sure.

DR. BLIDOOK: – these questions to that extent. But – so, through the process of interviewing people, a lot of them – sometimes they would refer to Muskrat Falls and they would refer to problems with it. And I'd say: Okay, so what about you? And they'd say: Well, actually, I don't – I don't see that, that's not

something – so, that’s – anyway, I’m just recommunicating what –.

MR. BUDDEN: Sure.

DR. BLIDOOK: – the paragraph is. But there were – there were cases where people were – yes, they were definitely talking about these practices as being unique to what they had observed. And in terms of – I know in one interview, it was sort of in reference to actually including documentation in TRIM or but – the HP – sorry, I know I even highlight it in the report. It’s now called HP ... Anyways –

MR. BUDDEN: Yeah.

DR. BLIDOOK: – formerly TRIM. The – they weren’t –

MR. BUDDEN: (Inaudible) –

DR. BLIDOOK: – specific about –

MR. BUDDEN: – (inaudible) –

DR. BLIDOOK: – what they were –

MR. BUDDEN: – (inaudible).

DR. BLIDOOK: – they were simply saying –

MR. BUDDEN: Oh, yes.

DR. BLIDOOK: – those things should be there.

MR. BUDDEN: Yeah.

DR. BLIDOOK: There’s – clearly something went wrong because that sort of thing would be there, in my experience, right? That’s really more kind of the nature of that discussion.

But, yes, I’m not gonna be able to provide you more insight specifically on Muskrat Falls here –

MR. BUDDEN: Sure.

DR. BLIDOOK: – I don’t think.

MR. BUDDEN: Fair enough, it’s – these, of course, are public exhibits and it’s sitting there rather significantly so I thought it appropriate to ask the question, but ...

DR. BLIDOOK: But I’d – I mean I include that in part to make that distinction, so I hope people kind of understand that while I’m not trying to say, oh, they’re just two completely different things, a lot of people did kind of frame them as two completely different things.

MR. BUDDEN: Sure. So that was the way it was presented to you.

DR. BLIDOOK: Yeah.

MR. BUDDEN: Yeah. Thank you, Dr. Blidook, nothing further.

DR. BLIDOOK: Okay, thanks.

THE COMMISSIONER: All right.

Edmund Martin?

MR. SMITH: No questions, Commissioner.

THE COMMISSIONER: No?

Former Provincial Government Officials ’03-’15?

UNIDENTIFIED MALE SPEAKER:
(Inaudible.)

THE COMMISSIONER: Okay, thank you.

Julia Mullaley, Charles Bown?

MR. FITZGERALD: Commissioner, I believe you’ve skipped over Mr. Hewitt.

THE COMMISSIONER: Oh, I’m sorry, yeah.

Oh, Kathy Dunderdale. Sorry, I’d –

MR. HEWITT: No questions, Commissioner.

THE COMMISSIONER: – I apologize.

Julia Mullaley, Charles Bown?

Thank you.

MR. FITZGERALD: Good morning, Doctor.

Mr. Ralph asked a number of questions regarding your report, so I’m not gonna repeat

that in the – those questions, but I do wanna highlight a couple of things, I guess.

DR. BLIDOOK: Mm-hmm.

MR. FITZGERALD: In terms of methodology, when the report was being – when you were, I guess, collecting data, would you contact individuals who would come in, or would individuals take it upon themselves to contact you first and say: I'm gonna – I'd like to be interviewed and participate.

DR. BLIDOOK: Yeah. So it would be a process – and I'll just clarify, so this is also something that the Ethics Board at MUN is quite specific about. They – ethics boards are all different, but the one at MUN really doesn't like sampling processes where the person doing the interviewing is being given contact information. Even though under a number of circumstances that would be entirely innocuous – and I actually kind of disagree with a blanket policy like this –

MR. FITZGERALD: Mm-hmm.

DR. BLIDOOK: – personally. In any case, the preference is that if there's a manner by which the potential participants can be contacted through a, sort of a neutral third party or just through a friend or someone who's aware of a study and then they can contact the researcher, that's a – the preference. So that was also kind of what we aimed to do here. So Harris Centre had the contacts, they didn't give those contacts to me, they didn't say: Here –

MR. FITZGERALD: Yeah.

DR. BLIDOOK: – contact these people. They simply sent out, I believe it went from some – it wasn't the director's email, it was someone sort of lower down. It simply said: Just so you know this study's going on – it didn't say exactly that but it was a recruitment –

MR. FITZGERALD: Yeah.

DR. BLIDOOK: – email – it said this is the study; this is the basic kind of purpose of it; this is how long it will take. You can be interviewed wherever; if you're interested please contact Dr. Blidook, and it gave an email address and then they would send an email to me, and from that

point forward I would either contact them and set up a time to interview them or I would pass them along to Wade Kearley who would conduct the interview. I wasn't even actually in the province for some – well, some of the interviewing –

MR. FITZGERALD: Okay.

DR. BLIDOOK: – that was going on, it was just him and I communicating. And so, yes, they would state that they were interested; they would come to us; and then we'd say, okay, then let's set up a time.

MR. FITZGERALD: In these types of studies – I guess you've done more than one of these?

DR. BLIDOOK: I've done a number of interview studies but I haven't – I think I mentioned earlier, I've never actually done one with civil servants like this. And I'm trying to think of – I mean, so for me personally, most of my recruitment I do actually do myself because I'm usually recruiting through publicly available contact information.

If I want to interview an MP there's no issue with me contacting them directly because their contact info is there; whereas this process would have required someone giving me private contact information, which would be the main issue that the ethics board would have.

MR. FITZGERALD: Umm.

DR. BLIDOOK: So –

MR. FITZGERALD: Go ahead, sorry.

DR. BLIDOOK: – I'm just saying, so I'm actually reasonably certain this is a bit unique in terms of a recruitment process for me. I mean, I'm on the ethics board, I'm the vice-chair of it, so I see this stuff all the time and I know how it works and I see other peoples stuff come through, but I don't think I've ever actually followed this exact recruitment process.

MR. FITZGERALD: No, no and I'm certainly not questioning your ethics, so –

DR. BLIDOOK: Oh, no, no, no –

MR. FITZGERALD: – just to be clear on that.

DR. BLIDOOK: – and I’m just trying to give an explanation; I didn’t feel you were either –

MR. FITZGERALD: Okay, good.

DR. BLIDOOK: – it’s totally fine.

MR. FITZGERALD: And I guess where I’m getting at is, I mean – and you’ve talked about human nature a number of times in your report and at your testimony today – but in your experience with doing these type of studies and interviews, is it more common for the malcontents to come forward than the people that don’t have an issue?

DR. BLIDOOK: I think – so when I speak to self-selection bias, I think that it’s entirely possible malcontents would be more likely – I think self-selection bias isn’t just about people who are upset; it’s – but it is – there’s sort of a – I’m thinking of like, other forums of poor data, things like ratemyprofessors.com. I will not look at that website because I know that it’s poor data.

But anyways, I’m just – so what you often get is almost, sort of, what we call the McDonald’s arches distribution. You get the people over here and the people over there, but nobody in-between, right. So whereas a normal distribution would look like this, what you tend to get with these types of forums is this; you get people who really love the professor and really hate the professor.

MR. FITZGERALD: Yeah, (inaudible).

DR. BLIDOOK: And so I think that there’s certainly the possibility that self-selection bias also gives me something like that, right. So people who are interested in talking about their time in government – that doesn’t necessarily mean people who are angry or people – or necessarily people who are happy. And so what I try to do with the sort of first question that I tabulate there, Table 1, is that’s kind of one of the main reasons I wanted to have this was to be able to look at that and say, okay, so we’ve got all these interviews, people are saying all kinds of things, but are they all actually just negative?

This kind of tells me that, no, they’re not. So that – I mean for that to sort of help validate the data to a certain extent, right?

MR. FITZGERALD: (Inaudible) and that’s where I’m going next, actually.

DR. BLIDOOK: Yeah, that’s fine. So that’s – anyways –

MR. FITZGERALD: Sorry, go ahead.

DR. BLIDOOK: Okay.

MR. FITZGERALD: I mean I do know – and if we go to page 9 of your report, and as I was reading this I admit, I would read a paragraph and I’d be like no, no, no. And then you corrected and you pointed out the weakness or the problem with the data. So I, you know, I credit you on that.

Page 9, first paragraph there; first full paragraph, it says: “Caution should nevertheless be taken in generalizing the results of this report. First, while the sample of interviewees does capture a reasonably representative cross-section of the target population for the study, it is possible that the data does not accurately represent the views of all possible participants.”

So you’re clearly acknowledging there that you don’t have all possible participants and you can’t make a conclusion on that. That’s a limitation of your paper, obviously?

DR. BLIDOOK: Yes, and not all possible participants were recruited in the first place.

MR. FITZGERALD: No, I understand that.

DR. BLIDOOK: It was a limited recruitment process and, yeah, okay, (inaudible).

MR. FITZGERALD: Yeah.

And a key critique under these circumstances is that the data drawn from the sample of this size can be skewed by only a few interviews if there was – if they represent outlier viewpoints. This is what I was just getting at earlier. But you have acknowledged that, correct?

DR. BLIDOOK: Mm-hmm.

MR. FITZGERALD: Near the bottom of that same paragraph: “For this reason, the sample is better understood as key informants rather than as a generalizable representative sample.”

Now, I take some issue with the term key, given that there was only 15 participants. I mean, how can you characterize these 15 as being key participants in the public service when there’s so many others out there that may have differing views?

DR. BLIDOOK: Sure.

So I understand where you’re coming from. So I guess I felt like I was actually providing an avenue that – the reason why I would refer to these as key informants is because with a small scale qualitative study of this nature, what you’re getting is sort of deep information from experienced people but you know that it may not actually capture what all people are thinking or feeling. That’s all I really mean by it.

MR. FITZGERALD: Oh, yeah, and you admit that.

DR. BLIDOOK: Okay.

And so I certainly take the criticism. It’s not the way the term is, I think, meant to come across that these are ‘the’ key informants, but that these are ‘some’ key informants.

MR. FITZGERALD: Yeah.

DR. BLIDOOK: I – that’s probably a worthwhile clarification. I have no problem if that – if you’re comfortable with that, I’m comfortable with that.

MR. FITZGERALD: I am.

DR. BLIDOOK: Okay.

MR. FITZGERALD: It’s interesting you said some ‘cause I wrote some next –

DR. BLIDOOK: Okay.

MR. FITZGERALD: – on my note here so, yes, thank you.

On page 10 under “**Research Question 1: Does record keeping within the NL public service appear to be sufficient?**” The second paragraph you indicate –

THE COMMISSIONER: Page – that’s actually page 11, I think.

DR. BLIDOOK: Ah, okay

MR. FITZGERALD: Oh, sorry. Yes, page 11 of our exhibit notes, looking at the report number.

“While the tabulation of results should not be generalized as the perspective of all civil servants, these measures do give an indication of the views of the sample and help to summarize the viewpoints provided.” So, once again, you’re very clear there that it’s only the limited sample that you’re talking about here.

DR. BLIDOOK: Yes.

Yeah, so if you look at Table 1 – you shouldn’t look at Table 1 and say if we had all the civil servants that’s how this would break down. It’s possible it’d be more positive, it’s possible it’d be more negative. It’s possible it’d be exactly what we’re looking at, but it’s simply not a sample of – and there’s 15.

MR. FITZGERALD: (Inaudible.)

DR. BLIDOOK: There’s no statistical significance –

MR. FITZGERALD: No.

DR. BLIDOOK: – here whatsoever, it’s simply meant to document the nature of the sample itself.

MR. FITZGERALD: And what – and if we go to page 12 of the exhibit, your first table, there’s – this is positive for the civil service, at least the ones that you were involved with, that it was usually sufficient with respect to their – the documentation, 9.5 out of the 15. And your own approach below was entirely sufficient or usually sufficient. So, generally speaking, that’s a positive outcome.

DR. BLIDOOK: Yes.

MR. FITZGERALD: It's not (inaudible) is it?

DR. BLIDOOK: I guess it would depend on what you think of two-thirds feeling that way is but, to me, it – I mean maybe two-thirds feeling that way is good, right? For me, it's a – I see it as, you know, most people were positive.

At the same time, you could certainly make the argument that if one-third of people – if it were to pan out, if you were to have this information and one-third of civil servants couldn't use the term, sufficient, to describe documentation practices, you might still see that as a problem, right?

But, again, I mean, the main point for me here is to recognize that amongst the interviewers themselves –

MR. FITZGERALD: Yes.

DR. BLIDOOK: – about two-thirds of them saw things as usually sufficient. So it wasn't a sample of people who saw a lot of bad but they did have criticisms.

MR. FITZGERALD: The second table – and I'm just looking for the page here – with respect to speaking to their superiors, yes, it's on page 21.

DR. BLIDOOK: Mm-hmm.

MR. FITZGERALD: And Table 3 – it's interesting, there's a neither sufficient nor insufficient and usually insufficient. And if we turn the page, the civil servants were giving their own evidence about their own conduct – say it's usually sufficient or entirely sufficient. And you go down below and you state: "Table 4 aids in illustrating the fact that while most participants had stories of problems they observed or were aware of with regard to communication to superiors in government, relatively few had problematic stories of their own."

So what I'm going to suggest to you is that people that you interviewed, their own evidence is very supportive of the fact that they were able to speak to their superiors and to civil service.

And the first table is based on myth, innuendo, hearsay: I wasn't part of it, oh, you heard what happened to him, you heard what happened to her. Would you agree with me on that?

DR. BLIDOOK: No, I would disagree with you on that.

MR. FITZGERALD: You disagree?

DR. BLIDOOK: I think that people's –

MR. FITZGERALD: Why is that?

DR. BLIDOOK: Because we all have experience and we all have observations and, in most cases, people were able to point to those observations as the reason why they were coming up with that, right?

MR. FITZGERALD: But the people you interviewed, their evidence, their experience was positive.

DR. BLIDOOK: Their personal experience was –

MR. FITZGERALD: Yeah.

DR. BLIDOOK: – positive. Yes.

MR. FITZGERALD: Yeah, okay.

DR. BLIDOOK: No, they were – but you understand, like, for any single person we know what we ourselves have done, but we're not unaware of other things. We don't learn everything around us simply because so and so had a story. We are – a lot of people were there, a lot of people talked about being in the room. A lot of people talked about being in meetings and seeing people who couldn't do it.

MR. FITZGERALD: Mmm.

DR. BLIDOOK: So – and I think that's – for me, that's an important point. And I understand why you're coming at it the way you are and that's fine. But I do want to clarify that it wasn't my impression that people were saying, well, I heard a story about so and so. They were talking – in a number of cases they were talking about things that they knew, right?

MR. FITZGERALD: Okay, fair point, but these individuals, personally –

DR. BLIDOOK: Did not have that same problem.

MR. FITZGERALD: – did not have that problem and, actually, it was very positive in the other direction.

DR. BLIDOOK: It was.

MR. FITZGERALD: Yeah. Thank you.

Just a couple of more questions. With respect to the ATIPPA and the people you interviewed, over what time period did these public servants work with the government? Because the ATIPPA has had many changes since it started.

DR. BLIDOOK: Mm-hmm.

MR. FITZGERALD: You know, was there any consistency in that or were they all operating under the same statute? Or can you give us any idea on that?

DR. BLIDOOK: So most of the interviewees had operated under the current form of ATIPPA.

MR. FITZGERALD: Okay.

DR. BLIDOOK: Not all. There were – there's a

–

MR. FITZGERALD: When you say current – sorry, Professor, current since the Wells report?

DR. BLIDOOK: Yes.

MR. FITZGERALD: Okay.

DR. BLIDOOK: So the 2014-2015 changes, right?

MR. FITZGERALD: Yeah, okay.

DR. BLIDOOK: They were the report and the changes.

MR. FITZGERALD: Okay.

DR. BLIDOOK: Most of them had operated at least for some time under that. And I know Mr.

Ralph asked briefly about this too, like, the time frames. I understand –

MR. FITZGERALD: Yeah.

DR. BLIDOOK: – the concern around that, that there may actually be differences in the short period after ATIPPA versus maybe a, you know, within the first year or two versus within the year three or four. It's entirely possible you actually do see differences there and that practice has changed over that time.

MR. FITZGERALD: Okay.

DR. BLIDOOK: My sense is that people are – are still speaking to what they see as trends. And those trends tend to be captured across the interviews.

MR. FITZGERALD: With respect to the interviews that you were conducting – and this is important – I get the impression from your report that there was some concern about the 2015 report and the changes and this changed life for us, but did you pose any questions to the civil servants with respect to the former versions of section 29 of the act about policy advice and recommendations? Because there had been very little change in that since the ATIPPA was enacted.

DR. BLIDOOK: Yeah.

MR. FITZGERALD: There's been some but not many.

DR. BLIDOOK: Yeah, no, that's fair. I don't think I could speak to a specific change like that. Some people did talk about – I know that there's at least one quote in there where they were talking about things seeming worse and there was also with the business and strategic interests.

MR. FITZGERALD: Yeah and I –

DR. BLIDOOK: And to be honest, I –

MR. FITZGERALD: Go ahead. Yeah, sorry, go ahead.

DR. BLIDOOK: Well, I just – I know that people were speaking to these and referring to iterations of ATIPPA –

MR. FITZGERALD: Yeah.

DR. BLIDOOK: – and how they had seen what they thought was a greater concern, but there's very little in the interview data that is specific about what area or what problem.

MR. FITZGERALD: And one of the reasons I asked the question is because Mr. Budden talked about a systemic problem. And maybe it is an education piece because the act hasn't changed significantly with respect to policy advice or recommendations.

DR. BLIDOOK: Right, right. And so this may be more a matter of interpretation. It may be an aspect of practice. I mean, I don't know. I really don't have the depth to tell you how or why.

MR. FITZGERALD: Okay.

DR. BLIDOOK: I'm sorry.

MR. FITZGERALD: Okay. Thank you.

Did any of your interviewees – well, section 29 is a discretionary exception to access. The public body has the discretion whether to release the information or not. Did – and I know this is not in an ATIPPA review, but did anyone suggest that they would feel better if it was mandatory exception to access? So if it's policy advice and recommendations, they know in reporting this to their superiors it won't be ATIPPed?

I think that's important from our perspective –

DR. BLIDOOK: Yeah, no, I understand.

MR. FITZGERALD: Yeah.

DR. BLIDOOK: So not that specifically. People did talk about changes in clarifications, but I don't recall anybody sort of stating specifically as you've put it –

MR. FITZGERALD: Okay.

DR. BLIDOOK: – with respect to that particular section that they wanted that particular change to it. Sorry.

MR. FITZGERALD: So did – were any of the individuals aware that the government has an ATIPP office, that it has manuals for civil servants to give guidance or that the Office of the Information and Privacy Commissioner provides guidance documents to try to assist with the interpretation of the ATIPPA. Did anyone know that or reference it?

DR. BLIDOOK: Oh, yes. I would say that there was relatively few people – and I think I've mentioned this earlier with regard to transitory records as well. There was a couple of interviews that were almost surprised that people had difficulty with this. And that's –

MR. FITZGERALD: Yeah, okay.

DR. BLIDOOK: – again, those cases, that's –

MR. FITZGERALD: Okay, good.

DR. BLIDOOK: – that's totally there.

MR. FITZGERALD: Okay.

DR. BLIDOOK: But, having said that, the number of people who said that there was inconsistent practice or lack of clarity was surprising. Now, whether that is a matter of them not taking advantage of what's there versus it not being there. I mean, that's a difficult thing to say. I know that there are manuals. I know that there is some version of training. I know that people also would say that they didn't feel it was sufficient and they would still go from department to department and see vastly different practices.

MR. FITZGERALD: Okay.

DR. BLIDOOK: So there – I think there is actually a problem. But I would certainly accept the point that maybe some people aren't addressing the problem, you know – heal thyself, kind of –

MR. FITZGERALD: Okay.

DR. BLIDOOK: – you know, like a – it’s entirely possible that there’s some element of that.

MR. FITZGERALD: Okay. And I guess I have one final question, and it has to do with the ability to speak – you know, if a civil servant sees that there’s wrongdoing or there are issues that need to be reported upon. Did any of your interviewees reference the whistle-blower legislation?

DR. BLIDOOK: No, but we also were quite specific that we weren’t talking about whistle-blower legislation –

MR. FITZGERALD: Hmm.

DR. BLIDOOK: – here.

MR. FITZGERALD: But you were (inaudible)
–

DR. BLIDOOK: We kind of clarified that in advance –

MR. FITZGERALD: Okay.

DR. BLIDOOK: – with setting out to do the study that we didn’t want to go down the road of whistle-blower specifically, but there have been – I think there’s, actually – well, because I did – actually, before even starting any of this, I started looking at the – like, the reports and so on in the whistle-blower, but ultimately, when we, sort of, talked about the scope of the study. So, actually, in one of the interview questions, I actually clarify: I’m interested in your ability to speak up your own chain of command, not your ability to blow the whistle if it’s not working.

MR. FITZGERALD: Okay.

DR. BLIDOOK: And there is, obviously, reluctance for these things, but I agree that’s a reasonable outlet or pressure valve, right – the whistle-blower legislation. But we didn’t cover it.

MR. FITZGERALD: Okay.

Those are my questions. Thank you, Professor.

DR. BLIDOOK: Okay.

MR. FITZGERALD: Thanks, Commissioner.

THE COMMISSIONER: Thank you, Mr. Fitzgerald.

Robert Thompson.

Just – I should just stop. I just noticed it’s 20 to 1. Do you want to wait until –?

MR. COFFEY: I’ll probably go after lunch. It’s fine with me to do that, Commissioner.

THE COMMISSIONER: Okay.

MR. COFFEY: (Inaudible.)

THE COMMISSIONER: Okay. What’s everybody’s preference, now? We can go on for another 20 minutes or so because I’m running out of people to ask questions, to be quite frank, but what’s the preference?

MR. FITZGERALD: I don’t know what the redirect (inaudible), Commissioner, but if we can finish in a half-hour, I would just as soon go ahead.

THE COMMISSIONER: Okay. Is that everybody’s – everybody’s shaking their head.

MR. COFFEY: (Inaudible.)

THE COMMISSIONER: There’s only one after you – is the Consumer Advocate.

MR. PEDDIGREW: (Inaudible.)

THE COMMISSIONER: One question.

MR. COFFEY: (Inaudible.)

THE COMMISSIONER: Okay. So, let’s – let’s proceed then and that way get the afternoon.

MR. COFFEY: Thank you, Commissioner.

THE COMMISSIONER: Can you turn on your mic?

MR. COFFEY: Thank you, Commissioner.

Professor, my name is Bernard Coffey. I represent Robert Thompson, who was a former clerk and a former deputy minister. Okay?

DR. BLIDOOK: Mm-hmm.

MR. COFFEY: The database used was provided by the Harris Centre, I understand. That is, the sample – for the sample?

DR. BLIDOOK: Yes.

MR. COFFEY: Okay.

And your understanding is that the Harris Centre went and examined its own database and somehow identified 33 or 34 former civil servants.

DR. BLIDOOK: Mm-hmm.

MR. COFFEY: Am I correct?

DR. BLIDOOK: Yes.

MR. COFFEY: And for whom they had contact information –

DR. BLIDOOK: Mm-hmm.

MR. COFFEY: – particular email addresses.

DR. BLIDOOK: Mm-hmm.

MR. COFFEY: And do you know if they, in doing so, only had contact information for 33 or 34 civil servants, or did they, themselves, choose within that group?

DR. BLIDOOK: So they –

MR. COFFEY: A larger body.

DR. BLIDOOK: Yeah, no. They told me that they weren't selective other than really rank. So, I mean, I think that they have more than that but possibly going into lower ranks, which they didn't include –

MR. COFFEY: Okay.

DR. BLIDOOK: – many people within that rank.

MR. COFFEY: So –

DR. BLIDOOK: I do not know if there was significantly more or any more to be honest.

MR. COFFEY: But at that rank –

DR. BLIDOOK: Yeah.

MR. COFFEY: – of those ranks is what you're saying? You don't know –

DR. BLIDOOK: Correct.

MR. COFFEY: – if there's any more that they had.

DR. BLIDOOK: Correct.

MR. COFFEY: They may have had more civil servants but they were probably of lower rank.

DR. BLIDOOK: Right.

MR. COFFEY: Okay.

DR. BLIDOOK: Or the time period for them having left government was sort of too far in the past –

MR. COFFEY: Okay.

DR. BLIDOOK: – or whatever. I mean, we're aiming for current and recently retired.

MR. COFFEY: What understanding did you give the Harris Centre as to what time frame – it was kind of, you know, if not a hard cut-off, a soft cut-off.

DR. BLIDOOK: Yeah, I think we were aiming for having worked in the civil service for the last – sort of within the last five or six years. I know I had one interviewee that was actually further back in terms of retirement but, otherwise, almost reasonably certain all of them were within that time frame.

MR. COFFEY: Now there are 15: six DMs, three ADMs, four directors and two below directors, okay?

DR. BLIDOOK: Mm-hmm.

MR. COFFEY: Would you – bearing in mind that – well, would you agree, first of all, that there are probably, at any one point in time, more deputy ministers than there are ADMs and directors? I’m sorry, less deputy ministers than there are ADMs and directors.

DR. BLIDOOK: Almost certainly, wouldn’t need to be less.

MR. COFFEY: There are – would you agree as well that generally speaking, you would expect to find fewer ADMs than there would be directors.

DR. BLIDOOK: Yes.

MR. COFFEY: Okay.

So a ratio of 6-3-4 on its face suggests that the DMs included in this were – it was overrepresented.

DR. BLIDOOK: Yeah.

MR. COFFEY: The ADMs were at three, would be underrepresented, and the directors would be not well enough represented.

DR. BLIDOOK: Yes –

MR. COFFEY: – in terms of –

DR. BLIDOOK: – so –

MR. COFFEY: – 6-3-4. This is what I’m –

DR. BLIDOOK: Yeah, no I understand that.

So if we were to have a representative sample across those ranks, we would see more directors than ADMs and we would see more ADMs than deputy ministers. This is definitely – suggests that I’ve got a lot of deputy ministers compared to ADMs and directors. But, again, I mean, we’re talking about relatively small numbers, so in a study of this sort, I don’t feel like this is a particular weakness. The perspective that comes, if we can get more DMs, I don’t think that that’s, in and of itself, a problem.

But I – yeah, I can definitely say that this is not a – the right distribution of these ranks if we were

to see the same proportion to what they exist in real life.

MR. COFFEY: Okay.

Now, and I think I got your words right, you, several minutes ago, said this study has no statistical significance whatsoever.

DR. BLIDOOK: Zero.

MR. COFFEY: Zero.

Well, bearing that in mind then, I’m going to suggest to you that referring to two-thirds of something, 10 out of 15, has no statistical significance.

DR. BLIDOOK: Accepted.

MR. COFFEY: Right.

And we – and I appreciate it. We all tend to fall into this (inaudible).

DR. BLIDOOK: No, sure, I think – I hope that I kind of have been making that point as well.

That is simply a snapshot of the sample. So we can look and see what the – how the sample answered those questions, but we should not take that as somehow – what we call descriptive versus inferential statistics.

MR. COFFEY: Yes.

DR. BLIDOOK: This is a descriptive statistic. This tells us exactly what 15 people said; it tells us nothing about beyond those 15 people.

MR. COFFEY: I’m going to suggest to you – and I think at one point you certainly implied it – that the data and the information gathered here is perhaps best seen as providing ideas for further study, like these – the subject matters are raised, and therefore, they may or – you know, they may be worth further inquiry –

DR. BLIDOOK: Yeah –

MR. COFFEY: – if one wanted to – you know, wanted to know actually what is going on in the civil service, correct?

DR. BLIDOOK: Yeah, I mean, I think the way that I would look at this, I'd say that if we can capture this many people and they are identifying, with enough consistency, certain problems, we can probably say those problems almost certainly exist. But for how many people do they exist and how widespread are they, we'd have a difficulty really pinning that down.

Does that fit with kind of, your –

MR. COFFEY: Well –

DR. BLIDOOK: – seeing of it, or – okay.

MR. COFFEY: – except your use of the word consistency, but –

DR. BLIDOOK: Okay, sure.

MR. COFFEY: – and I have a mathematical –

DR. BLIDOOK: Okay.

MR. COFFEY: – have a mathematics background, so – at one point.

So, bearing that in mind, because we do tend to – I'm going to suggest to you – pay lip service to the idea that if something has no statistical significance and then we go on and talk as if it does. I mean, that's human, because we think from anecdote, we think from narrative, and that's somewhat what's here.

DR. BLIDOOK: I think – well, that's an interesting – I mean, we could – I don't want to spend too – well, I need to answer your question, right?

MR. COFFEY: Sure.

DR. BLIDOOK: So let's think a little bit about statistical significance and how important it is.

I mean, I'm – I mean, we're all aware of the fact that we're in a forum in which people are claiming to know things or to learn things and there is no statistical significance that comes from the version of data that you're collecting in this forum either, right, you're talking to a –

MR. COFFEY: Hmm.

DR. BLIDOOK: – lot of different people. You're figuring out what they have to say.

If – we don't require statistical significance for what they say to have meaning. And to take from it that if we can find consistency across different people's stories that they're talking about something that probably exists. So I think that's an important point to make here. We do not require statistical significance to know something.

MR. COFFEY: But in relation to – it may exist. Obviously, it does exist because eight people, for example, have referred to it. But, they in theory, they could be the only eight, in theory.

DR. BLIDOOK: Yes, yes.

MR. COFFEY: You would agree with that?

DR. BLIDOOK: In theory – in theory – this is true of everything.

MR. COFFEY: Yes.

DR. BLIDOOK: I mean, you could also take a sample of 4,000 people and they may be the only 4,000 people. But I agree, as you get into larger sample sizes, you do tend to diminish those concerns, right?

MR. COFFEY: Okay.

Do you know what the population would be in this context? Like, for example, how many people would it – being deputy ministers, ADMs, directors and the other group, you know, the –

DR. BLIDOOK: Mm-hmm.

MR. COFFEY: – these other – the two came out of – over the past five to 10 years, how many people are we talking about?

DR. BLIDOOK: I don't know the actual numbers. I mean, if – in order to have that I would need to know the current numbers and the turnover, over that time, and I don't have access to that data.

MR. COFFEY: Okay.

DR. BLIDOOK: I did have a discussion about this with a friend of mine recently who worked relatively high up in government to kind of just ballpark the deputy ministers as an example.

MR. COFFEY: Mmm.

DR. BLIDOOK: And, you know, given that there are 15 –

MR. COFFEY: Right now –

DR. BLIDOOK: – (inaudible) current point, if you wanted to capture the number that exists across – so they would've if – so as long as they worked within the last five or six years. I mean, just from talking to him I guess we ballparked that it probably wouldn't be more than 40, if you can accept that number. But I do not know if that number is accurate, I just think that it's a reasonable guess that given the nature of turnover and the number that exist.

MR. COFFEY: In fact, if you wanted to know, I'm going to suggest to you, you could look at government media releases and look at appointments –

DR. BLIDOOK: Right.

MR. COFFEY: – over time (inaudible).

DR. BLIDOOK: It's not that it's not there, it's – it would still take a fair bit of time to get those numbers, but fair, yeah.

MR. COFFEY: Sure.

Now, page 14 of P-04478.

DR. BLIDOOK: Page 15, sorry, did you say?

MR. COFFEY: Fourteen, I believe it is.

DR. BLIDOOK: Fourteen.

MR. COFFEY: If you just scroll down a bit, please.

I believe here there's a reference to – (inaudible) my computer – but there is a reference in your paper to – in the past – training programs. You know, in the past there used to be training

programs – long ago cancelled. I think there's a phrase like that –

DR. BLIDOOK: Mm-hmm.

MR. COFFEY: – used to be available.

DR. BLIDOOK: Yeah.

MR. COFFEY: Did you actually make any inquiries as to whether there are training programs and if so how many – how much there is in volume compared to what there used to be at some point in the past –

DR. BLIDOOK: Oh.

MR. COFFEY: – 10, 15, 20 years ago?

DR. BLIDOOK: So do I have empirical data –

MR. COFFEY: Yes.

DR. BLIDOOK: – to back up what the person was talking about?

MR. COFFEY: (Inaudible) person say.

DR. BLIDOOK: No, I do not.

MR. COFFEY: Okay.

DR. BLIDOOK: I am taking from this person that, sort of, front to back in their experience there was a big difference in terms of what they had available than what is now.

MR. COFFEY: So, in relation to that, one would have to actually check with somebody in the civil service whose job it is to do that kind of thing, and who had some – who had records to show what happened in the past, too, compared to what exists now.

DR. BLIDOOK: Yes, you would. I mean, I – it's a fair point. I mean, I'm taking somebody's experience from having been there at both points in time and them describing to me what was available to them and what is available to them now. And given the – well, I can't really get – I don't want to get into – so, I guess, that's all I can say because I think I'd be getting outside of my comfort with anonymity if I made anything more specific on that.

MR. COFFEY: Exhibit P-04513.

And this – it will be on the screen in front of you, Sir.

DR. BLIDOOK: P-04513.

MR. COFFEY: P-04513.

Now, this was, I understand, an exhibit that was entered in relation to – or under Mr. Donovan, now Justice Donovan.

THE COMMISSIONER: Yeah, it's not in your booklet.

MR. COFFEY: It's not in your booklet, sorry.

THE COMMISSIONER: (Inaudible.)

MR. COFFEY: It will be on your screen.

DR. BLIDOOK: Okay.

MR. COFFEY: I'm sorry.

And this is an Appendix B – Recent OCIO Training. And if you go down through it, you'll see that on the left-hand side under Training: managing transitory records and managing transitory records, managing transitory records. And the number of sessions are off to the right-hand side and the time frames are there.

If you go down to the bottom, please.

To summarize, there's a total of 17 sessions on transitory records that have been offered by OCIO since 2017. And I don't know, I – offered since up to what point in time? I don't know if –

DR. BLIDOOK: Yeah.

MR. COFFEY: – it was up to last week or whatever. I don't know. But my point being this: it appears that there is training on what is a transitory record for civil servants. And –

DR. BLIDOOK: It's right there.

MR. COFFEY: – that sort of seems to suggest it is.

DR. BLIDOOK: Yeah.

MR. COFFEY: Now, the phrase speak or spoke truth to power has been referred to, and I believe it's actually part of the text of your report at one point.

DR. BLIDOOK: Yes, I –

MR. COFFEY: (Inaudible) truth to power.

DR. BLIDOOK: – pretty – I do use the term –

MR. COFFEY: Phrase.

DR. BLIDOOK: – and I know the term was –

MR. COFFEY: Yeah.

DR. BLIDOOK: – also used a lot.

MR. COFFEY: Oh, absolutely. It's been used – Justice Donovan referred to it.

DR. BLIDOOK: I'm sorry. I was referring to the interviews.

MR. COFFEY: Yes.

DR. BLIDOOK: And people, when we were talking about this topic they would –

MR. COFFEY: (Inaudible.)

DR. BLIDOOK: – translate and use that phrase.

MR. COFFEY: Okay. And – but I believe in your drafting the title goes on to say: "*Saying what needs to be said (or not)*." That's the way – I think – that you phrased (inaudible).

DR. BLIDOOK: With the parenthesis, is that right? Yeah.

MR. COFFEY: Yeah, we can look at it, but anyway, that's –

DR. BLIDOOK: Okay, yeah.

MR. COFFEY: – I think. So from – I take it from that, then – and if we could, we'll bring up 04478, page 22. Your comfort zone here. You have it front of you. Scroll down, please. Yes.

Truth to – "*3.2.1 Truth to Power: Saying what needs to be said (or not)*."

Is the saying, what needs to be said or not, that phrase, is that yours? The truth to power comment, the interviewees were –

DR. BLIDOOK: Mm-hmm.

MR. COFFEY: – were saying. But the characterization of that as saying what needs to be said or not, is that your own?

DR. BLIDOOK: Yeah.

MR. COFFEY: Okay.

DR. BLIDOOK: Yeah. I saw that as a reasonable way of setting up that –

MR. COFFEY: Okay.

DR. BLIDOOK: – theme –

MR. COFFEY: Yes.

DR. BLIDOOK: – or that idea. But it – I don't think it's derived in a quote sense at all, anyway.

MR. COFFEY: And, would you characterize – Professor, would you – I'll ask you to think about this – what you found in your interviews, upon reflection, might one or might you – or could you completely discount the idea that similar interviews conducted a hundred years ago or thereabouts might not have had, in effect, the same result?

DR. BLIDOOK: A hundred years ago?

MR. COFFEY: Yeah. A hundred years ago, the idea of that –

DR. BLIDOOK: Yeah, the idea is –

MR. COFFEY: – expressed in the concerns. You know, not with those interviewees, obviously, but civil servants from a hundred years ago. Because you talked about human nature.

DR. BLIDOOK: Okay.

THE COMMISSIONER: So now –

MR. COFFEY: So if I could –

THE COMMISSIONER: – we're getting – we're going to get into an opinion –

MR. COFFEY: No, that's my – 'cause –

DR. BLIDOOK: Can I provide an opinion on this?

MR. COFFEY: – my own – no, but the point being is there's – what I'm getting at, Commissioner – and I think the witness understands – is there anything unique about our time as opposed to a long time ago, or 50 years ago – I just picked that to exaggerate the point.

DR. BLIDOOK: But I'd be –

THE COMMISSIONER: (Inaudible) –

DR. BLIDOOK: – speculating to say –

THE COMMISSIONER: – excuse me just for a second.

DR. BLIDOOK: Okay.

THE COMMISSIONER: So, again, that goes a little beyond what I –

MR. COFFEY: Okay, thank you.

THE COMMISSIONER: – want from this witness, but –

MR. COFFEY: Thank you – oh, no, that's –

DR. BLIDOOK: Is there another way to – I understand what you kind of want to talk about. But I don't know if we're getting there.

MR. COFFEY: No, I'll leave it.

Thank you.

DR. BLIDOOK: Okay. 'Cause I think it's an interesting question, I'm sorry, but I just ...

THE COMMISSIONER: You and Mr. Coffey can discuss it afterwards.

DR. BLIDOOK: Go for lunch.

MR. COFFEY: Is there anyone at Memorial University, to your knowledge, whose primary

area of interest – academic interest – is public administration?

DR. BLIDOOK: Currently, we're in bad shape that way. So I do know that – I was let know – I'm not sure how – can I refer to – there are people who study the nature of organizations that we might see as fitting within public administration, but not within political science in different areas.

MR. COFFEY: And it's –

DR. BLIDOOK: Okay.

MR. COFFEY: – in that context, of course.

DR. BLIDOOK: That's – yep. So, I think that you could certainly have other people do a study. They may find different things; they make take different approaches, et cetera, right? Unfortunately, the – I mean, the best person from my perspective –

MR. COFFEY: Right.

DR. BLIDOOK: – to have conducted this study is my late colleague, Chris Dunn – no longer with us, but he would have been – certainly, when he was still with us, would have been excellent for this. I think he would – I'd say he'd be better than me at everything.

MR. COFFEY: What are the contexts of his experience – some people are more experienced in some things than others, and –

DR. BLIDOOK: More experienced –

MR. COFFEY: – and they have particular interests.

DR. BLIDOOK: – and – yeah, and more expertise in –

MR. COFFEY: Yeah.

DR. BLIDOOK: – public administration as a specific –

MR. COFFEY: Right.

DR. BLIDOOK: – subfield.

MR. COFFEY: And –

DR. BLIDOOK: But – and within – now, another colleague of mine, Stephen Tomblin, would also be quite reasonable. He's recently retired, but I think he's also been a bit more outspoken on Muskrat Falls, specifically, whereas I have not been. I was kind of seen as someone who hasn't really played a role in this and so I wouldn't go into it without maybe – in any case, it's not to say that he somehow would've been insufficient but simply that I was asked to do it instead.

Within political science though, the loss of those two colleagues definitely sort of limits our strength in public administration, public policy. Stephen Tomblin is much more sort of public policy side. And, yeah, it's an area where, for us right now, we're not particularly strong.

MR. COFFEY: Okay, thank you.

And Mr. Dunn, he's been gone since when?

DR. BLIDOOK: He passed away in November 2017, I believe.

MR. COFFEY: Okay.

Thank you, Commissioner, it was just a (inaudible).

THE COMMISSIONER: Thank you.

Consumer Advocate.

MR. PEDDIGREW: Good afternoon, Dr. Blidook, I'll be fairly quick.

Just one – I said one question, that's a little bit of a lie, it's a couple of questions, one topic, but I won't be long.

Just on the issue of transitory records, and Mr. Coffey just asked you about, or brought you to P-04513 and evidence of training of transitory records.

I guess my question was, when you were conducting the interviews with 15 individuals, was there any consistency, did you find, in their understanding of what was a transitory record,

or was it sort of all over the place, or something in between?

DR. BLIDOOK: Yeah, really wasn't a lot of probing to the exact understandings of it so that I could sort of make comparisons to an interpretation. I don't really have enough to go on there to tell you, I'm sorry.

MR. PEDDIGREW: Okay, so there – it wasn't probed with them as to what their understanding of or –

DR. BLIDOOK: Right. What specifically do you know and what don't you know wasn't really probed, yeah.

MR. PEDDIGREW: Okay.

And was there any discussion about whether – I saw a reference in your paper to black books and notebooks and I'm, you know, assuming it's just a book somebody takes around to meetings and keeps notes in.

Was there any discussion amongst any of the 15 participants about whether a black book or a notebook would be a transitory record or would be something that's not a transitory record?

DR. BLIDOOK: Yeah, so they saw the black books as not being, that they were supposed to be maintained and that they were ATIPP-able and – but as the – I think there's the one quote where it basically suggests that people simply changed what they started writing things in. They started just using notepads to jot things down and so on.

But that would – I think I'm – I hope I'm translating that correctly to you, that that was the way it was understood from the interviews, that people saw the black books as something that required maintenance.

MR. PEDDIGREW: Okay. Those are my questions.

DR. BLIDOOK: Not –

MR. PEDDIGREW: Oh, sorry, go ahead.

DR. BLIDOOK: – not that they always were maintained.

MR. PEDDIGREW: Right, but they understood that they –

DR. BLIDOOK: Yeah.

MR. PEDDIGREW: – were supposed to be.

Okay, thank you.

THE COMMISSIONER: Redirect?

MS. MORRY: I've got no questions, Commissioner.

THE COMMISSIONER: Okay.

I just have one question, Dr. Blidook, very quickly.

The quotes that are included in your report, how reliable are those quotes?

DR. BLIDOOK: So, these are taken –

THE COMMISSIONER: Not in the sense of what's – of whether they are true or not, but in the sense that these actually represent what was said by the people.

DR. BLIDOOK: Yeah.

So, the editing on quotes was extremely minor, but they are not word for word exactly what was said in each case. They've been adapted to make sure that they're, basically, readable because, of course, in the manner in which we speak, we often sometimes say the exact same words – you know, we say the exact same words twice. If somebody said exactly what I just said right now, I would've made it just a single sentence of: We sometimes say the exact same words twice. That's, sort of, the extent of editing on these.

So, I do have audio versions of each of the interviews, and then I have transcripts and, basically, taking from the transcripts, once I had them complete, I would find the sections I wanted, I put them into the paper, but then over the course of completing the paper, I said: Okay, so, that's – that quote is actually worse with the exact language in it. I can actually take that, you know, that repetition out or I can, you know, alter things very slightly to make it more

readable, but that's the extent of the edits on those. I'm quite comfortable that they're all what was said.

THE COMMISSIONER: All right.

Thank you very much, Dr. Blidook, I appreciate your time.

And we'll adjourn now until tomorrow, then, at 9:30.

CLERK: All rise.

This Commission of Inquiry is concluded for the day.