



# A STRONG FOUNDATION

REPORT OF THE TASK FORCE ON PUBLIC SERVICE VALUES AND ETHICS



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Task Force on Public Service Values and Ethics  
A Strong Foundation : Report of the Task Force on  
Public Service Values and Ethics

"Discussion paper"

"December 1996"; Reprinted (with dedication) January 2000

Text in English and French on inverted pages.

Title on added t.p.: De solides assises.

Chair: John C. Tait.

Includes bibliographical references.

ISBN 0-662-64491-3

Cat. No. SC94-72/1996

1. Civil service ethics — Canada.
2. Canada — Officials and employees — Professional ethics.
3. Civil service reform — Canada.

I. Tait, John Charles

II. Canadian Centre for Management Development.

III. Title.

JL111.E84C3 1999

172.2'0971

C99-980348-4E

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# **A STRONG FOUNDATION**

**Report of the Task Force  
on Public Service  
Values and Ethics**

**John C. Tait, Q.C.  
Chair**

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# D e d i c a t i o n

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John Tait's untimely death has left an enormous gap in the life of the Canadian public service that will not be easy to fill. By his wisdom, example, and deep convictions about public service, John had come almost to embody the spirit of public service itself. Publication of his landmark report on public service values in a durable format is an appropriate way to honour his memory and his legacy. It may also help sustain the dialogue on public service values that was his deepest wish.

John Tait's brilliant and probing mind was evident early in his life, and was directed, almost from the start toward his lifelong commitment to public service.

A graduate of Princeton University, John was awarded a Rhodes Scholarship to Oxford University, and then returned to Canada to study law at McGill University. He was called to the Quebec Bar in 1974, and almost immediately chose to apply his love of the law to the affairs of state and to the public good, joining the Privy Council Office, where he rose to become Assistant Secretary to the Cabinet for Legislation and House Planning. He then joined the Department of Indian and Northern Affairs, before moving to the Department of Justice as Assistant Deputy Minister for Public Law in 1983, a role that expressed his great and growing devotion to the framework of Canadian public and constitutional law. Three years later he was appointed Deputy Solicitor General of Canada, and, in 1988, he returned to the Department of Justice as Deputy Minister of Justice and Deputy Attorney General of Canada.

In his role as Deputy Minister of Justice, John was deeply involved again in constitutional affairs, where he played an important role as legal advisor. He also launched important reforms within the Department, including "Choices for the Future," an initiative designed to adapt the Department to modern realities and new collaborative ways of working, while building on its traditional core values.

In 1994, when health problems obliged John to relinquish his role as Deputy Minister of Justice, he was appointed Senior Advisor to the Privy Council Office and Skelton-Clark Fellow at Queen's University. He was also invited by the Canadian Centre for Management Development to become Senior Fellow of CCMD and to Chair a CCMD Study Team on Public Service Values and Ethics, composed of a number of current and former senior public servants as well as a representative of the academic community. The choice of John to lead this important work could not have been more appropriate. For this role, it was essential that the chair be someone spontaneously perceived by the public service community as embodying the very values that were the focus of its work, someone in whom there was no gap or disharmony between words and actions. John Tait was the obvious choice. As a result, when the Deputy Minister community decided, in the spring of 1995, to establish a number of Deputy Minister Task Forces on key issues facing the public service, there was no need for us to create something new. It was a simple and natural matter for us to designate John and his study team colleagues as our Deputy Minister Task Force on Public Service Values and Ethics.

The report of the Task Force, entitled appropriately, *A Strong Foundation*, did not disappoint us. It was a classic and enduring exploration of public service values and ethics that will remain a source of wisdom and inspiration for many years to come.

I think that the enduring quality of the "Tait Report" can be explained in part by its inductive approach. The Task Force did not set out to draft a statement of public service values. It aimed instead to explore a range of problems or challenges facing the public service, and to discover, through this exploration, the key public service values these challenges implied, or that emerged from them. The Task Force called this process "honest dialogue," and it gives to the report a quality of authenticity that could not have been achieved in any other way. The Tait Report rings true to public servants everywhere, and, as a result, the four families of values it

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identifies in its conclusion are not clichés but, rather, living truths.

Although the Task Force arrived at conclusions about public service values and ethics, and although it recommended that these conclusions be incorporated in a “Statement of Principles” for the Public Service of Canada, I think it is fair to say that John and his colleagues came to see that it is the journey that counts. They were so persuaded of the value of their own experience of “honest dialogue” that they wanted other public servants and public service organizations to have the benefit of the same experience. Hence they recommended broad and deep discussion of public service values, a process of dialogue through which public servants would identify problems and challenges in their own workplaces, and, through exploring these challenges, would be able both to identify the actions needed to address them and also to reacquaint themselves, through dialogue, with the public service values that lie at their heart. In point of fact, I believe John Tait came to view a capacity for “honest dialogue” not just as something important to the ongoing health of public service values, but also as defining the very nature of modern public service leadership.

The dialogue on public service values continues. We hope that republication of *A Strong Foundation* in an enduring format will help to nourish it. That is what John Tait would have wished. He was immensely and justifiably proud of his report and the work of his Task Force. But he cared much more deeply about how public service values could be made to live in the hearts of public servants, and in their lives.

If you seek John Tait’s monument, read on. If you wish to honour his memory, take what you read and make it come alive again by pursuing the same journey in your own way: by engaging yourself and your colleagues in an ongoing dialogue about public service, and about the values and ethics that provide the strong foundation for this “great national institution,” in the concluding words of the Tait Report, “dedicated, as in the past, to the service of Canadians and their form of democratic government.”

Jocelyne Bourgon  
President  
Canadian Centre for Management Development  
January 2000





## **John C. Tait, Q.C. (1945-1999)**

B.A. - Public & International Affairs,  
Princeton University

M.A. - Philosophy, Politics and Economics  
- Oxford University (Rhodes Scholar)

B.C.L. - Civil Law - McGill University,  
Admitted to Quebec Bar in 1974

### **October 1994 - August 1999**

Senior Advisor to the Privy Council Office

### **October 1996 - November 1998**

Senior Advisor to the Privy Council Office  
and Coordinator of Security and Intelligence

### **October 1994 - December 1996**

Chair of the Task Force on Public Service  
Values and Ethics, and  
Senior Fellow, Canadian Centre for  
Management Development

### **October 1988 - 1994**

Deputy Minister of Justice and Deputy  
Attorney General of Canada

### **1986 - 1988**

Deputy Solicitor General of Canada

### **1983 - 1986**

Assistant Deputy Minister - Public Law,  
Department of Justice

### **1981 - 1983**

Assistant Deputy Minister - Corporate Policy,  
Department of Indian and Northern Affairs

### **1978 - 1981**

Assistant Secretary to the Cabinet - Legislation  
& House Planning Secretariat, Privy Council Office



During the course of 1995, Jocelyne Bourgon, Clerk of the Privy Council established nine Task Forces led by Deputy Ministers. The intent was to explore a variety of issues, identified in the wake of Program Review.

The nine Task Forces and their mandates were:

- **Service Delivery Models** — to examine service delivery issues from a citizen's point of view.
- **Overhead Services** — to identify ways to improve management of overhead services on a government-wide level, with an emphasis on cost savings.
- **Federal Presence** — to develop an ongoing database on federal presence across Canada, examine how that presence may change over time, and identify issues from a geographical or regional perspective.
- **Federal Presence Abroad** — to report on programs and Canadian government representation outside Canada, and to determine how federal government representation overseas could be made more cost-effective.
- **Strengthening Policy Capacity** — to review our current policy development capacity and to recommend improvements.
- **Policy Planning** — to provide an assessment of the policy agenda to date, survey the environment, and provide strategic advice on key policy issues.
- **Managing Horizontal Policy Issues** — to develop practical recommendations on the management of horizontal issues focusing on improved coherence, and improved collaboration.
- **Values and Ethics** — to examine the relationship between existing and evolving values in the public service, and to consider ways to align values with current challenges.
- **A Planning Tool For Thinking About the Public Service** — to identify long-term trends which influence the Public Service, and develop a strategic planning tool.

The chairpersons of the individual Task Forces were given broad mandates and the freedom to choose their approaches. Some conducted broad national consultations while others involved only key stakeholders. In some instances, they produced formal reports and recommendations. In others, the results are tools, such as the database on federal presence and the scenario kit to test options against various future scenarios. Two Task Forces were integrated into broader exercises. The Task Force on Federal Presence Abroad flowed into the Program Review II exercise at Foreign Affairs and International Trade and the work of the Task Force on Policy Planning contributed to the preparation of the Speech from the Throne.

This discussion paper, produced by the Task Force on Values and Ethics, highlights the need for open dialogue among public servants. The public service is going through a period of stress highlighted by the need to downsize by some 55,000 people over four years. In periods of change and stress, it is imperative for public servants to feel free to discuss openly, and ultimately reaffirm, the values that will guide them into the future. This report is intended to encourage a wide-ranging discussion on values and ethics in the public service over the coming year. A summary version of the report and other materials to assist in the discussion are also available from the Canadian Centre for Management Development (CCMD). Over the next several months, public servants in many departments and agencies will be using this report, and material derived from it, to discuss

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the values and ethical principles that will underpin public service renewal.

Despite proceeding independently, the Task Forces produced results and recommendations which reveal a high degree of convergence on key conclusions. They all point to a need for action on a number of fronts: horizontal integration, partnerships, culture, service in the public interest, policy capacity, client-focused service and human resource management.

The Task Force findings also echo conclusions emerging from other work in the Public Service during the same period. *Within departments*, there have been a wide variety of initiatives underway to modernize service delivery and the lessons learned are mutually reinforcing.

There has also been considerable work across *departmental lines*. In many instances, this work has been undertaken by interdepartmental functional groups. For example, the Council for Administrative Renewal has been working on a variety of initiatives to streamline overhead services. A Treasury Board Secretariat subcommittee has been active in exploring how technology can facilitate the clustering of services, even across jurisdictional lines, based upon the life cycle needs of individuals and businesses for services from their governments. The Personnel Renewal Council has been working actively to engage unions and managers corporately, on a national basis, to renew our work environments and work relationships. In other instances, the work has been carried out by regional councils in developing initiatives to share local services and to integrate program delivery.

The central agencies have also been working to modernize systems and processes. For example, the Treasury Board Secretariat has been leading the Quality Services Initiative which has developed a wealth of material to assist departments in improving the services they provide.

Finally, a new initiative called *La Relève* to improve human resource management within the Public Service will comprise a wide range of initiatives at the individual, departmental and corporate levels, all with the aim of investing in people to build a modern and vibrant institution for the future.

The reports of the Task Forces are now available. Together, they have produced concrete tools and recommendations to improve service to the public and to elected officials. Their results do not constitute and were not intended to serve as a formal blueprint for public service renewal. Rather, they are expected to make a contribution to work already in progress toward getting government right. Departments and agencies working in partnership with central agencies will continue to work toward implementing the Task Force recommendations and will build on the common learning acquired through the Task Force work to further the process of renewal.

December 1996

# F o r e w o r d

The Study Team on Public Service Values and Ethics was established by the Canadian Centre for Management Development in the spring of 1995, as part of its ongoing research program.

The subject of the Study Team reflected the view of the leaders of CCMD that the time had come for a careful exploration of some of the problems and issues that had arisen in many public servants' minds about the principles underpinning public service, and about the ethic or ethics of the public service itself. The Study Team was established during Ole Ingstrup's term as Principal of CCMD and completed its work under his successor, Janet Smith. The Study Team is grateful to both for their leadership and strong support.

In the *Third Annual Report to the Prime Minister on the Public Service of Canada*, the Clerk of the Privy Council, Jocelyne Bourgon<sup>1</sup>, stated: "The values of the Public Service must be preserved. It is essential to maintain a non-partisan and professional public service governed by fairness, integrity and service to Canadians." At the deputy minister's retreat in May 1995, the subject of public service values was identified as one of several on which it was necessary to undertake work as part of an agenda for change and renewal in the public service. As a result, the Clerk of the Privy Council included the Study Team on Public Service Values and Ethics as one of the series of task forces led by deputy ministers looking at key issues or challenges facing the public service.

I was asked to chair the Study Team, Ralph Heintzman agreed to serve as vice-chair and a number of current and former senior public servants agreed to serve as members. The public service members of the Study Team included: Margaret Amoroso, Ercel Baker, David Brown, Lorette Goulet, Alex Himelfarb, Martha Hynna, Arthur Kroeger, Judith Moses and Georges Tsai. Claude Bernier served as a member of the Study Team from May to June 1995 and Nicole Senécal served as a member from November 1995 to May 1996. In addition, Professor Kenneth Kernaghan of Brock University, a CCMD

Senior Fellow and one of Canada's best-known academic authorities on public service values and ethics, agreed to serve as a member of the team. Its work was also supported by CCMD colleagues, including André Burelle, Greg Fyffe and Arnold Zeman. I would like to thank all members of the team, each of whom brought unique insights while contributing to a consensus approach that enriched us all. The team also benefited from capable support provided by Sylvie Chamberland, Micheline O'Shaughnessy, Roxanne Poirier, Lise Roberge, Ginette Turcot-Ladouceur and Diane Wicks.

I would like to express warm appreciation to them for their important contribution to our work.

I believe that I speak for all of us in saying that it was a privilege to have been given an opportunity to explore matters that are so central to the future of the public service and so important to us individually as public servants. For the members of the Study Team, the process, the discussion and the reflection were as important as the report we have produced. We are aware that the report represents only the beginning of our own reflection, and an even smaller part of the journey of the public service as a whole.

The importance of "walking the talk" runs through the entire report. We are concerned about apparent and real disconnects between words and deeds. And yet we are aware that the report might become part of the problem, may be seen as more words, more pious hopes. In fact, in our consultation phase, we asked ourselves whether our report might be too naive or too idealistic and might lead to another letdown. This is a risk we acknowledge. But our experience in the public service, and in our consultations and deliberations, makes us more optimistic.

What we hope to do is provide the basis for an open dialogue and contribute to the clarity of the discussion.

Serious discussion of values must inevitably address the gap between aspiration and reality. The easy answer

<sup>1</sup> In 1999, Madame Bourgon became president of the Canadian Centre for Management Development and has signed the dedication in this edition of this publication.



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when confronted with the gap is to say we've set our aspirations too high, to turn away from our values. The tougher approach is to ask how we can continue to close this gap, "to walk the talk," to renew our values. It is our values that pull us forward, that command us to improve, and a richer, fuller understanding of these values can only help us to build on the finest traditions and aspirations of public service.

Times have been tough for the public service and will remain so. Mistakes have been made, values at times diminished. The Study Team was established because the problems are real and the issues important. But members of the Study Team believe in drawing on what is best in the public service, and that it is important to aim high and, if we miss the target, focus on how to do better. There is no other way for the Public Service of Canada.

Even if there are no perfect answers, we believe that there can still be good answers.

In fact, if there is to be an honest dialogue, there must first be honesty with oneself. We have found a tendency for public servants to say "I'm O.K., others are not O.K." Perhaps our greatest fear is that public servants will read this report and believe that it is written for someone else. It is important that the dialogue involve an assessment of how each of us can and must improve.

This report has several audiences and purposes. It is a report to the Clerk of the Privy Council, as the leader of the public service. It is also a report to CCMD, reflecting the initial starting point of this study. Through both of these, it is also a report to the public service itself. We hope all three will find it useful, and that it may serve as a foundation on which other things can be built. As is stated in the conclusion, it is certainly not the end of a process. It is only a step in a long process of renewal.

**John C. Tait**

December 1996

# 1. Introduction

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The purpose of this report is to help the public service to rediscover and understand its basic values and assist the public service to recommit to and act on those values in all its work.

**“The purpose of this report is to help the public service to rediscover and understand its basic values and assist the public service to recommit to and act on those values in all its work.”**

Events, pressures and change have led to doubts, misunderstandings and even scepticism about values on the part of public servants throughout the public service. Some of these problems are natural at a time of change, and yet a clear focus on values is critical to coping with that change and is at the heart of the renewal of the public service.

This report is an attempt to look hard, openly and honestly at the actions and concerns of public servants and to contribute to learning how to bring action and values into alignment.

The kinds of concerns we reviewed are about the accountability of public servants and their relationships to ministers; about public service as a career; about tension between traditional values and emerging directions; about apparently inconsistent demands on public servants; and about leadership in the public service.

This report is not intended to offer a comprehensive or definitive statement of public service values. It does not provide a checklist or declaration of public service values that could be implemented subsequently in a straightforward manner as a simple test or a code. Although this could have been our objective, and we considered it as a possibility, we rejected it from the start for reasons we should like to explain immediately, because they were fundamental to our work, and hence to our report, and how we hope it will be used.

## Our Approach

The public service has not lacked in recent years for attention to values. In 1987, prior to PS 2000, Gaétan Lussier led a deputy minister “Committee on Governing Values” for the public service. PS 2000 itself was an attempt to clarify certain fundamental public service values and to state them formally and clearly in a government White Paper. Other attempts have been made to articulate public service-wide values: APEX, for example, has developed a “Statement of Principles” for public service executives. Many, if not most, organizations in the public service have undertaken “mission and values” exercises over the past decade.

All of these efforts — both within departments and agencies or across the public service — have been valuable. They all aim at important objectives. But one result, unfortunately, has been to encourage a certain amount of cynicism and scepticism, about values in general, and formal values exercises in particular. Indeed many public servants feel they have been “missioned” and “valued” to death! Why such scepticism?

In our view, the scepticism has several sources. Sometimes the values or principles were not rigorously thought through or adequately articulated in the first place, and, when inherent contradictions became manifest, the validity of the original statement or position was cast into doubt. Thus, for example, PS 2000 proclaimed — rightly — that people were the public service’s most important asset, and ought to be treated accordingly. But it did not make the connection with the federal government’s fiscal situation, the measures that would be necessary to correct it, and the potential downsizing that might result. None of this was incompatible with PS 2000’s original insight that people are important, but because the connection had not been made, a contradiction it appeared to be, and scepticism abounded.

Another source of scepticism is the distance between declared intentions and lived reality. Despite all the public discourse on values, some leaders and managers in the public service did not appear to embody them in their conduct. They seemed to say one thing, and do another. They did not, as the saying commonly went, “walk the talk.” Seeing a gulf between words and deeds, many public servants concluded the words were hollow, and closed their ears to them. Beautifully framed values statements gathered dust on office walls, but they did not always live in people’s hearts, even the hearts of the very public servants who had drafted them in the first place.

Part of the reason for this seems to us to arise from the inherent problems of codes and rules. They have their place. They are even essential at certain times and for certain purposes. But they are not enough. They work when they capture what is already the strong conviction and broad practice of a community. They do not work well

**“We do not learn about the good from abstractions but rather from encountering it in real life, in the flesh and blood of a real community, and real people. Values are sustained by a community that believes in them and sees them acted out daily, in both concrete and symbolic actions. This points to the importance of leadership and of role models.”**

the other way around, when they are intended to make people behave in ways that they are not already inclined to behave, or in ways that they do not see broadly supported in their community. We do not learn about the good from abstractions but rather from encountering it in real life, in the flesh and blood of a real community, and real people. Values are sustained by a community that believes in them and sees them acted out daily, in both concrete and symbolic actions. This points to the importance of leadership and of role models. But it also points to the weakness of abstract principles that are not perceived to be concretely embedded and embodied in a community of practice.

Another reason why values exercises have sometimes rung hollow or failed to deliver all their promise is that values discourse in the public service (and in other organizations) has not been sufficiently clear and forthright about conflicts between values. We are inclined to think that values conflicts arise only between our values and their opposites. We are not sufficiently alive to what the philosophers call the hierarchy of values, to the fact that our values conflict not only with their opposites but with each other. Even our most cherished values are regularly in tension, and we are constantly having to make trade-offs between them. This is true of our personal life. It is equally true, perhaps especially true, of public service and public administration whose very essence lies in the balancing of conflicting values and purposes. Yet because we are not sufficiently conscious of or frank about this, we are sometimes inclined to think that some value or principle is being betrayed when it is only being subordinated or accommodated, in a specific circumstance, to some other important value.

A final reason why values exercises have often failed to carry conviction in the past is our reluctance to be candid about confusion. Most values exercises have been undertaken in circumstances of organizational renewal where they were intended to instil hope and generate enthusiasm. In this context there is always a strong temptation to minimize difficulties, to overlook tensions or problems, to speak and act as if things were clearer or simpler than they really are. This kind of approach usually backfires, in the long run, because the problems are real: if it were otherwise, there would probably not have been a concern about values or about renewal in the first place. And people see the problems, they feel the tension, and they are not fooled by the reassuring rhetoric. The attempt to create premature certainty serves only to strengthen the doubts, and the scepticism.

For all these reasons, we did not think that the work of this Study Team on Public Service Values and Ethics should aim at, or begin by, defining a set of values for

the public service. We decided to look first and above all at the current issues and problems, the questions that are

**“we did not think that the work of this Study Team on Public Service Values and Ethics should aim at, or begin by, defining a set of values for the public service.”**

commonly raised or felt about the condition and role of values in today’s public service. We thought we should begin with what is on people’s minds, what worries and concerns them, rather than by formulating what they ought to think and do. We did not rule out the possibility that some overall statement or summary of important values would emerge from our work. But we wanted it to come at the end, if it came at all. We wanted it to arise, in a concrete and convincing manner, from an examination of

**“We thought we should begin with what is on people’s minds, what worries and concerns them, rather than by formulating what they ought to think and do.”**

the real problems and issues as they present themselves to our colleagues in the public service today. By proceeding in this manner we hoped that our work would be, and would appear to be, both more useful and more authentic.

As a result of this approach we do not hesitate to refer to specific public service values as we proceed in this report. But we do so spontaneously, as we reflect on the nature of government. They are the values that come naturally to mind as we think about public service and its relationship to democracy, the values without which it is not possible to think about public service at all. We collect them, as it were, as we go along, clustering them at the end of each chapter, and drawing these main threads together in our conclusion.

### **An Honest Dialogue**

If there is an image of how we wished our work to proceed and to be perceived, it is the image of an honest dialogue. This image has two parts: dialogue and honesty.

Dialogue implies two things. First, exchange, discussion, debate, the acknowledgement that there are or can be more than one perspective on important issues, and that each of these may have something to contribute to a deeper or fuller understanding of reality. Hence the conversation must be sustained long enough for all important viewpoints to be heard and to educate each other, until that fuller understanding emerges. As

**“If there is an image of how we wished our work to proceed and to be perceived, it is the image of an honest dialogue.”**

this suggests, the second thing dialogue implies is that truth, or the whole truth, is not known at the outset. It only emerges from the dialogue itself. Thus a dialogue requires openness, patience, an ability to listen and to absorb, a capacity to resist the rush to judgement, a willing suspension of belief.

An *honest* dialogue requires an ability to speak forthrightly about difficult issues. This presents two important challenges for a group such as ours. The first is that many of the issues we wished to discuss

**“truth, or the whole truth, is not known at the outset. It only emerges from the dialogue itself.”**

are complex and sensitive. There are good reasons why organizations, including organizations like the public service, often shy away from them. They can be painful and awkward to confront and they can open up questions that may be difficult to handle. If we wish to pursue an honest dialogue we have to be prepared for the consequences.

The second challenge arises from our specific circumstance as a public service team. As public servants we must exercise prudence and discretion in keeping with our professional status. It would not be appropriate to comment on the conduct of specific ministers or officials. Our report must not only be about public service values,

it must embody them also, including the public service values of discretion, anonymity, impartiality, and loyalty.

Respecting these values while pursuing an honest dialogue, and being seen to do so, is a delicate balancing act. While we do not wish to proceed in a way that would be inconsistent with the very values we profess, nor do we wish to pass into history as yet another group unable to come to grips with some fundamental issues facing our institution. We have not hesitated, therefore, to refer to certain episodes that have been crucial in the recent history of the public service and that have raised important issues of principle. To do otherwise would have lent this discussion an air of unreality. But we have chosen not to dwell on or dissect them. In this way we hope to have achieved both concreteness and discretion. And we hope such an approach will further the honest dialogue about important and difficult issues at which our report aims.

### Values and Ethics

It may be helpful to say a brief word here about the relationship between values and ethics, as we conceived them for the purposes of our work. For us, values are

**“In this report, public service ethics are discussed as a sub-set of public service values:”**

enduring beliefs that influence attitudes, actions, and the choices we make. In this report, public service ethics are discussed as a sub-set of public service values: they are enduring beliefs that influence our attitudes and actions as to what is right or wrong. “Ethical values” are public service values in action, where choices have to be made between right and wrong, what the Auditor General, in his 1995 report, called “ethics in decision-making”.

A choice between values does not always involve a choice between right and wrong. For example, a choice between a partisan and a non-partisan public service, or between a career and a non-career public service, is not

a choice between right and wrong. One may be more desirable than the other. One may arguably offer a better chance of good government than another, but the choice is not in and of itself an ethical one.

In public service ethics, however, the issue or potential for wrongdoing, whether legal or not, is front and centre. Ethical issues by their nature are issues of conscience, where one option is arguably wrong, or more wrong than another.

The Public Service of Canada continues to exhibit, on the whole, a high standard of ethical behaviour. In a recent survey of the international business community by Transparency International, Canada was ranked among the top five countries in the world for honesty in government. Ethics will need attention on a continuing basis, in the public service as in other institutions and professions, not because we are experiencing major problems, but rather because ethical values are so important in the daily lives of public servants and because the pressures on public servants raise new or deeper ethical issues, such as fair treatment for employees, or maintaining a focus on the public interest over personal career interests in a time of downsizing. Every day, in myriad ways, public servants make decisions and take actions that affect the lives and interests of Canadians: they handle private and confidential information, provide help and service, manage and account for public funds, answer calls from people at risk. Because public servants hold such a significant public trust, ethical values must necessarily have a heightened importance for them.

Ethical values are one of four families of public service values we discovered in the course of our work, as we point out in our conclusion. Together with democratic, professional and people values, they constitute the core values of the public service. If, through a proper orientation of the full range of core public service values, we lay a strong foundation for public service thought and conduct, we believe that public service ethics will be more readily maintained at a high standard.



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For all these reasons, the focus of this report is on the *ethos* as well as on the *ethics* of public service.

### **Canadian Values**

The Public Service of Canada exists and works within a specific context, the broad context of Canadian society and its own universe of values. The Government of Canada is not the government of just any country; it is the government of this one: a federal country, a parliamentary country, and a North American country, with its unique historical experience that has given us the distinct society of Québec, varied provincial and regional realities, two official languages, a particular division of powers, a Charter of Rights, a unique political culture, and a special, evolving social contract. All of these features of the Canadian polity imply a range of values that are deeply Canadian — the values, for example, of peace, order and good government.

These values are at the heart of what defines the roles and responsibilities of the public trust of public servants. To some extent, constitutional values have lost their lustre as a result of failed attempts at constitutional change where existing provisions have been criticized. But for public servants, the Constitution is bedrock, and is related to our role in serving ministers under law in upholding the public interest. If we take the time to consider the matter, we realize that our written and unwritten Constitution defines much of what Canada is all about — especially parliamentary democracy, federalism and a Charter of Rights. For public servants, this means that it is fundamental to respect the authority of elected governments, the roles and responsibilities of provincial governments and the rights and freedoms of Canadians. These Canadian values are also core values for the public service.

As it turned out, the Study Team did not explore these values in depth. However, we did encounter them at many stages in our work, as public servants do every day, and we found that constitutional values form part of the terms of

the public trust that defines the mission of the public service. We also believe such societal values deserve further attention and study, as shaping influences on the culture of the Canadian public service. They are something to which the Canadian Centre for Management Development might wish to give ongoing attention in its own research program; and we recommend that it do so.



## 2. The Democratic Context and the Challenge of Accountability

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Perhaps somewhat to our surprise, the issues to which the Study Team ended up devoting the largest portion of its work - and to which we frequently returned - were the issues which, taken together, might be called, succinctly, the issues of responsible government and the accountability of public servants.

There are at least two possible reasons that occur to us as to why these issues occupied such a large portion of our time. First, these issues are a major source of the concern that exists in the minds of public servants about how the public service is changing. The second is that they are the root bed underlying everything else: almost every other issue we examined led back, through some direct or indirect route, to the principles of democratic life in a parliamentary system. It was altogether fitting, therefore, that we should have found ourselves returning time and again to these issues.

As to the first point, many public servants assume, rightly or wrongly, that the principles governing the relationships between themselves, ministers and Parliament are shifting, but they do not yet understand what the new principles are to be, and they assume that these shifts may alter the "old deal" under which the public service previously operated, in ways that remain as yet obscure.

There are two kinds of concern: 1) that the concepts of ministerial responsibility and public servant anonymity are under threat and lightly treated, and that this is undermining the foundations of public service; and 2) that these concepts are no longer appropriate and are an obstacle to reform. These concerns take various forms: "If I am encouraged to take creative risks and I fail, who will stand up for me?" "Will I be publicly blamed by my superiors?" "The advice we give to our ministers doesn't seem to matter." "I am not sure what I contribute to my department". "I'm held responsible for circumstances beyond my control."

We think that the analysis that underlies these anxieties is partly right, and partly wrong. It seems undeniable that some of the conventions or practices are evolving. But it should be kept in mind that parliamentary government is an inherently evolutionary form of government, continually adapting to meet new circumstances, in contrast to more rigid, static and codified systems. And we do not see any reason, at this point, why it could not or should not evolve in ways that are largely consistent with the vital or essential principles of the past.

As we explored the values related to accountability and responsible government, three main issues captured our attention: the conventions concerning public service anonymity and public accountability for government actions; the accountability issues raised by new forms of government organization; and the congruence between the values of the government of the day and the senior public service. In this chapter we will address each of these in turn.

### **Anonymity and Accountability in a System of Responsible Government**

Rightly or wrongly, many public servants appear to believe that public service had always been based on an implicit bargain, understanding, or "deal." On the one hand (so the tacit theory holds), public servants were to give to the government of the day (and through it to the people of Canada) their professionalism, discretion,

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*"...we think some aspects of these assumptions are flawed, at least from a technical point of view, though not in spirit."*

neutrality, non-partisanship, impartiality, and loyalty. On the other hand, public servants could supposedly expect at least two things in return: anonymity and

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security of tenure. Anonymity meant that public servants would not be publicly accountable or answerable for the actions of the government: this role was reserved for the ministers of the Crown, who, after all, held the authority as elected officials. Security of tenure meant that public service employment was not a temporary or passing thing, dependent on the lifetime of a government, but something that could normally be expected to endure through most of a working career.

We do not mention these assumptions about the “old deal” because we agree with them as stated. In fact, we think some aspects of these assumptions are flawed, at least from a technical point of view, though not in spirit. We mention them because we think they are a source of much of the confusion and uncertainty that currently prevails in the minds of many public servants about how the public service may be changing. Because anonymity and permanence were presumed to be the quid pro quo for many of the values of a professional public service, and because these two appear to be brought into question by recent developments, then all of the other values are also put in doubt.

It therefore seemed to us essential to examine these issues of anonymity and permanence in some depth. The first we explore here, and the second is the subject for the next chapter.

The issue and principle of public service anonymity has been brought to the fore in the minds of many public servants by several high profile events, and some ongoing trends. One of the high profile events was the so-called Al-Mashat case which, in the minds of many public servants, suggested that individual public servants could now be publicly identified and blamed for actions that were potentially embarrassing to a government. In another instance, a deputy minister of Employment and Immigration was subject to lengthy interrogation by a parliamentary committee and implicitly made to bear responsibility for government action. In less dramatic fashion, other parliamentary committees have also sought

to make public servants take responsibility for government actions or, increasingly, have invited them to comment on government actions or policy in their personal capacity rather than as officials accountable to a responsible minister. To many, these various incidents and trends seem to undermine the doctrine of public service anonymity and ministerial responsibility, thus altering the ground rules of the alleged “old deal.”

In keeping with the approach outlined in the Introduction, we do not propose to dissect these various incidents here. We mention them only to demonstrate that we are aware of them, and because they are among the factors precipitating current discussion of values in the public service.

As we reflected on the pressures and stresses on the convention of public service anonymity and ministerial responsibility, we sought to understand what their sources might be. It seemed to us important for public servants to understand that ministers themselves often feel powerless or hamstrung by central agencies, by horizontal and consultation processes, or even by the public service itself. They may not understand why they should have to defend or even explain actions of which they were unaware and with which they may disagree. Thus, in its extreme form, the convention of public service anonymity and exclusive ministerial responsibility may sometimes appear to ministers to protect public servants at their expense. Initiatives to “empower” public servants, to give them greater discretion in matters of service delivery or consultation, might well enhance these feelings, unless properly framed. Ministers may often feel they are being asked to take the consequences for a problem that has been caused by someone else.

The concern arises against a background where many believe that the concept of ministerial responsibility is outdated or just unreal. Ministers do not resign for departmental errors, it is said, therefore the doctrine is meaningless.

As the Study Team progressed in its work, we came to believe that many of the frustrations and concerns result from unclear notions of what ministerial responsibility is, and how it relates to notions of accountability, answerability and blame. The concept has been blurred and confused, in large part, by partisan conflict that is often preoccupied with blame. This is nowhere clearer than where we find the frequent calls for resignations of ministers who are asked to accept blame in the highest degree for alleged errors of departmental officials.

We found that media, politicians and even academics use words such as responsibility and accountability to mean different things — often to prove a specific point. While we recognize that we cannot resolve the profound controversies around these issues, we believe it is helpful to make a few basic points about ministerial responsibility and public service accountability and to set out clearly how we ourselves propose to use these and related terms.

The term “responsibility” does not of course apply only to ministers. Within the public sector, all office holders have responsibilities that are defined by their authority. They are responsible for carrying out their authority well, within the law and with respect for ethical values, and, should problems arise, they are responsible for correcting them and doing whatever is reasonable to ensure that they do not reoccur. The term is most often used in respect to the authority of ministers under a system of parliamentary government and to the duties and obligations that come with this authority: ministerial responsibility.

In most circumstances, accountability can be thought of as enforcing or explaining responsibility. It is often used as a synonym for “responsibility” because both are defined by the office holder’s authority; they cover the same ground. Accountability involves rendering an account to someone, such as Parliament or a superior, on how and how well one’s responsibilities are being met, on actions taken to correct problems and to ensure they do not reoccur. It also involves accepting personal consequences,

such as discipline, for problems that could have been avoided had the individual acted appropriately. All public office holders are accountable to the courts because of the requirements of the rule of law. Ministers are also accountable to Parliament, while deputy ministers are accountable to ministers, not Parliament.

“Answerability” is also often used as a synonym for “accountability,” especially in relation to ministers’ answerability to Parliament. The Study Team uses “answerability” as a term to describe a key aspect of accountability, the duty to inform and explain. Thus answerability does not include the personal consequences that are a part of accountability. The concept of answerability sometimes is also used in circumstances where full and direct accountability is not an issue. For example, public servants are answerable before parliamentary committees, not accountable to them. Ministers are answerable to Parliament for independent tribunals, not accountable for their decisions.

Public office holders are responsible for all that occurs within their authority, but are not always subject to personal consequences such as discipline or blame for problems that occur. The issue and degree of blame depend, among other things, on whether office holders were personally involved in activities, or should have been; that is, on a fair assessment of whether they could have avoided the problem, or ought to have taken steps to correct it. So while there is always responsibility and accountability to reform, correct and avoid further problems under an office holder’s authority, this does not necessarily or even usually involve questions of blame or serious personal consequences.

Political realities mean that responsibility and accountability are often taken to imply that ministers are to blame when things go wrong. Indeed, to say “I am responsible” often has the connotation of “I am to blame”. But in fairness, and in terms of common sense, ministers cannot and should not be blamed and certainly should not be compelled to resign for all matters that go wrong which



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fall within their authority, irrespective of the importance of the problem or the minister's knowledge of or influence on it. In fact, the focus on "blame" can often distract us from larger issues of good government.

Of course, the main difference between the accountability of ministers and that of public servants and executives in the private sector is that ministers are accountable to Parliament, a democratic but also a partisan political body. Blame will continue to be attributed and there will be ongoing pressure on the concept of ministerial responsibility. Unfortunately, confusing responsibility and blame, oversimplifying the concept of ministerial responsibility or setting inappropriate thresholds for demands for resignation do damage to the democratic process.

In these circumstances, it would not be surprising if ministers were occasionally tempted to escape from a rigid or extreme interpretation of ministerial responsibility by evading it altogether and seeking instead to shift the burden to the public service.

Regardless of the sources for the pressure on the convention of anonymity, we think it is important to point out that it is not an absolute. Because of our Canadian political traditions we may be tempted to think of it as more absolute than it really is in parliamentary systems of government. In Britain, for example, there is the longstanding tradition of the "accounting officer" which makes permanent secretaries (deputy ministers) directly and personally accountable to Parliament for financial administration in their departments. In Canada, the concepts of public service anonymity and ministerial responsibility have been significantly qualified in places, and doubtless could be further qualified. Canada was a pioneer, for example, in the development of the Crown corporation and of "arms-length" agencies for the sensitive matters of regulation and of artistic and research funding: the meaning of "arm's length" is that ministers do not have direct authority over decisions and therefore are not responsible for them. More recently, legal decisions

have significantly qualified the principles of neutrality and anonymity by permitting public servants to engage in partisan politics, within clear limits and outside their work.

It is important to point out here that Canadian officials already do, quite appropriately, appear before parliamentary bodies to explain their actions. There is nothing about this that is incompatible with responsible government in a parliamentary system. On the contrary. Providing information and explanation to Parliament, either from ministers or officials, is the very essence of responsible government. The limitation is that parliamentary bodies must not instruct officials — instructions come only from the minister; nor should they attribute responsibility improperly, or ask them to comment on government policies or actions in ways that are incompatible with their relationship and accountability to the minister. Departmental public servants appear before parliamentary committees on behalf of their ministers.

It should also be noted that the principles of anonymity and ministerial responsibility do not mean an absence of sanctions for public service errors or misconduct. Sanctions can be and regularly are brought to bear, just as they are in the private sector. In both the public and private sectors, however, such actions are normally taken in private. In most cases, no purpose is served, and much damage can be done, by public hangings.

Thus public service anonymity in a parliamentary system is a much more elastic concept than it first appears: there is clearly room for Canada to move and to qualify the principle of anonymity even further. It would be entirely possible for Parliament or for ministers to delegate larger portions of their respective authorities directly to non-elected officials. In the next section of his chapter, we examine some of these possibilities in more detail.

However, the evolution of Canadian practice in this area needs to take sufficient account of Canadian political culture. It was suggested to us that Canadian ministers traditionally involve themselves more often in certain details of administrative decision-making than do ministers in most other parliamentary countries. If this tradition continues, it is natural to expect ministers to accept corresponding personal consequences for these decisions. We also noted research showing that there is greater turnover in the House of Commons than in most other democratic legislatures and that this relative instability of Canadian political life both reduces the capacity to build substantive expertise on public administration in the House, and may heighten its partisan tone and outlook. These factors will also have to be taken into account in considering any further qualifications of ministerial responsibility, and may limit the room to manoeuvre.

For us, what is important in the conventions of ministerial responsibility and public service anonymity is not so much the principle of anonymity itself as the democratic principle that lies behind it. In our view, the principle of public service anonymity serves two great purposes: it protects the neutrality or non-partisanship of public servants and their ability to give frank advice that will be received in a spirit of trust; and it protects the authority of ministers chosen through a democratic process. While it is often assumed that ministerial responsibility protects public servants by enabling them to avoid public accountability for their actions, the truth is the opposite: the doctrine protects the authority of ministers. Awarding public servants more direct authority and imposing more direct accountability to Parliament on them necessarily detracts from ministerial authority. If Parliament, for example, were to hold public servants more directly accountable, and to direct their future actions, this would inevitably undercut the authority and responsibility of ministers.

The principle behind ministerial responsibility is the democratic principle: that government should be carried

on by elected representatives, not by unelected officials. Elected officials can and should work through and by means of appointed officials, but it is the elected who should be, and who should be seen to be, in charge. The officials, as Lord Balfour observed, should be on *tap*, not on *top*, and they are accountable to their ministers.

Responsible government in a parliamentary setting is nothing more, in the end, than this simple democratic principle. And the political accountability that accompanies responsibility works every day in a quiet, positive way that an undue, sensational emphasis on scandals, errors or resignations overlooks. Ministerial accountability involves the daily provision of information and explanations, to Parliament and to the public, about the activities of the minister's department, and conversely a daily sensitization of the department to the views and concerns of Parliament and the people. It involves day-to-day direction to departments and the correction of problems that may arise. The sensational approach to accountability largely ignores this positive dimension, and perpetuates the confusion between accountability and blameworthiness (or "culpability"). Accountability and blame are not the same thing. A minister does not have to accept blame for everything that happens within his/her immediate authority. But he or she does have to accept responsibility (unless, of course, Parliament has clearly lodged it elsewhere — in a Crown corporation, for example), because the alternative is government by the non-elected.

The principle of ministerial responsibility and accountability in a parliamentary system is, then, an expression of the democratic principle. However, as we pointed out, its corollary of public service anonymity is not an absolute. It has been significantly qualified both here and abroad, and could be qualified still further, as the practice of parliamentary government continues to evolve. If and as it does so, an important question will become not so much whether public servants are anonymous, but how they behave when they are in the public eye, whether this behaviour is consistent

with other public service values, including the principles of responsible government itself. When and if public servants take on more public roles it will be important for their behaviour to express and convey appropriate respect for the authority and responsibility of ministers. As public servants are thrust into more public consultation roles, for example, they should be seen as supporting ministers, not supplanting them. And it is important that ministers accept their responsibility to ensure fair treatment of public servants in public forums and do their best to hold their public servants accountable to them in private unless circumstances make this impossible.

Similarly, public service visibility and responsibility should not detract from the other great purpose of the principle of public service anonymity: to protect the neutrality of the public service and its ability to give candid and frank advice that will also be perceived as loyal, trustworthy and discreet. It seems likely to us that there is a necessary connection among the values of neutrality, discretion, loyalty, and candour, and that in pushing on one, you may push on them all, in unexpected ways. Anonymity may prove to be connected to the ability and duty of a public service to speak truth to power, yet serve faithfully succeeding governments of differing political views, and be trusted by them. Ministers are more likely to welcome frank advice from public servants when they know they can count on the absolute discretion of their officials. If so, this may impose potential limits on the degree to which the principle of anonymity can be discarded, or may suggest that it can be qualified more easily in some areas of government than in others: more easily in program delivery, for example, than in policy development.

In any new public roles public servants are asked to undertake, they will need to appreciate the points about accountability and blameworthiness (or culpability) that we have highlighted in this chapter. So far we have spoken predominantly about ministerial responsibility and the principles that shape its exercise. It is equally important to remember that these same principles apply to the public

service itself. In their own spheres, and at every level, public servants also bear responsibility and should do so with the same dignity and understanding we expect from ministers. To be held responsible for something is not necessarily to be blamed for it. Often it is best simply to accept, with dignity, that something falls within one's sphere of responsibility, and to take the appropriate action. Nothing could be more dispiriting for the morale of the public service, or of some part of it, than the spectacle of public service leaders publicly sidestepping responsibility and shifting it instead to subordinates, at convenient moments. The public service is hungry for simple, symbolic actions that embody values. Such actions need not be drastic or extreme. A simple gesture of accepting responsibility, especially in trying moments, may well suffice.

The bottom line in our discussion thus far is that some common assumptions about the "old deal" of public

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service are not well grounded. Responsible parliamentary government is a more flexible and evolutionary form of government than we sometimes assume. It can accommodate new practices in the visibility and answerability of officials while preserving the essential features and benefits of responsible government and ministerial accountability. We do not need to throw the

**"it is just as important to emphasize the things that should be preserved and refurbished, as the things that are new."**

baby out with the bathwater. An evolution of practice in one area, such as anonymity and answerability, may be acceptable or even desirable, as long as it does not threaten other related and fundamental public service values such as neutrality, impartiality, professionalism,

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and loyalty to the government of the day. In this area, as in others that we will examine, it is important not to panic about change, or to go from one extreme to another. Though many things change, much endures. In any discussion about public service values, it is just as important to emphasize the things that should be preserved and refurbished, as the things that are new.

### **New Organizational Forms and the Challenge of Accountability**

In recent years, the conventions of accountability and anonymity have evolved most significantly in the area of program and service delivery. As we noted in the previous section, the links between the values of anonymity, discretion, candour, and trust seem to be strongest in the area of policy advice. Here the old conventions still seem to apply most strongly, though new approaches have been tried, notably in New Zealand.

But, in the area of program and service delivery, new organizational forms and new approaches to accountability have been widely implemented, involving new forms of autonomy and greater public accountability for public servants, especially in Britain and New Zealand. In Canada, Special Operating Agencies were an initial, distant cousin of the British Executive Agencies. In the recent federal budget, the Government of Canada announced that it would establish four new agencies (parks, food inspection, revenue and securities) with perhaps greater autonomy and a more direct reporting relationship to the minister, along the lines of the British or New Zealand models. If these precedents go well, they could perhaps be extended to other areas.

These experiments in organizational form have been undertaken primarily for the purpose of raising the performance of public service organizations, to make them more flexible, responsive, efficient and able to offer a higher quality of service to citizens. But inevitably questions have arisen, both here and abroad, about how

the agency model of organization and accountability may influence public service values, or how those same values should shape the design and implementation of such a model. Indeed, for this reason, the ongoing experiments in organizational form have been one of the contributing factors to the present widespread concern for, and uncertainty about, the evolution of public service values.

It was to understand and illuminate the impact on public service values that the Study Team explored the issues of organizational form. It is not for the Study Team to comment on the appropriateness of the agency model itself. What we explored was the potential impact of the agency model on public service values, and the design features of any potential agency model that would help to enhance or support important public service values, as we understand them. Some of these design features, especially those related to employment, are considered in the next chapter of this report. Here we are chiefly concerned to explore the impact of the agency model on accountability and anonymity.

The first thing to observe is that the design of distinct agencies for the delivery of government programs need not involve any fundamental changes to the principles of ministerial responsibility.

As in Britain or New Zealand, ministers can retain authority for both policy development and program delivery. However, in the case of program or service delivery, the ministers could delegate, in a formal and public manner, certain of their authorities to the chief executives of the program agencies. The overall responsibilities and accountabilities of ministers would remain the same: all that would change would be the extent, the precision and the publicness of the delegation of authority to officials, together with the understandings about performance and outputs the agencies were expected to achieve. The chief executive would remain accountable to the minister; the minister would remain accountable to Parliament — but accountabilities would

be held more publicly. Parliament would be better informed about the scope of manoeuvre available to the agency and the targets it was expected to achieve.

Let us consider some Canadian precedents. Some public sector organizations (but not SOAs) have enjoyed special autonomy under statute, for example, because they are involved in commercial or quasi-commercial activities, acting more or less like a business (certain Crown corporations) or because they are involved in sensitive quasi-judicial activities or regulation, or in the equally sensitive allocation of funds for artistic, cultural or research purposes. In these cases activities are deliberately placed outside immediate political authority, at “arms-length”. In Canadian experience, the statutes define the authority of ministers, often in slightly different ways. Canadian experience offers a rich variety of models which could be displayed on a continuum varying from full ministerial authority and responsibility to minimal ministerial involvement. What is important is that ministerial responsibility should be defined by whatever the minister’s authority is intended to be, and that the institutional framework and statutory authority be aligned both with the purpose of the organization and with a clear idea of the respective responsibilities of ministers and officials.

New program-delivery agencies need not be at arms-length. Though some programs of government may well be found to have a quasi-commercial character, or some other specific feature, that requires the form of a Crown corporation, or even privatization, many or most may remain straightforward government programs under the authority and responsibility of a minister.

For this reason, and in order to get the accountabilities right, it seems to us more helpful to think of many or most planned and potential program-delivery agencies not as a new kind of corporation, but rather as a new kind of department, an operational department, with wider, more explicit, and more public delegations of authority and performance

targets. This is important if ministers wish to stay close to specific program functions or when these functions have an intrinsic governmental nature. This approach will help

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to ensure that ministers remain clearly responsible for the activities of government, and that the accountability of officials is to the minister, not to Parliament or to anyone else.

Perhaps the closest analogy in the Canadian public service to date for these new program-delivery agencies is the cluster of agencies grouped under the Solicitor General, where program delivery is carried out by a series of distinct program agencies, under the authority of a minister. These agencies demonstrate that each such agency can have quite specific and different design features. For the new type of program delivery agencies, however, the Solicitor General model would need to be augmented by an explicit and public agreement about the powers and authorities that are delegated to the agency, and about the program outputs and standards that are to be expected in return.

If experience elsewhere is any guide, a great deal of careful attention will need to be given to the content and precision of the delegation instrument and performance agreement. If this kind of attention is not given, then we can probably expect problems to arise. A chief executive who holds such a public delegation and performance agreement becomes perforce a public actor, even though the overall accountability to the minister remains unchanged. Unless the agreement is very clear about both the authorities delegated and the authorities retained by the minister — and unless the spirit animating the minister and her officials is appropriate — we can expect conflicts to occur. In the course of our work we reviewed one case abroad in which a former chief executive is suing a minister, mainly, it would seem, because of differences

about what the agreement between them allowed. We were also told about public disagreements between ministers and officials about who should do what.

These are the kinds of public conflicts, contrary to sound public service values, that can arise where public service anonymity is reduced, and where public servants become more visible public actors without the necessary safeguards of precise agreements and a solid background of well-nourished public service values. In order to avoid them, both the values and the clear agreements will be necessary, especially in Canada where, as we noted, the political culture has traditionally allowed for closer involvement of ministers in certain details of administration than in many other parliamentary countries.

These are the risks, but, if they are successfully met, our study suggests that, contrary to some fears, there is

“there is no necessary conflict between these new organizational forms for service delivery and traditional public service values...”

“...these new arrangements will work best if the organizations involved are permeated by a strong public service culture.”

no necessary conflict between these new organizational forms for service delivery and traditional public service values. In fact, we have looked at research that argues both political and public service accountability can be significantly *strengthened* by such arrangements, because ministers gain the ability to be more explicit about what they expect from their departments, and to monitor more precisely whether their expectations are being met. For public servants the notion of accountability becomes more concrete, as they strive to meet the minister’s targets and goals.

Our analysis also suggests that these new arrangements will work best if the organizations involved are permeated by a strong public service culture. Strengthening that culture, and the values that animate it,

can be enhanced by some of the other design features of any new agency model, and the human resource regime that accompanies it.

### Political and Public Service Values

Another dimension of responsible government about which we heard concerns expressed in the course of our work was the congruence of political and public service values. Interestingly, the two types of concerns we noted were diametrically opposed. On the one hand, some people, especially from outside government, have expressed doubts about whether the public service, especially the senior public service, is able to give loyal support to each succeeding government. If not, these voices suggest, there should be greater turnover in the senior public service, so that each succeeding government appoints its own senior officials, from whatever source they may be found, similar to the American system. On the other hand, we also heard from people, particularly inside the public service and at middle or lower levels, who expressed concern that the senior public service sometimes showed too much zeal in serving the government of the day, failing at times to make clear the risks or drawbacks of certain policy options, or to communicate fully the concerns of those on the front line of delivery.

On the first point we do not propose to comment in depth here. We will have something more to say on this theme in the next chapter. At this stage we should like to make but two observations because they are crucial to what follows in this report.

The first is that we are not aware of empirical evidence that would support the proposition that a professional public service is unable or unwilling to carry out faithfully the wishes and program of any duly elected government, operating within the law and the Constitution. On the contrary, it seems to us evident that when a government knows what it wants to do, a professional public service is capable of delivering it. All of the major policy and program initiatives of the



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Canadian government over the past generation have been carried out with the advice and support of the Canadian public service, regardless of the political party in office. A public service that is capable of implementing a National Energy Policy for one government, and then dismantling it for the next, is clearly a public service able to serve faithfully the wishes of the Canadian people, as expressed through the democratic process, and this should be a source of pride not only for public servants but for all Canadians.

Our second observation is that a professional public service is not only equipped to support the program of an elected government, but is the best available means to do so. Many of us have observed regimes that cannot rely on a professional senior public service imbued with a spirit of long-term service to the democratic process, and we do not think the comparison is favourable to the alternative. It cannot be stated firmly enough, especially in a report on public service values, that a professional public service is an important national institution in the service of democracy.

The second concern we heard from the middle and lower ranks of the public service itself contradicts, and to some degree refutes, the first. The perception of some, at these levels, is not that the senior public service is unwilling to support faithfully the programs of succeeding governments, but that it may be too ready to do so, at the expense of some public goods. This is an important concern to explore. It is one among several indications that there is a divide within the public service based on how public servants view the involvement of ministers in program areas: whether they view it as an intrusion that is inimical to the public interest, or as the expression of democracy.

It seems to us that several key challenges and insights emerge from this concern. We have already shown that the responsibility and authority of ministers are based on democratic values. Ministers are legitimately in charge. But one of the roles and duties of a professional

public service in the service of democracy is to ensure that ministers have the most complete information and analysis possible before they take policy and program decisions. This is sometimes called “speaking truth to power”. Ministers should be fully aware of the major options of action and the potential consequences; and it is the duty of a public service to ensure that they are, even in cases where ministers find unwelcome the analyses with which they are presented. This is not an obstacle or hindrance to democracy, it is one of its pillars. Once decisions are taken, the role of a public service is to carry them out to the best of its ability, within the law and ethical values. And it will be all the more comfortable in doing so if it has already performed its duty of ensuring that ministers are fully informed about the choices to be made in the first place.

We have no reason to believe that the senior public service is not currently discharging its duty to speak truth to power. But it is obvious that this part of its essential function is more welcome at some times and places than others. It therefore seems important, in the context of a study on public service values, to reaffirm clearly and strongly that speaking truth to power is one of the chief duties of a public service dedicated to the support of the democratic process.

At the same time it is equally crucial for public servants, at all levels, to understand that the chief public service value is service to democracy, that there is none higher, and that, following professional advice and democratic deliberation, faithful execution of democratic decisions is what a public service is for, not to substitute for them some other definitions of the public good. Public servants may lose sight of this essential point for many reasons. For example, public servants may note the highly partisan nature of politics, the immediacy of issues, the responsiveness to shifts in public opinion, and the apparent emphasis on speedy action and media spin.

But democratic politics is crucial to our system of government. It is not for public servants to judge



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its implications, except when considering advice on how to do better. Public servants must remember what they are — delegates of their minister. And what system they serve — a democratic system where elected officials have legitimacy to define the public interest. Once public servants have done their best to advise, they must accept the legitimate decisions of their ministers.

The fact that democratic values are often forgotten poses a challenge of leadership and communication.

The communication challenge is twofold. Senior public servants need to reflect on how, and how well, they are explaining political decisions, and the reasons for those decisions to those further down in public service organizations. At the same time, they also need to consider how, and how well, they are conveying to the members of their department the way in which public servants' views and analysis are being conveyed to ministers. The most senior public servants have a delicate but essential balancing act to perform. They must represent faithfully and effectively to their employees, the wishes, needs and choices of the government of the day so that these may be met or carried out. At the same time, they must represent, and be seen to represent, the values and contribution of public servants to ministers. The second is almost as important as the first, because it undermines morale and corrodes the values of public service if it is not seen to be performed.

### **Democratic Values**

Our review of the issues of responsible government that emerged in our exploration of public service values has led us to a heightened awareness and reassertion of what we will call the democratic values underlying public service. The Study Team has rediscovered that the most important defining factor for the role and values of the public service is its democratic mission: helping ministers, under law and the Constitution, to serve the common good.

We have also discovered that the fundamental mission is often forgotten, and that public servants often misunderstand their full responsibilities. It is useful to remind ourselves of some basic points.

Canada's form of democracy is responsible parliamentary government, based on the collective and individual responsibility of ministers to the elected House of Commons, which, along with principles of federalism and the Charter of Rights and Freedoms, provides a crucial framework for public service roles, responsibilities and values.

The principles of responsible government work in a quiet, positive way every day, maintaining ministerial authority over officials. In this sense, they are the cornerstone of democracy in a parliamentary system, protecting the authority of elected persons for the conduct of government. The positive and pervasive force for accountability and good government that they offer in the day-to-day operations of government is obscured by exaggerated demands as to how they should work when mistakes occur, and by undue emphasis on ministerial blame and resignation. While ministers are responsible to Parliament for the errors of administrative subordinates, they do not, and should not, thereby accept personal blame for these errors in all circumstances.

In our view, the essential principles of responsible government have stood up well to the test of experience, and will serve as well tomorrow as they have in the past. However parliamentary government is an inherently evolutionary form of government, and we have noted some areas where evolution may occur without in any way threatening the whole edifice. We observed, for example, that there may be room for movement in the area of the anonymity and visibility of public servants, especially where new organizational forms lead ministers to delegate portions of their authorities formally and publicly to officials. As long as the proper channels of authority to the minister are preserved, we believe the two great purposes of public service anonymity — preserving public

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service neutrality and protecting the authority of ministers — can be fully accomplished. Such an evolution therefore represents no inherent threat to responsible government. In fact, the values associated with it could actually strengthen democratic accountability.

Because of the evolving nature of parliamentary government, and because of the continuing confusion in the public mind about the distinctions between accountability and blamability, it might be useful at this stage to develop a clear, concise statement of the requirements of ministerial responsibility that is easily comprehensible to ministers, public servants and the public. Such a statement might fill several needs, including the need for a better framework and more adequate set of ground rules around the appearances of public servants before parliamentary committees where they are sometimes under pressure to respond in ways that are incompatible with responsible government and public service values. Public servants answer questions in parliamentary committees; they are accountable to ministers.

If the great principles of parliamentary democracy are to be reaffirmed, the public service must also rededicate itself to principles and practices that will help ministers to shoulder their accountabilities more comfortably and more effectively. We must ensure that ministers have all the information that they require to make decisions in the first place, and all possible assistance to shoulder the responsibility of implementation.

Finally, the concerns of ministers and public servants about ministerial responsibility and the role of public servants touch on the deepest values of public service in a parliamentary democracy — respect for the authority of elected office holders, respect for the Constitution, the rule of law, and the institutions of Parliament and the courts. Not surprisingly, if these values are thought to be changing, much else is also in doubt.

As the practices of responsible government evolve, or new roles and responsibilities for the public service emerge, the risks of damage or of threats to the underlying values will be greatly reduced if government organizations are permeated by a strong public service culture animated by respect for democracy and for the public good. The strengthening of such a culture and of its related values is one of the matters considered in the following chapter.

### 3. Employment and Values

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Many of the concerns about public service values we heard and explored in the course of our work were related, in one way or another, to employment in the public service: the nature of it, and the processes related to it. This is not surprising. Who should be employed in the public service, and how, are questions that have always been at the heart of public administration, in Canada and elsewhere, and they are closely connected to values. Indeed, public service reform and the employment regime it brought with it were explicitly designed, in the first decades of the century, to create a certain kind of public service, with a certain kind of public service culture. At a time when values are again in question, it is only natural that employment issues should also come front and centre once again.

Some of the current uncertainties surrounding employment and values arise from matters we have already discussed, such as new organizational forms in the public service. The greatest source of anxiety, however, has no doubt been the recent, wide-scale experience of downsizing. For almost fifty years, the public service experience was largely one of growth. Several generations of public servants had only intermittent or localized experience of lay-offs or downsizing. Naturally this kind of experience created certain assumptions and expectations about employment in the public service, assumptions that were brought into question by the more generalized downsizing of the 1990s.

In this chapter we begin, then, by examining some of the values issues raised by the experience of downsizing. We then proceed to look at some of the employment issues raised by new organizational experiments in the public service. Finally we look at the issues of non-partisanship and merit in a future public service.

#### **Downsizing and Values**

The experience of downsizing has raised two separate questions that both bear on values in the public service:

how it was done; and what it means. We will consider the first here and the second in the following part of this chapter.

Many public servants were shocked, and their faith in public service values was shaken, both by the *fact* of downsizing — that it was done at all — and by the way it was done. Many public servants believe that an implicit employment contract and the commitment to security of tenure were breached by personnel reductions, and by the way they were carried out. Explicit union contracts were overridden by legislation. Disrespect for public servants was read into many announcements or statements that seemed to make them scapegoats, implying they were unproductive, bureaucratic and a major reason for the problems of the debt and public distrust of government. Some downsizing processes were perceived as punitive, secretive, and capricious, in an environment where the main purpose was to cut, and there was little interest in enforcing rules or due process to protect people. Ruthlessness, some public servants believe, was permitted, or even rewarded at certain times. To them, it appears that power counted for more than values and ethics, and a focus on short-term results crowded out concern for public policy purposes and values.

We heard some special concerns from junior managers who perceive an over-preoccupation with turf, institutional imperatives and hierarchy on the part of senior managers, as well as a strong focus on personal survival at the expense of the public interest.

The sense of betrayal was all the greater because the downsizing initiatives followed close on the heels of the statements contained in the PS 2000 White Paper to the effect that people were the greatest asset of the public service. Because the White Paper was not prescient enough to connect such statements to the government's fiscal situation, and the consequences that might follow for the public service, the contradiction appeared flagrant, and faith in public service values, or in the sincerity of senior managers, was dealt a severe blow.

As for the way in which downsizing has been carried out, perception is almost as significant as reality itself. In the difficult and stressful circumstances in which downsizing decisions had to be made, it would certainly not be surprising if levels of performance differed across the public service. For what it is worth, our own perception is that some senior managers were more harsh, disparaging and insensitive in their approach to downsizing, while others were more considerate, respectful and caring. Downsizing is notoriously difficult to carry out successfully and humanely, and a great deal of honest misunderstanding can occur: employees sometimes believe, for example, that management knows more than it is telling, even when this is not so. But some departments appear to us to have reduced the feelings of betrayal, hurt and cynicism by being as honest, open, respectful and caring as possible: decent and fair in announcements and processes, allowing as much involvement as possible on the part of those affected, and keeping to the fore an evolving mission clearly focused on the public interest.

For the purposes of our study the major issue is not so much what occurred as what to make of it for the future. Does the fact that, in some instances, the public service has fallen short of its stated ideals suggest that they were meaningless in the first place, and can be conveniently discarded? We do not think so. Appropriate aspirations are crucial. Where the actions fall short, a judgement must be made and there must be a renewed effort to close the gap. But the ideal remains as valid as ever, an important benchmark from which actions are to be judged, and a beacon drawing us forward.

The fact is that PS 2000 was right about the importance of people, and the value that should be attached to them. If actions in the heat and stress of downsizing did not reflect this important value, then we must take steps to do better in future, but not to abandon the goal. Restating the value alone will have a hollow ring, however, unless we have some notions of what to do about it. The first area in which some work may be required is in the area of accountability. The perception that some public

service leaders did not uphold important public service values in the midst of downsizing and were not held accountable, or were even rewarded for their behaviour,

**“We will need to develop stronger and more transparent accountability regimes in which leaders are evaluated not just for organizational performance, but for whether their organizations are good places in which to work, whether they nourish sound public service values and a spirit of dedication to the public good.”**

has very harmful consequences for public service values generally. It is very important for the health of sound public service values that its leaders be — and be seen to be — accountable not just for results but for the way in which those results are achieved. We will need to develop stronger and more transparent accountability regimes in which leaders are evaluated not just for organizational performance, but for whether their organizations are good places in which to work, whether they nourish sound public service values and a spirit of dedication to the public good.

Accountability is but one part of a larger equation, however. There is a further need to review all of the many systems regulating and influencing people management in the public service, to ensure that they are all aligned to support the kind of public service values we wish to promote. This is a large task, and a long-term one, but it is very important for the future direction of public service values, including a modern and humane approach to the management of people.

Obviously training and development are one element in this larger scheme of systems. There is clearly an ongoing need, including at the very top levels of the public service, for development experiences that help to make our leaders more aware of the techniques, responsibilities and competencies of sound people management. But training and development are only one tool. They will surely fail unless they are aligned with and supported by all the other systems and rewards that influence behaviour, including accountability regimes.

## Downsizing and the Employment Contract

Many public servants, as we noted, were dismayed not just by the way downsizing was carried out but even by the fact of downsizing — that it was done at all. The dismay arises from an intuitive conviction that downsizing itself broke some kind of fundamental moral contract. We observed in chapter 2 that many public servants appear to believe that public service had hitherto been founded on an implicit bargain or “deal”: in return for their discretion, neutrality, professionalism and non-partisan loyalty to the democratically elected government, public servants were entitled (according to these assumptions) to expect two things: anonymity and security of tenure. We examined the issue of anonymity in chapter 2. In this chapter we explore security of tenure and its relation to public service values.

The first thing to observe is that security of tenure covers two potential notions that are often collapsed but need to be distinguished. The first is protection from partisan dismissal. The second is permanent or lifetime employment. The first is fundamental to the employment regime and values of the public service. The second is not. Indeed, public service employment has always been based on the principle that employment continues only as long as, in the eyes of the government, there is work to be done.

There are several reasons why this principle has been obscured and the two potential notions implied by security of tenure have commonly been collapsed into one. The long period of the public service expansion from the 1940s to the 1980s helped to reinforce the impression that security of tenure meant a guarantee of permanent employment. Furthermore, the government itself tacitly endorsed such an interpretation through undertakings such as the Workforce Adjustment Directive of 1991.

We do not take these undertakings lightly. Indeed, we think they represent a commitment that should be honoured to the extent possible, and every effort should be made to place displaced public servants within the

public service itself. But in the final analysis, the size of the public service, and the portion of the budget that can be devoted to it, are matters of public policy. A democratically elected government has the legitimate right to decide how large or how small its public service should be, and the public service has the role and duty to assist in implementing this policy, as best may be.

This being the case, it is clearly the first — the non-partisan — dimension of security of tenure that is really fundamental for public service values, not lifetime employment. But because these two have been confused, and because permanent or lifetime employment has also

**“because these two have been confused, and because permanent or lifetime employment has also been equated with the concept of a “career” public service, a faulty chain of reasoning has become commonplace.”**

been equated with the concept of a “career” public service, a faulty chain of reasoning has become commonplace. The reasoning proceeds as follows: downsizing breaks the old deal that promised security; therefore permanence of employment is gone, and we can no longer plan for the future on the basis of a career public service.

We should observe immediately that the conclusion is unfounded. It would be entirely possible to downsize the public service dramatically, yet still structure what remains as a career public service, however defined. But for the moment it is important to see where the reasoning leads. Assuming that downsizing means that the concept of a career public service must be discarded, many have set off in pursuit of an alternative principle on which to found the future employment regime in the public service.

Some have found such a principle in a concept borrowed from the private sector, the concept of “employability”. A stream of management literature emerging from recent downsizing trends has argued that private sector corporations should henceforth operate on the principle of employability rather than employment.

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For the employer, this means two things: one positive and one negative. The positive side of the employability principle is that employers have a responsibility to ensure that employees have up-to-date skills that would help them in their current work and in seeking future employment. This is an entirely welcome addition to the definition of corporate responsibility. The more negative side of the “employability” principle is that the corporation no longer feels obliged to hold out the prospect of ongoing employment but only undertakes to give employees the skills that will make them “employable” by someone else, when current work comes to an end.

For employees, “employability” also has both positive and negative implications. The positive side is that they are encouraged and supported to take responsibility for maintaining their skills and knowledge at a high level, both for current work and future employment. The more negative side is that employees are encouraged to think of work as contingent, and discontinuous: they are also encouraged not to invest precious psychic resources in commitment to, or identification with, any particular organization, but rather to think of themselves as independent, autonomous individuals ready to apply their skills wherever fate and the vagaries of the job market may take them next.

Imported into the public sector, the principle of “employability” encourages its exponents to think of the public service as a much more porous institution, one which mobile individuals enter and leave with greater ease and frequency. Under this principle, the commitment of the public service is no longer to offer long-term employment but rather, as one document put it, to help public servants “retain or acquire skills which would enable them to move in and out of government for employment purposes.” At the extreme, the “public service” becomes, in this kind of vision, a set of values, traditions and principles rather than a group of people or a set of management systems and structures.

Even in the private sector the concept of “employability” offers a shaky basis for a future employment regime. Its recognition of the employer’s responsibility to help employees upgrade skills is positive, but its negative corollary radically underestimates the importance of loyalty, commitment and identity to the performance of organizations, and even to the mental health and wholeness of individuals. Predictably, the pendulum is beginning to swing back, and a new current of management literature is beginning to emerge that reaffirms the role and importance of loyalty in organizations.

For the public service, the negative side of “employability” and the vision of public service employment it supports are especially problematic, because the values of loyalty are at the very heart of what it means to be a public servant. The fundamental value of public service is loyalty to the public interest or the public good. Public servants hold a public trust; they are trustees for the interests of the citizens of Canada, as represented by their democratically elected government and as expressed in law and the Constitution. The structure of public service values should motivate public servants, above all, to give their primary loyalty to the public good and to put it ahead of any private or individual self-interest, as trustees are required to do. Anything that encourages public servants to do otherwise undermines the values which provide the foundation for public service.

The problem with the principle of “employability” or with the accompanying vision of a more porous public service, in which employment is more contingent and more short-term, is that it threatens to do just that. In this new order of things public servants would necessarily be encouraged to use their current role to advantage themselves and position themselves for future employment, as likely outside the public service as within it. The potential for conflicts of interest, both obvious and subtle, is thereby enormously increased.

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The employment regime in the public service should be designed instead to support and nourish the values and the culture of public service, especially the value of loyalty to the public good and to the public trust. In our view, this requires not necessarily a permanent public service, but a professional one.

### **A Professional Public Service**

The concept of a professional public service does not include or require a guarantee of lifetime employment. A government is quite within its democratic rights to determine the size of the public service or its role. This may require the displacement of public servants from time to time. We believe every possible effort should be made to place affected public servants elsewhere in the public service. But circumstances may arise where this is not possible. For this reason, the public service has a corporate responsibility to assist employees to meet their personal responsibility to acquire and maintain the skills that will help them in the job market at times of employment transition. And, for the same reason, a professional public service should not be equated with permanence of employment.

But neither is it consistent with the notion of employment as short-term and contingent. For us, a professional public service implies three things: a body of knowledge, skills and expertise that those outside the profession are unlikely to possess; a set of values and attitudes that determine the culture of the profession; and a set of standards for both of these. If these are indeed important components of professionalism, it is obvious that one does not become a professional at will. Some length of time is normally required to gain the knowledge, skills, sensitivities and outlook the profession requires. One does not become an engineer, an accountant, a doctor or a lawyer without preparation: some significant portion of a life is usually devoted to acquiring the intellectual and moral capital needed to perform at a high level of professional competence. This need not be an entire working lifetime. People do, happily, change their careers.

For that reason, a professional public service signifies to us much more an attitude, outlook and level of performance, than it does the full timespan of a career. A professional public service does not need to imply lifetime employment but it does imply, for the majority of public servants, a sufficiently long apprenticeship to acquire the skills and culture of professionalism and it does imply the concept of critical mass.

### **Culture and Critical Mass**

A professional public service does not need to be, and should not be, a closed shop. Other parts of society can be enriched by the skills and outlook of professional public servants who choose to pursue their careers elsewhere. Pension and other arrangements within the public service should be designed to make this possible. Similarly, the public service has been and should continue to be enriched by the infusion of young people and new skills, perspectives and energy that are brought by persons from other professional backgrounds. This is true at all levels, including the most senior levels of the public service. We have all seen new persons appointed to the public service from the universities, business, politics, journalism, law, other professions or other public services, who have gone on, in short order, to make a distinguished contribution to public service and government.

None of this, in our eyes, is incompatible with a professional public service. But in order for these new arrivals to become themselves professionals, they need to enter into a well-developed public service culture. This implies two things. First, that the instincts, competencies, values and standards of public service be well developed and continually nourished. And, second, that these values be embodied in a critical mass of persons. For us, the notion that the public service of the future could be a set of principles rather than a group of persons and the systems that regulate them is implausible. Values cannot be disembodied. It would be unrealistic to imagine that one could have a lively culture of public service without a critical mass of persons who embody those values, who



give them life, in whom they become a concrete reality of action rather than an abstraction on a wall.

The concept of critical mass is important here. We do not think the values of public service are likely to endure in a vigorous spirit unless there is a sufficient proportion of public servants (certainly the majority) who have spent significant time acquiring the skills, knowledge, reflexes and standards of public service — who are, in short, professionals.

Increased mobility into and out of the public service has a valuable role to play in future, but is not the whole of that future nor an end in itself, as some visions — driven by an overreaction to the fact of downsizing, and a faulty chain of reasoning — have made it recently appear. From the point of view of public service values, mobility into the public service will be most valuable if it takes place within the setting of a vigorous public service culture sustained by a critical mass of professionals. From this point of view — the point of view of public service values — the concept of a professional public service may be a less rigid or time-bound concept than some have assumed; it does not include or require, for example, a guarantee of lifetime employment, but it is as important for the future as for the past. And nothing in the prospect of downsizing is inherently at odds with it.

### **Unity and Mobility**

Movement into and out of the public service is only one dimension of mobility. The other is mobility within the public service itself, and the related question as to what the public service is, what its boundaries and unity are or will be.

It was pointed out to us that the majority of public servants pass their working careers within a single organization. We also observed that the public service embraces many distinct organizational cultures. It may then be asked whether the public service is one thing or many, and how important the principles of unity and

mobility are for the sustenance of sound public service values.

There is no doubt in our minds that the public service is many things, as well as one institution; this diversity is both a necessity and a strength. The public service has many varied tasks to perform, and each one spawns its own distinct organizational form, its own organizational culture, and its own cluster of values related to the task at hand. This is as it should be.

There can also be little doubt that most public servants identify primarily with their own immediate organization. This is perhaps less true at higher levels, but, for most, identification with Environment, or Finance, or CIDA probably comes before identification with the public service as a whole. We do not expect this state of affairs to change.

However we do think that, over and above the values of individual public service organizations, there are overarching values (the ones we have been exploring in this report) that belong to all public servants and that, taken together, structure an overall culture of public service. A question for consideration, then, is whether systems or policies that support unity and mobility within the public service help to sustain the overarching values and culture.

Our observation of experience both in the private sector and in other public services suggests to us that there are important links between values, and organizational coherence or unity. In the private sector, major corporations, such as General Electric, have discovered that an emphasis on common values is essential to overall corporate performance and unity, even though each of the component business units have their own specific organizational cultures. In the public sector, the experience of the Australian public service is also instructive. Senior Australian officials have indicated to us that decentralizing policies, including those that have made each Australian department a separate

employer, have put at risk the unity and culture of the public service and that some vigorous efforts are now being made to reassert a unified culture of public service through such things as common public service values and common training and development experiences.

We think that public service values can be enhanced by critical mass, and by the sense that they are shared

**“the designers of any future employment regime should have in mind the need to preserve and promote a common public service community with shared public service values, making possible a reasonable ease of movement within and between the various public service organizations that are directly accountable to ministers.”**

and rooted in a common public service community. From the point of view of public service values, therefore, we suggest that the designers of any future employment regime should have in mind the need to preserve and promote a common public service community with shared public service values, making possible a reasonable ease of movement within and between the various public service organizations that are directly accountable to ministers. Policies or systems that would lead to excessive fragmentation, or to a series of employment ghettos, would not, in our view, support strong public service values and a broad public service culture.

These same issues will arise in the design for any new program delivery agencies, enjoying a new independent existence separate from the policy function. It will be important to consider what kind of values should animate any new program agencies, how these values relate to broader public service values, and what kind of links should be established between such agencies and other parts of the public service.

In our own discussions we have been unable to identify any fundamental public service values which are not equally important for program delivery agencies. In fact, it strikes us as highly desirable, even critical, that the staff of any new agencies share fully in the core values

of public service, and that two solitudes of policy development and program delivery not be encouraged to develop, with differing outlooks and values.

In this regard we have been struck by the analysis and recommendations of a recent review of the UK Executive Agencies carried out for the British government by Sylvie Trosa. In her report, she noted that the UK Next Steps experiment is encountering the same difficulty experienced by all countries pursuing public sector reform by the creation of autonomous program delivery agencies: the growing gap between the new agencies and their parent departments. She recommended this problem be addressed by encouraging “a common culture between departments and agencies” based on shared values and working experiences, including mobility between the two worlds. “The gap in cultures will not be resolved by new rules,” she observed, “but only by a better common understanding between people which can be achieved through shared experiences such as mobility, networking and training.”

These observations are strikingly similar to our own comments above, and may have relevance for the design of similar agencies in Canada. We think the designers of the employment regime for new program-delivery agencies should have in mind the objective of encouraging a common set of public service values shared by department and agency personnel alike. Like the Trosa report, we believe a common culture will be encouraged through shared experiences made possible by mobility, networks and common training experiences. This suggests, among other things, that any new employment regime should not erect employment walls or barriers around the new agencies but should instead encourage career movement back and forth between agency and department. In this regard, we think it would be instructive to examine the role played by the State Services Commission of New Zealand, especially in the appointment and dismissal of chief executives. By giving such authority to an independent public service body, New Zealand has arguably helped to mitigate the fragmentation and dilution of

public service culture and values that might otherwise accompany a decoupling of policy and operations together with a radical decentralization of functions and controls. That is not to say New Zealand has been immune from these problems. But the continuing role of the State Services Commission, at least in this one area, has probably helped to mitigate them.

### **A Non-Partisan Public Service and the Merit Principle**

It may be that the attention given to new values has simply distracted attention from some of the old ones. The Study Team has reviewed research on values statements adopted by public service organizations in Canada. One thing that was pointed out to us is that the more recent statements on values give a less prominent place than similar documents may once have done to the non-partisan character of public service.

We have not attempted to determine why this may be so. It may be that the non-partisan character of public administration is simply taken so much for granted that it no longer seems to require comment or emphasis.

Whatever the case, we think that this relative lack of emphasis on the values of political neutrality is problematic, and contributes in some degree to the present climate of uncertainty about the future. Especially at a time when much of the discourse about public service implies, rightly or wrongly, a more porous public service in which employment is more short-term and contingent, a simultaneous failure to emphasize or reinforce the non-partisan character of public service can encourage assumptions or anxieties about a resurgence of partisan appointments in the public service.

It is timely therefore to reassert neutrality as one of the fundamental values of the Canadian public service. The non-partisan character of public administration was one of the most important achievements of public service reform early in the century, and laid the foundation for many of the highest achievements of Canadian life in the twentieth

century, including the social programs that have, in a relatively short time, become integral to the Canadian identity. Prior to these initial public service reforms, appointments to the public service were made on the basis of political patronage and partisanship, a practice that limited the professional competence of the public service, sapped public confidence in its integrity, and vitiated it as an instrument of the public good. It was the establishment of a non-partisan public service that overcame these handicaps and made it possible to develop much of the infrastructure of modern Canadian life.

In our view, the non-partisan character of the public service is inextricably linked to other essential

*“In our view, the non-partisan character of the public service is inextricably linked to other essential values such as loyalty, integrity, impartiality, fairness, equity, professionalism and merit. We think it is important, therefore, to reassert this principle as firmly as other public service values.”*

values such as loyalty, integrity, impartiality, fairness, equity, professionalism and merit. We think it is important, therefore, to reassert this principle as firmly as other public service values and to give close attention to the practices, institutions and conditions that enhance or undermine it. It is not for the Study Team to propose the specific institutional arrangements that will best operate to preserve it in future. Our role is to underline the importance of this value and to urge that any future employment regime in the public service be designed in a manner to safeguard and strengthen it. We do think it appropriate, however, to comment on the vital role that the Public Service Commission has traditionally played in Canada in ensuring the non-partisan character of appointments, especially initial appointments to the public service. We think that this is a function that should not be imperilled. It needs to be performed by an agency that can assure Parliament about the non-partisan character of appointments — especially initial appointments — and of the public service itself, and also provide assurance that patronage appointments do not threaten its integrity and

professionalism. This assurance will be needed for any new program-delivery agencies that may be created as much as for the traditional integrated ministerial departments. We believe an audit role for such a parliamentary agency would be less effective than an ultimate veto power over initial appointments.

Of course, it would do no good, in the long run, if political patronage were kept at bay while suspicions of unofficial bureaucratic patronage blossomed. The traditional appointment practices of the public service, those associated with the principle of “merit,” have aimed at preventing the appearance or reality of internal favouritism just as much as external. The result has been to spawn a system of appointment in the public service that is far more elaborate, time-consuming and cumbersome than anything in the private sector.

The cumbersome nature of the appointment system designed to protect the principle of merit has been one of the chief sources of discontent and one of the primary motives for public service reform over the past decade. One of the few significant changes brought about by the PS 2000 legislation was the new “deployment” provisions designed to introduce some new flexibilities into the appointment process. One of the chief motivations for organizational experiments in the public service — from SOAs to the new program-delivery agencies — has been to escape from the “inflexibilities” of some core public service management systems, such as contracting, procurement and the appointment process.

We certainly sympathize with managers who seek simplification and flexibility in personnel matters. There is clearly some kind of trade-off between due processes which protect merit, equity, and neutrality on the one hand, and speed or organizational responsiveness and performance on the other. However it is perhaps appropriate for the Study Team to re-emphasize that there are important principles on both sides of this equation. We have heard from experts who observe that over the past two decades there has been a discernible

shift in the public service appointment process to favour greater managerial discretion. We do not suggest this is a harmful trend in itself. But we do think that if it goes too far, without appropriate safeguards, it could undermine the institution it seeks to serve by creating the appearance, if not the reality, of bureaucratic patronage.

A public organization does not and cannot enjoy the “flexibilities” of private sector organizations. It will always have to meet higher standards of transparency and due process in order to allay any fears of favouritism, whether

“...continuing measures for the protection and monitoring of the principles of merit will be needed, if public confidence in public institutions is to be maintained.”

internal or external, in performing its duties under its position of trust and in its use of public funds. For this reason, continuing measures for the protection and monitoring of the principles of merit will be needed, if public confidence in public institutions is to be maintained. Protection for this merit principle could be made part of the accountability framework and performance agreement with chief executives or deputy ministers. The important point to emphasize here, however, is not so much specific potential arrangements as the continuing importance of neutrality and merit as values fundamental to maintaining confidence in the public service as a great Canadian institution serving the common good.

### **The Values of Loyalty**

Our exploration of the public service employment regime, its impact on values and vice versa, has led us to discover a fresh the values of loyalty, and their importance to the public service. Loyalty to the public interest, as represented and interpreted by the democratically elected government and expressed in law and the Constitution, is among the most fundamental values of public service, and many other values (such as integrity, equity, fairness, impartiality and so on) are linked to it or draw their

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strength from it. Integrity, for example, is an important public service value — perhaps the most important — but it is by no means unique or distinctive to the public service. The meaning of integrity in the public service is derived from, and finds its distinctive public service character in, its relationship to the public trust and the need to put the common good ahead of any private interest or advantage.

But loyalty is a two-way street. It would be implausible for the government, as employer, to expect this kind of loyalty to flourish if it were not capable of

**“loyalty is a two-way street. It would be implausible for the government, as employer, to expect this kind of loyalty to flourish if it were not capable of displaying some form of comparable loyalty in reverse.”**

displaying some form of comparable loyalty in reverse. This reverse loyalty of the institution to its employees can express itself through humane practices in the management and leadership of people in the public service, the kind that have sometimes (though not generally) been absent in the public service management of downsizing. In some cases, a simple display of respect for public servants on the part of politicians would go a very long way to reinforce the necessary sentiments of loyalty in the public service.

The loyalty of the institution can also be displayed in its interpretation of the employment contract. We observed above that the conventional notion of the old public service “deal” as a trade-off between certain values, on the one hand, and permanence, on the other, was technically flawed but not wrong in spirit. We are now in a position to see what this might mean. While a professional public service does not and cannot imply a guarantee of life-time employment, it should normally be built on long-term rather than short-term relationships. Hence public servants should not be displaced lightly or casually but every reasonable effort should, as a rule, be made to find

alternative forms of employment within the public service. Public servants therefore should maintain their skills relevant to public service requirements.

The reality and necessity of downsizing are not inconsistent with the concept of a professional public service. In our view such a public service is required to furnish the critical mass of persons who embody and give life to public service values. The maintenance of a professional public service is not hostile to the infusion of new blood from other backgrounds into all levels of the public service. It is the condition of success, for only then will newcomers enter into a public service where values are embedded and embodied within a community of practice. Where such a community exists and thrives, change and mobility are not a threat or a dilution but a needed enrichment.

## 4. Values Old and New

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In our conversations with public servants and in our own discussions, we discovered that some of the current unease about values in the public service arises from the emergence of “new” values that have not been adequately reconciled with the old. Thus the new and the old rub shoulders awkwardly, and sometimes uncomfortably, awaiting an adequate synthesis or reconciliation.

In the preceding paragraph we have put the word “new” in quotation marks, because these values are not as new as they sometimes appear, but merely some old value in a new, contemporary dress. This creates two additional problems. Some public servants do not recognize the new value as one to which they are already committed, and hence are sceptical about it; others do recognize it, and are offended that its exponents fail to recognize the degree to which it is already acted upon. (Thus, in the regions, for example, many public servants on the front lines of service delivery think that Ottawa’s recent discovery of “service” is a belated recognition of something to which they have been devoting themselves for years.)

As Jocelyne Bourgon noted in the *Third Annual Report on the Public Service of Canada*, “Questions... arise about whether existing values are in conflict with new ways of doing things.”

We think it is important to explore these questions here and to shed some light upon them, because they are an important source of the current uncertainty. Acknowledging the uncertainty, and the reasons for it, can be an important step forward.

### **The New Public Management**

Much of the discussion we have heard or taken part in assumes the form of a debate about the so-called “new public management” and its relevance or value for good government. This debate, whether it takes place between scholars or practitioners, is not always a very

satisfactory one, because the participants usually start from quite different perspectives or vantage points.

Of course, to speak of the “new public management” presumes that there was an “old public management.” For our purposes, we will refer to this older approach to public management by its traditional name of “public administration.” And it may be helpful to begin by laying out the different perspectives that these two different lenses bring to bear on government.

The traditional public administration perspective on government views it, *grosso modo*, from the top down. It begins from the perspective of democratic and political processes, and is interested in how these work themselves out or find expression in the administrative arm of government. It pays particular attention therefore to decision-making processes, institutions, the senior public service and its interaction with ministers and Parliament, law and regulation, accountability, government organization, public policy, and so on. It is not surprising that in the universities, the academic field of public administration emerged from, and remains closely connected to, political science.

The “public management” perspective approaches government, *grosso modo*, from the opposite perspective, from the bottom up. Public management, or the “new” public management, focuses much more on the actual quality of life and work in public organizations themselves, without reference necessarily to the political environment. Public management looks at public organizations *qua* organizations, and seeks to understand or improve features of organizational life such as leadership, strategic management, organizational climate, service quality, innovation, the measurement of outputs, performance and “client satisfaction,” and so on. In the academic world “public management” draws its inspiration rather more from specialists in management or even business administration than from political science.

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The public administration perspective reproaches public management for paying too little attention to the whole democratic, parliamentary, political and public context, for treating public goods as if they were private, for ignoring the complexities and trade-offs that are characteristic of the public sphere, and for downplaying the importance of due process, vertical accountability and an ultimate reference to the public interest or the common good.

The public management perspective reproaches public administration for neglecting the real life of organizations, for paying excess attention to due process while ignoring real outputs, for giving short shrift to the real users of public services and the quality of their interactions with government, for having little or nothing to say about the concrete tasks required to transform public organizations, and so on.

Sometimes the debate between these two perspectives rages openly. Sometimes the tension or distinctions between them are merely implicit. For example, we looked at research carried out by Kenneth Kernaghan on the values statements adopted in recent years by many public organizations in Canada. His research compared the twenty most frequently cited new values with some of the more traditional values normally captured in service-wide documents, and identified some striking differences or discrepancies. First of all, the new organizational values statements contained a range of values that did not appear in the more traditional statements: values such as service, innovation, teamwork, quality and leadership. However some of the traditional values, such as neutrality and loyalty, did not even make it into the top twenty among the new organizational values. These two findings illustrate the degree and the rapidity with which a new range of values has entered the public service, and the way in which they may have displaced or affected the prominence of some older public service values.

These two perspectives can excite quite strong emotions among public servants. Some are wholly enthusiastic about the new values and new approaches to public management; others believe, equally strongly, that the new outlook represents an intrusion of private sector perspectives and values, and reflects a drift away from the specific values of the public realm. Most public servants probably find themselves somewhere in between, open to the new but not always certain where they fit with the old.

We do not think it is helpful to minimize or smooth over the tension between these two perspectives. In fact we think it may be a healthy starting point for renewal to recognize the tension for what it is, for two reasons already mentioned in our introduction. First, because it is more constructive to acknowledge confusion where it exists. Second, because it is in the very nature of values to conflict, and this conflict is something we must learn to understand and manage in a mature fashion. There are conflicts at times among the traditional values themselves, among the new values, and, quite naturally, between the new and the old. Learning to live with those tensions, and seeing them as dynamic rather than necessarily destructive, is part of learning to be a responsible public servant, and a full human being.

To suggest, then, that the new public management and the old lead in two different directions is not to be alarmist or negative, but to lay the groundwork for a necessary synthesis. The “public management” perspective, with its emphasis on the “user,” “customer” or “client” as primary reference point, leads in an atomistic direction; the “public administration” perspective leads in a holistic direction. There is an undeniable tension between them, yet both are necessary. We can perhaps understand both the tension and the need by exploring one of the key issues of vocabulary for the contemporary public service: the distinction between customers (or clients) and citizens.



## Customers vs. Citizens

In considering the important distinction between customers and citizens, the Study Team was able to take advantage of research and analysis prepared for another draft CCMD report. This analysis pointed out to us some

“...citizens are bearers of rights and duties in a framework of community,” (...) “Citizenship derives from membership in a wider community of purpose, the democratic community to whose larger interests the public service is dedicated.”

of the most important distinctions between the concept of “customer” and the concept of citizens. We were reminded, for example, that citizens are bearers of rights and duties in a framework of community, and that citizenship is not something isolated or purely individual. Citizenship derives from membership in a wider community of purpose, the democratic community to whose larger interests the public service is dedicated.

The concept of “customer” is quite different. The customer, as customer, does not share common purposes with a wider community, but seeks instead to maximize his or her own individual advantage. If a customer is unsatisfied with a transaction, he or she is free to abandon the relationship and is expected to do so. A citizen, by contrast, is expected instead to work in concert with others, through democratic means, to alter the unsatisfactory state of affairs.

From this we can see that the growing tendency to substitute the vocabulary of “customers” or “clients” for that of “citizens” is not an innocent one and could have long-term consequences, both for public service values and for the broader political culture. Citizenship aggregates; the concept of “customer” disaggregates. The satisfaction of individual customers may not necessarily add up to some overarching public good.

One way in which this problem is manifested is in the tension between “customer” preferences and political

preferences, or between “customer” accountability and political accountability. Should service standards, for example, be customer-driven; or must they not be established by broader criteria? Obviously the balance between service standards and expenditure, for example, is one that only elected politicians can decide. And it is only one of the many trade-offs that have to be made in public life, and public service. Decisions about public services are shaped by the multiple objectives and purposes that emerge from democratic debate and decision-making. As the CCMD report observes, somebody’s red tape might well be somebody else’s due process or public purpose: bilingualism, gender equality, employment equity, regional development, environmental protection, and so on. Canadian values reflected in the Constitution, such as federalism, human rights, and Aboriginal and treaty rights, are fundamental for a public servant.

This discussion helps reacquaint us forcefully with two important public service values or principles, the principles of equity and balance. In every public service transaction or activity, the true public servant must be alive to issues of equity and fairness to a degree that is rarely required of private sector managers. Because citizens in a democracy are equal bearers of rights and duties, it is a principle of public service that they should be treated equitably by government, not randomly or with special favour. It is the essence of private sector transactions to “make a deal,” but in the public service it rarely can be. The essence of public sector actions is usually reasonableness and fairness.

The principle of equity normally pushes public service in the direction of consistency, standardization, due process, and so on. Emphasis on equity, due process and consistency also has the important advantage of protecting against favouritism, patronage (internal or external) and corruption.

The principle of balance is also rooted in the realities of democratic life, and the play of democratic forces. The fact is that most public servants have not one but many

“customers,” many of whom have very different and often contradictory purposes or interests. The interests of the users of social services and taxpayers, the unemployed and entrepreneurs, developers and preservationists, environmentalists and promoters, union officials and employers, offenders and victims may well be different, but all are citizens and all have democratic rights and duties that need be taken into account both in laws and policies, and in their administration. For this reason, the true role of public servants is not only to serve “customers” but also to balance the interests, and preserve the rights of “citizens.” It is the sum and balance of these interests, democratically determined, that may add up to something that could be called the public interest, or the common good.

Equity, balance, complexity, citizenship, democracy, the public interest: these are some of the essential public service concepts and values our discussion has highlighted so far in this chapter. And we have noted that they are in tension with the values of the marketplace implied in the language of “customer” or “client.” Unless we are fully aware of this tension, and its implications, public servants could be drawn unawares into a new set of assumptions about public service, a new set of norms, and a new universe of values that are at odds with some of the fundamental requirements of democratic government. The Study Team therefore urges public servants to be aware of these distinctions and to think carefully about the relationship between the new values and the old.

A tension is not necessarily a bad thing, however. A tension can be something creative: a dynamic tension and a necessary one. We think the tension between old values and new, between public administration and the “new public management” is a tension of this kind, with risks, but also with significant benefits. We will explore some of the risks in chapter 5. For the moment we want to dwell on the benefits, and on some of the new values that, properly understood, can enhance and reinvigorate the old.

### **Refreshing the Ideal of Service**

The ideal of service is one of the deepest sources of public service motivation. In the heart of most public servants lies the conviction that service to the public, to the public good, or to the public interest is what makes their profession like no other. It is why they chose it, for the most part; and why they keep at it, with enthusiasm and conviction, despite difficulties and frustrations along the way. Service to the public and to the public interest is the vision of the public service, and it is a creative, essential and compelling vision. In our experience, the cynicism, scepticism or discouragement one sometimes encounters in the public service arises not from any wish to abandon the vision but rather from regret that we are falling short of it. It is but the other side of a disappointed but still hopeful idealism.

The problem is that, in everyday life, it is not always easy to keep this ideal of service to the fore, perhaps especially in daily transactions with citizens. The very complexity of government we discussed above, its many cross-cutting purposes and objectives, can lead to a preoccupation with process, with rules and procedures, at the expense of service. It can lead to a preoccupation with inputs rather than outputs. The fact that so much of the business of government — especially of the federal government — is of a regulatory nature, involving the enforcement of duties, also helps to obscure, in practice, the ideal of service.

The great contribution that the vocabulary of customers and clients imported from the private sector has made to public administration has been to refresh and reinvigorate the idea of service in the public sector. It has served to remind public servants that the people they serve are not some abstraction but real flesh and blood people with real needs and wants, citizens for whom the quality of their daily interactions with government can either enhance or diminish their sense of citizenship. It is most useful in helping individual public servants focus on

how best to serve individual Canadians within the broader context of the public interest.

It may be curious that the terms of "client" and "customer" imported from the private sector should help to reinvigorate the value of service in a sector of which it constitutes the essence, but nevertheless that is what has happened. Such is the prestige of private sector values in our time that a private sector vocabulary has been able to explain and inspire in a way that the traditional vocabulary of public administration has lost some of its power to do.

That is why, in our view, public servants everywhere have embraced this new language so eagerly, and why values such as "quality" and customer service have shot up to the top of lists of public service values, both here and in the United States. Not because public servants were jettisoning the old, but because the new concepts and language gave them a means to express, renew and update values they had always held. The private sector terms were a verbal device that helped public servants to rediscover their own values.

There is a risk in all of this, as we shall note below, but as long as public servants do not take the new language literally, but see it as a metaphor, the concepts of "customer" or "client" service help to strengthen public service in at least four ways: by encouraging public managers to find out, with greater precision, what the recipients of their services really need or want, and how they actually experience the interaction or transaction; by encouraging them to measure more accurately the nature of outputs and the degree to which the recipients value them; by encouraging them to see that they have "internal clients" too, either in their own organization or elsewhere in the public service, whom it is their role to serve and assist rather than to control; and, finally, by drawing attention to the many business processes which lie behind the delivery of services, and by encouraging managers to streamline and align them to yield a higher level of public service, both to immediate recipients and to the ultimate "customer," the people of Canada.

In all these ways the concepts of "customer" and "client," together with the broader range of concepts and techniques associated with the "new public management," have greatly helped to strengthen public service competence, and public service values. They have given new life to the meaning of service, and new practical ways to carry it out that promise higher quality, value, responsiveness and effectiveness to the citizens of Canada. These "new" values of quality and service are gains for the public service, and, properly understood, they are largely compatible with — indeed give new meaning to — more traditional values.

One of the chief things they teach us, as we shall see in the next section, is how to work better together, in pursuit of the genuine public interest.

### **The Values of Horizontality**

Both the old values of professionalism, excellence and accountability and the new values which emphasize real outputs and value for "customers" lead to a re-examination of the obstacles that lie in the way of high quality public service: for citizen/customers at one end of the public service process, or for citizen voters and taxpayers, as mediated by Parliament and ministers, at the other end.

In both cases, one of the principal challenges is to overcome the vertical stovepipes that divide government somewhat artificially into separate domains either of service delivery or of policy, and to knit them up again in a holistic fashion that reflects the real life of real people, and the connectedness of the real world.

Both of these challenges of horizontality, in service delivery and in policy development, are the subject of separate study and report by Deputy Minister Task Forces. They do not require lengthy comment here. Our main purpose is to underline that both challenges are rooted in values — they emerge from the new values and reinforce the old — and that they will not be fully

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or even satisfactorily met without a further evolution or strengthening of public service-wide values.

As far as service delivery is concerned, truly integrated delivery will require an altogether new order of integrative competence at the front line of service delivery, and an altogether new mindset behind it, one that is truly capable of visioning government from the perspective of the citizen, and reconceiving the way we do things to meet the needs of real people.

Ultimately a truly integrated and horizontal form of service delivery may also lead back, indirectly, to an integrated and horizontal approach to policy. For there is only so much that can be done at the front line if the policies themselves do not work together. From this point of view, the two challenges perhaps converge, and in any event, the values of horizontality are required in both cases.

It should be noted that some of the barriers as well as the incentives to horizontality proceed from two distinct but important dimensions of accountability. The individual accountability of ministers pushes toward clarity, disentanglement and unfettered, timely action. Ministers and their senior officials are appropriately held accountable for short-term action and results within their areas of individual responsibility. At the same time, however, ministers are also collectively responsible within a parliamentary system. This collective accountability pushes in the direction of coherent, coordinated government action to serve a public interest that cannot be neatly divided into the separate compartments of individual portfolios but presents itself instead as complex, multi-dimensional, interrelated and interdependent. Public servants have a necessary role to play in supporting both dimensions of accountability: the individual accountability of ministers and the collective accountability of the ministry. Good government requires an appropriate balance between these contrasting but equally important dimensions of democratic accountability, between short-term action and longer-term coherent

results. Getting the balance right, in our time, will require an effort to diminish some of the more negative features of departmentalism, while ensuring that horizontality does not itself become a source of bureaucracy, complexity and delay.

The negative dimensions of departmentalism have two related sources — an internal, top-down perspective and a preoccupation with turf. Within departments, one may learn to be careful not to exceed one's formal responsibilities, to respect the responsibilities of others and to be very careful when dealing in another's boundaries. Especially at higher levels, discussions tend to be constrained and highly civil, often without the real collegiality that allows open debate and exchange.

The growing recognition that public service processes must break down this traditional parochialism and turf preoccupation has resulted in various interdepartmental mechanisms and constant review of the role of central agencies. But, within a climate of values where the protection of "turf" and of departmental authority is still a prominent part of public service culture, these may result in little more than compiling or collating departmental input, occasional trade-offs and ad hoc "integrated" packaging. Too often in the past, success in the policy process, for example, has been implicitly defined as getting a policy through the process with the fewest concessions possible.

True horizontality will require culture change — and a broad-based dialogue on the values that impede and those that would nurture a new approach. Horizontality will flourish in a public service that attaches high value to a "whole of government approach," an outlook that attaches adequate importance to the collective responsibility of ministers, oriented to the broad public interest.

A "whole of government approach" argues that policy development does not start with a department but with the public interest. It implies that defining policy

issues and priorities is, itself, a collaborative effort that requires more time and attention than it currently receives. It implies that each department must internalize government-wide objectives - Charter values, federal/provincial strategy, fiscal objectives, and priorities and directions of the government of the day. It implies that each department has the responsibility to integrate departmental and corporate objectives, and to work with other departments to integrate interdepartmental objectives. It also requires departments to rise above formal mandates and fit their lines of action together to develop broad policy solutions.

Taken to its fullest, horizontality will require public servants to change, in fundamental ways, how they think about and do policy. It will require them to work with other levels of government to define issues collaboratively and integrate objectives and, within the flexible framework of the Constitution and with respect for jurisdiction, to align federal actions with those of the provinces and territories to serve the public interest. And, it will require us to find more effective and realistic ways of engaging interested Canadians at the early stages and throughout.

A “whole of government approach” requires public servants to look outward to the public interest, to view formal mandates as means to achieve larger ends, and to keep the focus on these larger ends. And perhaps most of all, it requires a commitment to partnership and teamwork.

Words like “teamwork” and “partnership” have a long history in public service and are in danger of becoming irritating clichés. This is not because they are not of fundamental importance; it is rather because we have been more successful in increasing our use of these terms than we have in practising them. Partnership can be very threatening. It puts at risk many of the values |of a culture of turf. In a partnership, each brings something specific — authorities, abilities, expertise, resources — and each loses some degree of control. In a partnership, control of information, control of resources and, most important, control of outcome are

reduced. As control is shared, information and resources must also be shared. In a partnership, knowledge and human and financial resources are held by departments in public trust; they are not “owned” by departments.

In partnership, risk, credit and blame are also shared. Partnership requires that the search for individual credit be sublimated. It also requires the willingness to take the risks and accept the uncertainty implicit in giving up some degree of control. Partnership is not a shield from accountability — it requires that each partner accept accountability for its contribution and for the whole. Accountability in a true partnership is, in this sense, enhanced — but partnership cannot flourish where the negative accountability of individual blame and finger pointing prevails.

If a “whole of government approach” and “partnership” are important “horizontal” values for the future, then, we will need to come to a fuller understanding across the public service about what this means for how we do our work and for the value we currently attach to control, ownership, individual credit, individual blame and certainty.

The most senior public servants have a special role to play in helping ministers work collaboratively, making government-wide priorities and objectives part of the departmental teamwork, empowering their departments to develop policy options before policy outcomes are approved and to engage in real policy debate. Given resistance, perhaps the major challenge for the most senior public servants will be to lead by example.

### **Managing Up and Managing Down**

Just as the “new” values of service, of customer focus, and an outside-in perspective on government help us to see more clearly the need for a “whole of government” approach, for a spirit of partnership, and for the horizontal values that break down traditional departmental stovepipes, other values and concepts

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associated with the new public management should also help us to appreciate anew our obligations and responsibilities for the proper stewardship of the people entrusted to our care.

Once again, there is nothing fundamentally new in this. Decency has always been decency. Civility has always been civility. Each of us can recall public service leaders who were for us models of humane leadership. Nevertheless there is an inherent dynamic in responsible parliamentary government which can work against sound management unless it is balanced by a correspondingly strong conviction about the importance and value of people.

Ministers in our parliamentary system are responsible to Parliament, and their departments are daily engaged in helping them discharge those responsibilities. This upward focus on ministers and their needs or purposes is altogether fitting and praiseworthy: it is an essential element of our democratic system of government. But it has its side-effects. One of them is a preoccupation with managing up.

Many senior public servants have made their careers because of their skills in managing up. They have been valued and promoted because they were adept at providing superiors with what they needed, in a timely fashion, to serve ministers and the political process. These skills are highly to be valued in a democratic government. But if they are nourished in excess, to the exclusion of other important values, they can obscure the importance of “managing down.”

This is where the perspective of the new public management and its associated values can be most helpful. We noted at the start of this chapter that traditional public administration views government from the top down, emphasizing the democratic process and all that serves it. The “new public management” perspective views government, instead, from the bottom up. The cost of this approach can be a undue neglect

of the political context and democratic imperatives of government. The gain can be a greater attention to the quality of organizational life and performance, including the quality of people management.

We do not wish to lose the skills and values of “managing up,” of serving and being accountable to the political process. They are central to the mission of the public service. But even this role will not be fully accomplished unless we gain a new appreciation of, and competence in, the skills and values of managing down. In point of fact, we are already well advanced along this road. Much of the energy invested in public service renewal over the past decade has been devoted to this side of the public service. Public service managers have been learning to use the whole range of techniques and approaches from the manager’s tool box, whatever their origin. Public servants have learned about the management of change, about the characteristics of well-performing organizations, about the techniques of continuous improvement and continuous learning, about the use of performance measurement tools, about understanding and measuring customer needs and satisfaction, and so on. Above all, they have learned about the importance of leadership and the management of people. They have learned that public organizations, like private ones, must not only strive for high organizational performance but must also aim to be good places in which to live and work, and that the first is ultimately dependent on the second.

The values of managing down have come, then, to take their place beside the values of managing up. At times they may even have seemed, in some people’s eyes, to have displaced them. At other times, and to other people, they may seem little more than empty words, the public service slipping easily back, as through a natural reflex, into its natural mode of managing up.

The result is that, while much progress has been made, there is a persisting unease about the mix. From the perspective of public service values, the greatest need is to

set public servants' minds at ease, and to demonstrate, as we have been attempting to do in this chapter, that there is a potential and necessary synthesis between the two perspectives: that public servants need to retain or develop the skills and values of managing up, while they simultaneously nourish the values of managing down, or vice versa. In order to achieve this synthesis, the time has come to reassert the public context of what we do.

### The Public Interest

Our exploration of new and old values in the public service — the “new” values of public management and the “old” values of what we have chosen to call public administration — has brought us to a renewed awareness of the importance of concepts such as the public interest or the public good, and their related values (such as equity and balance), for public service. The notion of the public interest is a touchstone of motivation for public servants. It is for the public service what justice and liberty are for the legal profession, or what healing and mercy are for the medical profession. As research by James L. Perry and others has suggested, the desire to serve the public interest is one of the normative foundations for public employment, and any approach to public service that treats it, or appears to treat it, as if it were the same as private enterprise risks undermining not only the structure of motivation for public service but, more important, its capacity to serve democratic government in an ethical and accountable manner.

We believe that the “new” values such as quality service and a customer orientation that have been given prominence by the new public management can contribute enormously to good government, because they help to refresh and reinvigorate something that is very old. As we observed, the ideal of service is one of the deepest and most powerful values motivating public servants. The usefulness of the new values and perspectives lies in their capacity to reawaken this ideal and to give it a practical orientation, including methods to overcome or mitigate the negative dimensions of public bureaucracies

(and of private ones, too) such as stovepipes and turf. They help to make citizens and their interests not just an abstract ideal, but something real and concrete that can be served and enhanced in day-to-day transactions. They help sensitize senior public servants to the realities of service that are encountered by regional staff and others who serve individual Canadians every day. They help us to see government from the outside-in, and to see how its processes and policies could be aligned to serve more authentically the public good to which, as public servants, we are committed. Similarly the new culture of performance indicators and measurement can help to give a more positive and practical orientation to traditional public service values such as accountability, hitherto focused largely on process rather than results.

We believe, then, that a synthesis of old and new values is both possible and necessary, and that together they will help to create an even stronger culture of public service, not necessarily a new culture but one which has rediscovered itself and gained thereby new life and strength.

We would offer, however, three words of caution. The first is that, as we have already observed, it is of the nature of values to conflict. Every human action or

**“We need to develop a new maturity in our perception and understanding of competing values so that we may see them as complementary rather than contradictory.”**

decision requires a choice between values, and in each situation some value or values may predominate over others. This is the nature of life, and we should learn to be cautious about thinking that some value has been betrayed or rejected just because, in some concrete situation — especially in the complex world of government, where the balance of competing interests is a defining characteristic — it has been subordinated to some other value. We need to develop a new maturity in our perception and understanding of competing values so that we may see them as complementary rather than



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contradictory. For example, the new public management with its emphasis on “customers” makes the user the primary reference, whereas public administration with its emphasis on political accountability gives primacy to ministers, to Parliament, and to the electorate. There is, as we noticed, a real tension between these perspectives, but properly understood and framed within the context of the public interest and of democratic values, the tension can be a helpful and creative one. We would note that some values are more important than others; the rule of law, for example, is primary for a public service and integrity must never be compromised. But neither is inconsistent with the new public management if the law and the objectives are well aligned.

A second caution has to do with excessive hope or confidence being invested in only one dimension of public service, or of public service values. Once again, it is a question of balance. To those for whom the new values of service and customer responsiveness have been particularly meaningful, it may sometimes have appeared that they were everything. We think the pursuit of higher quality customer service is a noble and worthy goal, to be pursued for its own sake, but we do not think it is everything. From the point of view of public service values, it is important to remember that government is much more than service to individual clients. It is also about public purpose and national goals, about the administration of law, about social ordering, about the reconciliation of competing purposes and interests, about peace, order and good government. It is this larger constellation of concepts and purposes, from which public service values in their totality must flow, that is captured in the concept of the public interest.

A final caution has to do with vocabulary. Much of the vocabulary of the new public management has been imported into the public service from elsewhere, and it has both its useful and its less useful overtones. We have already commented that the vocabulary of “customer” and “client” has helped to revitalize the understanding of service in the public sector. Because of the prestige of

private sector concepts in our time, it has helped to give an emotional charge and a practical orientation to an instinct that was already deeply rooted in the public service, but which the traditional vocabulary of public administration was apparently unable to invoke. This is all to the good, and no one, least of all ourselves, would want to turn the clock back, or to give up the progress this new perspective has allowed us to make.

However, it is important to remember public servants serve “customers” or “clients” who are also “citizens,” with all the dimensions of rights, duties and shared purposes that are bound up in the notion of democratic citizenship. If we were to mistake the image for the substance, or allow the metaphor of customers to supplant or obscure the reality of citizens, we should diminish the whole concept of democratic government, and the public service values that support it. From the point of view of these values, it is most important for the future that we learn to use and take advantage of private sector terms without being captured by them, or allowing them to supplant the key concepts or principles that underlie public service.

It is because democratic government serves ultimately the citizens of Canada, with all that citizenship implies, that the notion of the public interest can have any content at all, or that the public service can find, in its pursuit, a true vocation.

## 5. Ethical Challenges

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In the course of our work, we have come face to face with what appear to us some important new ethical challenges arising from some of the emerging values and new circumstances of the public service.

### Some New Ethical Challenges

In our conversations with public servants we were made aware of some of the new ethical challenges that public servants are encountering as a result of new conditions in public service organizations, new ways of working, and new public purposes.

We were made aware, for example, of some of the pressures some public servants are experiencing, both consciously and unconsciously, on the front lines of service delivery. Consider, for example, a hypothetical case of a public service officer whose role it is to provide advice and business intelligence to private business. Taking seriously the value of high quality service to the customer/citizen, the public servant throws herself eagerly into the task and, as the work proceeds, begins to identify more and more closely with the enterprise concerned. Along the way, some quite subtle things can occur. First of all, other firms in competition with the first may consider, rightly or wrongly, that they are being put at a disadvantage by public services paid for equally by their own tax dollars. Perhaps more seriously, a subtle transformation may begin to occur in the mind of the public servant herself. As she becomes more valuable to and more knowledgeable about the client firm, she may become a target for recruitment, and may even begin to consider offers of employment. At what point does her judgement begin to become clouded? At what point do the public service principles of equity and impartiality begin to be compromised? At what point does a conflict of interest begin to emerge?

Federal officials have indicated to us that situations like these are beginning to arise as public service organizations move from providing basic information to counselling and involvement in decision-making for

individual clients. They have indicated to us the need for guidance about how service-oriented, market-driven public service organizations can treat all their clients equitably when they are each other's competitors. How does a service-oriented, market-driven public service factor in the public interest when dealing with its client base? How can the paramountcy of the public interest be maintained over private gain?

These are not issues for economic or industry-related public service organizations alone. Officers working at the front lines in social departments have also told us that they are being asked to exercise greater judgement and individual discretion in making program decisions and decisions on individual cases. Yet they do not always feel they have an adequate framework of values, ethics and accountability to make such decisions. They are feeling vulnerable and exposed.

Similarly in a period of decentralization and delegation of authorities, the door for abuses in staffing, in contracting and in partnerships may be opened unless proper safeguards are taken. In their absence, fertile ground could be created for accusations of bureaucratic patronage and favouritism, accusations which can only reduce the legitimacy and credibility of the public service as an instrument of public good. Recently in Ontario, for example, controversy arose when the Opposition in the legislature demanded the details of a partnership agreement between a provincial ministry and a business firm, which had used the Freedom of Information Act to keep the information secret. Other firms that had competed for involvement in the partnership alleged that the process of selection had been unfair and that conflict of interest had occurred.

These are among some of the new ethical dilemmas that are being created by new cultures and new approaches in the public service, and we are not at present well equipped to handle them. The greatest difficulties arise in that broad grey area that exists between behaviour that is clearly forbidden and behaviour that is clearly honest or

ethical. Within this grey area, there is a wide continuum ranging from abuses or conflicts that are real, through those that are potential, to those that are apparent. One of the reasons why codes of conduct and appropriate ethical rules are important is precisely to address the difficulties created by this grey area: to reassure the public; and to protect public office holders themselves.

We have reviewed the existing Conflict of Interest and Post-Employment Codes (for the core public service

**“We have reviewed the existing Conflict of Interest and Post-Employment Codes (for the core public service and the wider public sector) and find they are basically sound.”**

and the wider public sector) and find they are basically sound. The nine principles of the public service code are printed in full in an annex to this report. They include such important ethical principles for public servants as these:

- employees shall perform their official duties and arrange their private affairs in such a manner that confidence and trust in the integrity, objectivity and impartiality of government are conserved and enhanced;
- employees have an obligation to act in a manner that will bear the closest public scrutiny, an obligation that is not fully discharged by simply acting within the law;
- employees shall not step out of their official roles to assist private entities or persons in their dealings with government where this would result in preferential treatment to any person; and
- if a conflict does arise between the private interests of an employee and the official duties and responsibilities of that employee, the conflict shall be resolved in favour of the public interest.

These and other principles included in the existing service-wide codes provide a sound framework for addressing some of the new ethical dilemmas mentioned above, but, in our view, they need to be supplemented by several new initiatives. One is the need for each department and agency to develop its own ethical guidelines, specifically tailored to meet the particular challenges and circumstances they encounter. The authority to adopt such supplementary guidelines already exists but is seldom used. It needs to be used much more actively in future to give employees guidance about how to act in many new and delicate situations and the confidence that in doing so they will have the support of their organizations. This need will become all the greater as the public service experiments with new forms of service delivery organizations and approaches.

Another need is a more developed capability on the part of central agencies, for example the Treasury Board, to guide and counsel both individual public servants and organizational leaders, as they attempt to navigate safely through some of the new ethical shoals.

A third need is for better training and information about the existing Conflict of Interest and Post-Employment Codes. The existing guidelines are sound, but they are not well known or well understood, as the Auditor General’s research demonstrated. Public servants need a better understanding of the current framework, and of how to apply it in all the new situations that arise in a public service culture oriented toward enhanced “client” service, partnerships and flexibility.

In our view, these initiatives should be undertaken within the framework of a broader ethics regime, both for the public service as a whole and for individual public service organizations, as discussed below.

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## Rules and Values

One of the features of life that complicates ethical decision-making in the evolving public service is the changing balance between such things as values, rules and results. At times in the past, public administration has been overly preoccupied with rules and with administrative process, not paying sufficient attention to actual outcomes, and results that matter for citizens. One of the valuable results of public service reform and renewal has been a heightened awareness of the importance of concrete results and outcomes from public services, and the pursuit of new management approaches that can help to achieve them. With this in view, public organizations have been attempting to reduce the burden of rules and of bureaucratic process. In their place, public service organizations have sought to rely much more on discretion, judgement, flexibility, and local adaptability. To guide judgement, organizations have sought to replace an exclusively rules-based approach to public administration with one that relies more for guidance on a framework of values.

These new approaches have many benefits. They encourage innovation, initiative and imagination. They help to make organizations more flexible, efficient and responsive. They deepen motivation by giving people appropriate freedom of action, and responsibility for their decisions.

Empowerment carries with it a larger burden of responsibility than simple rule-following. Empowerment asks employees to care about what they do, how they are doing it, and, most important, the results they are achieving for Canadians. It is no longer enough to have followed some rule or complied with a procedure.

All of these gains are important. But it is also important not to lose sight of the important role that some rules will always play in public administration, as means to ensure democratic will and to preserve the legitimacy of government. For example, some rules reflect

values in the written Constitution, others promote the collective responsibility of ministers. One of the themes of our report is the need for balance and synthesis, and this need for balance applies as much to the twin imperatives of empowerment and control as to other things.

From our conversations with public servants, it appears to us that there is still work to do to get this balance right, and the synthesis clear. We spoke to public servants who told us that in their daily work they are experiencing the tension between these orientations, between the emphasis on results and the emphasis on rules. They are pulled in one direction by the “entrepreneurial” outlook with its emphasis on innovation, risk-taking and results before process. They are pulled in another direction by the traditional public service culture with its emphasis on prudence and probity, on due process, on political accountability, and on the primacy of law and regulation. Some public servants told us that, under pressure to achieve results, they find themselves tempted daily to ignore or to get around some rule or other that may appear arbitrary, or that may be seen to inhibit quality service. If they were to succumb to these pressures on a grand scale, the door could be opened for public service behaviour that is not only unethical but even, possibly, illegal.

We do not think this tension is yet great enough to cause genuine concern. But we do think some continuing attention needs to be given to establishing a proper balance in public service values and language between these two important values. It is important that public servants internalize the values and policy purposes that most rules are intended to protect so that rules can enhance rather than undermine performance. It is important that rules be written to focus on their substantive purpose and not to be overly bureaucratic.

One way to establish the balance may be to ensure that the growing and creative emphasis on empowerment is enriched by and retains many of the important concepts that were associated with the traditional public service

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concept of delegation. Delegation is specific and concrete. A delegation of authority is a specific act of conferral of a defined range of authority to act, with conditions attached to it. Delegation also implies accountability. Viewed from this angle, empowerment demands even more rigorous accountability: accountability for values and results, as well as simple compliance with rules or procedures. Because power or authority is delegated to someone by someone else, there is an implied obligation on the part of the recipient to render a faithful account of the use of that power to the authority by whom it was granted.

These are important concepts. They help to encourage respect for political authority and to remind public servants of the “public” context within which they do their work. They also help to nourish a reverence for Canadian values, the rule of law, due process, and the integrity and impartiality that are essential when the rights, duties and public purposes of Canadian citizens are in question.

As this suggests, another way to ensure the kind of creative synthesis between old and new that can provide a strong foundation for ethical behaviour in the public service is to reaffirm the primacy and authority of law.

### **Reaffirming the Importance of Law**

One of the side-effects of a decade or so of otherwise desirable managerial reform has been a tendency to neglect the importance of law as a foundation for public administration. Public management’s inclination to view public organizations from the ground up, or to regard them simply as organizations comparable to other organizations, has contributed to obscure the broad political and legal context in which public administration is carried on.

We think it is therefore timely, perhaps even urgent, to reaffirm the importance of this broad framework, including the primacy of law, especially the Constitution.

A simple fact about public service organizations is that they are public. This is a fact so simple and so obvious that it would scarcely seem worth stating were it not so easily overlooked, or so crucial for understanding what we do. A public organization is not a private one. That means it has different roles, different rules, and different requirements that cannot be overcome, as long as it remains part of the public service. For example, the Charter of Rights and Freedoms applies only to governments. The courts superintend the actions of governments, which can exercise only authority provided by law and must do so reasonably, within the division of powers and respect for individual and collective rights.

One of the defining features of public service organizations, especially in Canada, is that they are established under law and have as one of their chief roles the administration and upholding of the laws of Canada. In order to do this well, the public service and individual public servants should be animated by an unshakable conviction about the importance and primacy of law, and about the need to uphold it with integrity, impartiality and judgement. Because so many public servants are engaged, one way or another, in acts of what might be called discretionary justice, they must possess a due sense of the solemnity and exigencies of this role. Public servants carry out functions that bear upon the rights, duties and public purposes of Canadians. A role such as this, that touches upon the most fundamental attributes of citizenship in organized society, can only be carried out with legitimacy, fairness, and equity within a framework of law and respect for due process.

Process and procedure are not merely some bureaucratic whim adopted to frustrate the needs and wishes of ordinary people. They serve two essential purposes in public organizations. One is to ensure that the rights of citizens are respected fully, fairly and equitably. The second is to protect the reputation and legitimacy of the organization itself. We observed in chapter 3 that the publicness of public organizations requires of them a degree of transparency, accountability

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and due process above and beyond that of other organizations. Because they are responsible for public funds, and because equitable respect for the rights of citizens is in question, public organizations must accept a range of controls, rules, procedure formalities and guarantees greater than that which is required for private organizations, in order to demonstrate that no element of favouritism or partiality entered into the judgement, but only the requirements of the public interest.

Of course, all of us have encountered situations where the rules and procedures were excessive or made little sense. Challenging unnecessary or harmful rules and procedures is essential to good government. Very often we find that processes, procedures or even rules are not necessary at all, and are simply barnacles on the ship of state: the gradual accretions of time and unexamined habits. One of the chief duties of responsible public servants is to challenge and eliminate such impediments to good administration where they can be found.

Applying rules also requires an appropriate act of judgement on the part of public servants. Some rules are more solemn than others. Some apply more readily to one circumstance than another. Making judgements about them is an essential part of any public servant's legitimate role. But judgements of this kind will be the more reliable if they are made within a culture where bureaucratic values are not depreciated and which affirms such things as the primacy of law, the Constitution, regulation and due process as essential pillars of public administration. Adapting Kant's Categorical Imperative, Donald P. Warwick has provided some good advice to public servants: "Seek exceptions to established procedures only when you would grant the same right to others in comparable circumstances." Applying this maxim wisely may be one of the keys to sound and ethical public administration in future. Doing so will be easier in a public service culture with deep convictions about the role of law, and all that flows from law, as a foundation of public administration, and of the good society.

To help achieve this necessary synthesis, we believe it may now be time for the public service as a whole, and for individual organizations within the public service, to develop for themselves a fully elaborated ethics regime.

### **An Ethics Regime**

An ethics regime, as we define it, is not a single initiative but rather a comprehensive series of initiatives, mutually supporting and complementing one another. Although the Study Team did not review all possible elements in detail, we have set out the potential components of such a regime in Appendix 2 to this report. The appendix is reproduced from a research report prepared for this Study Team by Kenneth Kernaghan and published separately by CCMD. [Kenneth Kernaghan, *The Ethics Era in Canadian Public Administration* (Ottawa: Canadian Centre for Management Development, 1996).]

An ethics regime would include initiatives or measures that should be adopted at a public service-wide level; it would also provide for comparable steps to be taken at the level of each public service organization, either to adapt service-wide approaches to local needs or to supplement them with additional measures needed to suit individual circumstances.

An ethics regime might include a public service code or statement of values. This is something which we wish to consider in our conclusion, after we have explored the vital importance of leadership in the public service.

One element of an ethics regime to which we wish to give particular importance is the establishment within public service organizations of suitable recourse mechanisms, counsellors, or ombudsmen for public servants who may feel that they or others are in potential conflicts of interest or other ethical difficulties, or who may feel that they are under pressure or have been asked to perform actions that are unethical or contrary to public service values and to the public interest. One refrain that

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we have heard from public servants is that there is no point in asking them to uphold public service values or to maintain high ethical standards in public service, if we do not give them the tools to do so. One of the essential tools they will require is some accessible person to whom they can turn, in confidence, to seek advice and guidance, to express concern about instructions given, or to report a serious breach of public service ethics. Such a function must have sufficient seniority, independence and authority to carry out the duties effectively and to protect the identity and positions of those who have recourse to it. There must be means, consistent with public service values, for public servants to express concern about actions that are potentially illegal, unethical or inconsistent with public service values, and to have those concerns acted upon in a fair and impartial manner. From our own conversations with public servants, we know that unless some practical recourse mechanisms are created, many of them will consider all the talk about values and ethics in the public service as so much hot air.

We wish to underline that the time is right for the adoption of a comprehensive ethics regime in the public service precisely because we stand on the brink of significant experiments with new organizational forms, and especially the creation of new agencies for the delivery of programs and services. We know from the experience of Britain and New Zealand, for example, that problems can be avoided if sufficient attention is given to the issues of values and ethics before substantial reforms have been carried out. In the UK, the Nolan Committee on *Standards in Public Life* has noted that the British organizational reforms of the 1980s, including the establishment of Executive Agencies, were undertaken with an eye primarily on issues of efficiency and effectiveness, without much attention to questions of standards of conduct. However the reforms have greatly increased the need to safeguard ethical behaviours. Decentralization and contracting out have varied the format for organizations giving public service, the

Committee observes. "There is greater interchange between sectors. There are more short-term contracts... It cannot be assumed that everyone in the public service will assimilate a public service culture unless they are told what is expected of them and the message is systematically enforced."

We think the Nolan Committee's warning is timely, and should be heeded before or in parallel with significant organizational reform in the Canadian public service. It also points to other needs and to the importance, in particular, of communication, leadership and training. We return to both of these themes in the next two chapters.



## 6. Leadership in a Time of Change

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Throughout our discussions among ourselves and with other public servants, the theme of leadership emerged with great force. There are at least two reasons that occur to us as to why leadership proved to be so important. The first is that, in considering the merits of codifying or formalizing public service values, we were led to consider the relative importance of rules and role models. The second is that, in our conversations especially with middle-level and lower-level public servants, we were made aware of a significant fault line in the public service that needs to be addressed, and that can only be addressed through leadership, especially, though not exclusively, at senior levels.

It might be noted in passing that we emphasize the term leadership in this chapter because we are here concerned primarily with values related to people. It has been said that an individual manages things, but leads people. From the point of view of “people values,” therefore, the calibre and quality of leadership in the public service becomes a matter of primary importance.

### **A Fault Line in the Public Service**

As we noted in chapter 2, our dialogue with public servants revealed to us a certain divide between levels in the public service, perhaps especially where public service values are concerned. Many at the middle and lower levels of the public service to whom we spoke or from whom we heard do not feel well connected to the senior levels, and they are not sure whether they necessarily share the same values as those at higher levels.

These feelings appear to have a variety of sources. One source, as we mentioned, is the perception that senior managers do not “walk the talk,” that they say one thing, but do another. This perception may have been formed most recently in the experience of downsizing but reflects a more general judgement about people management and leadership in the departments. Senior managers are frequently perceived as self-serving, overly concerned about personal survival and turf protection, and not

sufficiently motivated by concerns for values and ethics, client needs, for the public interest, or for employee welfare.

Another source of this fault line appears to be the confusion about accountability, and the tension between customer accountability and political accountability. Those closest to the front lines of accountability feel their primary accountability to citizen/customers while those farther up may feel primary accountability to citizen voters and taxpayers, as mediated by the political process.

Those close to the front lines of service delivery also perceive that evolving policy and program approaches are delegating greater discretion and judgement to them, but without an adequate values framework to guide them, and without confidence that, in the crunch, they will receive support and backing from superiors.

Many public servants do not feel that they are adequately involved in or connected to the decision-making processes in their organizations, or that they have an opportunity to input to ongoing policy development. As a result, they feel more like tools than collaborators. They do not experience an atmosphere of trust or of open dialogue in their organizations. At the same time that some people are greatly overworked, others feel that they are underutilized in the key processes of their organizations.

One thing that surprised us was to discover that these feelings are not confined to the lowest levels of the public service. Sometimes the fault line can occur at the highest levels. Even ADMs and DGs, whom others perceive as the departmental leaders, also sometimes express the conviction that they have no influence over the course of events, or do not have a full opportunity to contribute.

We do not want to exaggerate the significance of these impressions. They are based on no scientific data, but merely on our conversations and exchanges with public

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servants over the past year. They are enough, however, to suggest to us that, from the point of view of public service values, there is an important leadership challenge for the public service, a challenge that can be expressed in two contrasting ways. On the one hand, we do not think that the climate for a renewal of public service values will be promising as long as this divide persists. And, on the other hand, the existence of the fault line itself indicates a values problem or challenge for the public service: an insufficient valuing of people in the public service, and a need for greater value to be attached to leadership and people management.

### **Leadership in the Public Service**

It needs to be observed immediately however that leadership in the public service is an extremely difficult and challenging role. It is especially difficult in a time of downsizing and cut-backs, when leaders must so often be the bearers of unwelcome tidings. But the difficulty is much greater and more permanent than this. It is caused by two complexities: the complexity of issues and the complexity of roles. The complexity of issues results from the multiple, competing interests and customer needs we referred to earlier in our report. The complexity of roles derives from the multiple relationships and accountabilities a senior public servant must sustain. The first role of a deputy minister, for example, is to support and sustain the minister under the law. Yet at the same time, the deputy is expected to manage the department, oversee a growing family of related organizations in the minister's portfolio, maintain links with the central agencies, collaborate horizontally with other deputies, maintain ongoing relations and consultations with departmental "stakeholders," all the while coping with daily "crises" and emergencies. In these circumstances it should not be surprising if the urgent often drives out the important, and the concern for employee involvement and participation is sacrificed on the altar of getting the job done.

This being the case, it may be time for some clear talk about the constraints on public service leadership, and the limits to which leadership styles at the most senior levels of the public service can actually evolve. In particular, we would perhaps do well to acknowledge frankly that, because of the structure of political authority and accountability, there will always be a substantive element of top-down leadership in the public service. Being candid about this may be more healthy, in the end, than persisting in a vague twilight in which unavoidable management practices, including a reasonable dose of top-down direction, are seen by employees as somehow illegitimate or problematic because occasionally at odds with more participative and consultative processes.

Even if these top-down imperatives of public service leadership were more fully acknowledged, as perhaps they should be, the importance and the challenge of public service leadership would remain, however. Indeed, it would be revealed as more crucial than ever. One way to express this challenge is the way we did earlier in this report: as a balance between managing up and managing down. In both these roles — in serving the democratic process and in assuming responsibility for people and outcomes — public service leaders, at all levels, have both a duty and an opportunity to embody public service values. The duty and the opportunity do not occur only at the top. The privilege and the obligations of public service leadership are to be found throughout the public service, regardless of levels. One of the errors into which we too easily fall is to assume that leadership must come only from the top, and to wait for that leadership to manifest itself, rather than anticipate it, and meet it half way. For example, top leaders have an obligation to communicate, but others in the organization have an equal obligation to inform themselves. Leaders at other levels cannot simply wait for others more senior to act, or think that criticizing superiors is a sufficient substitute for leadership of their own. Wherever we find ourselves in the public service, and at whatever levels, we enjoy the deep privileges of public service — the opportunity to serve and help our

country — and the obligations of leadership and initiative that go with them. We do not have to, and should not, wait for signals from others before undertaking the great tasks of public service leadership: exercising imagination, creativity and vigilance for the public good, and caring for the people entrusted to our charge. If the opportunities and responsibilities of leadership were better understood at all levels in the public service, the fault line we spoke of earlier would no doubt be greatly diminished.

But if the duties and opportunities of public service leadership present themselves at all levels, it remains true that they are greatest at the most senior levels, and the failure to meet them has there its most fateful consequences, effects that are felt, like ripples on a lake, to the outmost edges of the public service.

### **Speaking Truth to Power**

In supporting the democratic process, public servants have a dual role to play. One side of this role is to carry out faithfully the program and policies of the government of the day. The other is to provide ministers with a full range of analysis and advice that will help them to take the best possible decisions for the public good. As we point out below, this dual role is played not just at the top of departments but at all levels in the public service, wherever there are employees and supervisors.

This dual role may sometimes involve telling ministers, in confidence, things they do not necessarily wish to hear. Such a duty may arise for either of two reasons. One is that in the normal course of events, it is the role of the public servant to inform ministers, as fully and accurately as possible, about the consequences of certain policy options, including, where necessary, warning about the negative or harmful consequences of actions or initiatives ministers propose to take. The other circumstance in which this duty may arise is both very rare and far more grave. If a minister proposes to take an action that would potentially be unethical, illegal, or unconstitutional, a senior public servant has a duty to advise against such

action, and should all efforts fail, to take the matter to higher authority, such as consultation with the Clerk of the Privy Council.

This role of public servants, which falls to deputy ministers, is one that a former deputy, Al Johnson, has called the “public trust” role, and it is one that is not sufficiently understood or, in recent years, appreciated. Yet it is one that is vital for good government in a parliamentary system and an essential platform for the values, ethics and morale of a professional public service. It is essential that the role and reality of this public trust function be perceived and appreciated at all levels of the democratic chain of accountability, both above and below.

Below, it is important that public servants at all levels have the confidence that ministers are receiving information and advice that makes them fully informed about the potential range of actions, and about the consequences of each. One of the growing challenges for public servants is to balance upward accountability to the political process with downward or outward “accountability” to citizens, “customers” and stakeholders. It is clear that in striking the balance between the two, political accountability must be paramount. Any other conclusion would undermine the principles of democratic government. But public servants will be able to uphold this paramountcy with heightened conviction, if they are confident that ministers are fully informed about options, needs, and consequences prior to any decisions on directions or initiatives. For this reason, one of the important tasks of leadership for senior public servants is to communicate downward, through words, symbols and gestures how they are managing their upward accountabilities, how advice and options are presented to ministers in a full, responsible and balanced manner.

If the need is great below, so also is the need above. It is equally important for the political level to make clear its understanding of the principles of responsible government, and the role that it expects the public service to play within this framework. Over the past decade

or so, the public service may occasionally have gained the impression that some ministers preferred a more instrumental view of parliamentary government in which it was the role of public servants merely to execute rather than to advise, to encourage rather than to warn, to carry out rather than to present balanced perspectives, to be loyal in a narrow sense rather than the broader one of loyalty to the public interest. As we noted earlier, some voices have even called for the end of a professional public service and the establishment of a “spoils” system in which the senior public service would change with every incoming government.

The kind of political signal now required may perhaps be illustrated by an anecdote, apparently a true one. Once a deputy minister grew discouraged about his relationship with a new minister. Every time the minister presented him with a new idea or proposal, the deputy would point out all the pitfalls and potential problems of the proposed course of action. The minister listened very patiently to the advice, but frequently determined to carry on with the proposed action regardless, and asked the deputy to carry it out. After this had been going on for some time, the deputy grew downcast. This isn’t working out, he told himself. The minister and I are not on the same wavelength. I am too critical of the minister’s ideas, and I’m just becoming a source of frustration, a roadblock to the minister.

Growing despondent, the deputy began seriously to think about resignation. However one day he ran into an acquaintance who had recently spoken with the minister about his experience in government. The minister’s version was very different. Let me tell you about my excellent deputy, the minister had said. Every time I have an idea or a proposal, I can count on him and the department to give a thorough review and point out all the possible problems that could arise if I decide to go ahead. They give me everything I need to think clearly about the way ahead. But then, when I have made my decision, they carry it out like professionals, as if it were their own. As a minister I couldn’t be more fortunate.

Relieved and reassured, the deputy put aside all thought of resignation and rededicated himself to his role, with confidence and enthusiasm.

For us this story is emblematic of the kind of relationship and mutual confidence that should occur between ministers and professional public servants in a system of responsible, parliamentary government, but also the renewed confidence and vigour that can occur when the fundamental principles that underlie these relationships are recognized and reaffirmed. For that reason, as we explain further in the next chapter, we believe the time may have come for an appropriate public statement about these relationships that can serve as a solid foundation and source of nourishment for public service values.

But these same principles and relationships should not obtain only at the top: they apply equally at all levels in a professional public service. Speaking truth to power — as long as it is accompanied by a duty of faithful execution once decisions have been taken — is not something

**“Speaking truth to power — as long as it is accompanied by a duty of faithful execution once decisions have been taken — is not something important for deputies and ministers alone.”**

important for deputies and ministers alone. It is just as relevant or precious between employees and supervisors, at the level of middle managers, directors, directors general, and ADMs. Public servants owe their supervisors not just their loyalty but their best professional judgement. Where this is discouraged or inhibited, the professionalism and the values of the public service suffer. So does good government.

Some people have suggested to us that over the past two decades the climate of support for honest discussion and dialogue within the public service itself has deteriorated, and that public servants are not as ready as once they may have been to put forth honest views or engage in critical debate for fear of being seen

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to be “offside” or untrustworthy. If there were any truth in this assessment, it should be a matter of worry for the public service whose contribution to good government depends on the wealth and vigour of its intellectual and moral capital, as much as on its powers of execution. There has been much talk about the importance and potential of organizational learning. But as another CCMD report has pointed out, the essence of organizational learning is the pursuit and cultivation of truth in organizations. Where this value is not cultivated, organizations fall into a myriad of difficulties and eventually falter. In public organizations the importance of honest dialogue and exchange leading to clarification and insight is all the greater because so much more is at stake.

Whether or not there has been any decline in the welcome afforded to vigorous debate within the public service, we think the time may be appropriate to reaffirm that speaking truth to power is a public service value to be cultivated not just at the top of the public service, but throughout. Creating and nourishing a climate that encourages dialogue and the constructive expression of honest views is one of the many important dimensions of the leadership of people in the public service today.

### **The Leadership of People**

If we care about the role and condition of values in the public service, the quality of people leadership should be a matter of central concern for a host of sound reasons. For one thing, it is through leadership, above all, that values are transmitted, nourished and reinforced, as we will observe again below. For another thing, the quality of people leadership in the public service is an important touchstone for the general ethical tone or health of the institution more generally. It seems to us improbable that a public service in which the concern for people were low would be a public service with a lively sense of responsibility for other things, or a broader sense of obligation.

There are many reasons why the quality of people leadership in the public service might have been under pressure in recent years. The stresses on public organizations are the same as those experienced by organizations in other sectors, but with an added overlay of complexity. Declining resources mean that increasing numbers of people, especially at senior levels, carry heavy and increasing workloads. Urgency and time pressures increase the stress. The urgent drives out the important, and the care for and leadership of people falls low on the list of priorities, just when it should be at the top.

The truth is that the very pressures on the senior levels which threaten to leave them overworked are a signal about the importance of collegial leadership, about the need to involve employees in a new collaborative style of work, in which leadership is shared at all levels throughout the organization. Leadership that engages employees and other leaders, throughout the organization, has its own special requirements and expertise. For this reason, there should be a continuing emphasis on people management and leadership training at all levels of the public service, but especially at the executive and senior management levels. It will be especially important to help senior managers to understand how these skills can and should be exercised in a public service environment, with its strong elements of vertical accountability and direction, and how they can be integrated into and accommodate the pressures of an increasingly hectic and demanding worklife. Leadership skills can no longer be learned or conceived on their own but must be set instead in the framework of organizational tasks for senior leaders, with a demonstration of how such skills can contribute to their accomplishment.

Obviously one of the important tasks of public service leadership is communication, conveying clearly to the members of an organization what its aims and agenda are to be. But communication is a two-edged sword. It can lay bare, if only by omission, what the true priorities and values are. It is therefore essential that the values of the organization be sound and authentically rooted in the

organization, if successful leadership and communication are to occur.

In our view, the fundamental conviction about people that should prevail in the public service is that people are not to be treated as instrumentalities, as tools or as means to an end, but as something to be valued in and for themselves. If we believe this, then the challenge will be not solely one of communication but of ensuring that this value is reflected in actions, policies, procedures, structures and in all the details of organizational life. In chapter 3 we suggested that it was time to review all of the many systems, policies and processes of the public service to ensure that they are aligned to support a sound public service culture and values. Obviously one of the key values that aligned systems and policies should convey is the conviction that people are important in and for themselves. And one of the chief means for anchoring this value in the public service and in its systems will be adequate measures of accountability.

### **Accountability for Leadership and Values**

One of the chief benefits of new management techniques and values that have been introduced to the public service in the last decade or so has been the emphasis on measurement and performance indicators. We think this is a real step forward for public management and offers promise of greater clarity, more realism and concreteness, better reporting and accountability. Measurement has its pitfalls and dangers, however, as well as its benefits.

The first, well-known danger is that you get what you measure. If measurements are attached to some facets of public service work then those are the things that will get attention, often at the expense of other, equally or more important dimensions of work. If a standard is set that phones must be answered after three rings, then they probably will be, but possibly at the expense of taking the necessary time, and being genuinely helpful to individual callers.

The second danger, which is a corollary of the first, and the one that concerns us most here, is that things that are difficult to measure may be neglected, while things that are easier to measure will enjoy exaggerated importance. Values, leadership and good people management are among those things that are not yet sufficiently valued, on the excuse that they are difficult to measure. Nevertheless it will be vital for the future that accountability regimes be appropriately balanced and pay as much attention to leadership and values as to other elements of management. It will be necessary, therefore, to develop appropriate measures of leadership skills. Fortunately some of those are already available. 360 degree feedback instruments, upward feedback, and

*“360 degree feedback instruments, upward feedback, and organizational climate surveys are among the methodologies that should now be used routinely at the highest levels to ensure that adequate measures of leadership and people skills are included in future accountability regimes for the top level of the public service.”*

organizational climate surveys are among the methodologies that should now be used routinely at the highest levels to ensure that adequate measures of leadership and people skills are included in future accountability regimes for the top level of the public service.

These measures and accountability systems will have little impact, however, unless they are seen to have an effect on decisions about appointments, promotions and reward. As we noted in chapter 3, there is a perception that some senior managers have not been held accountable for their leadership of people, and have even been rewarded for practices that were inconsistent with deeper public service values, as they are presented in this report. If these perceptions held any truth, they would be profoundly destructive of public service values.

Values, after all, are conveyed and supported most effectively not by words but by deeds. All the fine words in the world about the value of people have no weight beside

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gestures or actions that suggest the opposite. The living example of a human being is of far greater weight, in the end, than any declaration to which it gives the lie.

### **Encountering the Good**

At the beginning of this chapter we observed that the theme of leadership had emerged with great force in our work, partly because it had suggested to us the possible existence of a growing fault line between the senior public service and other levels, and partly because, in considering the merits of codifying or formalizing public service values, we had been led to consider the relative importance of rules and role models. It is this second theme we wish to underline here at the conclusion of this chapter and before proceeding to some of the recommendations in our conclusion.

There is a great temptation to think that rules, codes or regulations are the appropriate response to any problem or need. In many cases such a response may be quite wrong, or woefully inadequate. We think such a response would be especially inadequate in the case of public service values and ethics.

To understand why this is so, it may be helpful to reflect on how we come to internalize values, and make them a true well-spring of conduct, in the first place, Whether as children or as adult professionals we do not absorb or learn to have values primarily through rules: we do so through people, through rewards for obedience and discipline for disobedience, and through example. The rules come afterward. They codify and summarize what we already know or believe. They serve as a handy checklist. But they do not motivate in and of themselves, or they do so only at second hand, because we are already internally disposed to respect them.

We learn to hold and to live values because we see others do so: either exemplary role models such as parents, teachers, or outstanding colleagues; or simply

the routine goodness exemplified by many people in our various communities. We learn about the good not from abstractions but from encountering it in real life, embodied in real persons. We are inspired to live in certain ways and to hold certain values by exceptional role models, and we are sustained in doing so by a critical mass of other persons who think and act in the same way. When the models falter or when the critical mass withers, no amount of rules or regulation will hold back the tide. We see this in countries where endless decrees and regulations are broadly ignored because they are not rooted in a public culture and reflect no public consensus about the good. We see it in reverse in other communities where formal rules and standards have been dismantled, yet people continue to observe them in their daily lives because they believe them essential to a good society.

Reflecting on how we come to govern our own conduct helps us to situate the relative importance of leadership and role models in relation to codes and principles. We think the latter have their place. But we do not think they provide an answer by themselves. Of far greater importance in the sum of things is the quality of leadership in the public service and the calibre of role models we are able to offer. This is true at all levels of the public service but it is especially true at the most senior levels.

In deputy ministers and others at that level, public servants need to be able to see examples of who they themselves might aspire to be: not in the sense that all aspire to reach the same level. Many do not. But wherever and at whatever level we find ourselves we should be able to translate into our own lives and professional conduct the values and principles we see exemplified at the top levels.

If deputy heads and ADMs attach high value to the people of their organization, treating them with dignity and civility, sharing with them all appropriate information



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and involving them actively in the life of the organization, then others, at other levels, are likely to do the same. If senior officials embody the public service values of loyalty, neutrality, devotion to the democratic process and to the public interest, the chances are others will do the same. If the top public servants display a commitment to horizontality and partnership, a neglect of turf and of turf protection, then this conduct will radiate naturally through their organizations. If top public servants exemplify a balanced life, respecting both work and family, then these values will be widely imitated. If the leaders of organizations show that they are prepared to be publicly answerable for the actions of their employees and do not seek to shift responsibility or to point fingers at subordinates, then public servants will learn, by example, how to conduct themselves responsibly and with dignity.

Of course all of this can be said equally well in reverse. And in this way we can understand more clearly the great harm that is done to public service values by those who have not learned to “walk the talk.” It is not just that such behaviour creates disappointment and cynicism, a loss of faith or conviction about the values or principles expressed in the “talk.” It is much worse. It is the lesson that callousness, bullying or shortcuts pay, that favouritism is rewarded, that turf protection succeeds, or that self-interest is a higher value than the public interest.

For all these reasons, we believe that nothing is more important for the future of public service values than the quality of leadership at the top levels of the public service. We believe that other initiatives are unlikely to have much sustained impact unless the leadership offered at these levels embodies, expresses and sustains the most important public service values. We also believe, of course, that if senior leadership contradicts or belies espoused values, such values will wither or be sustained only with the greatest difficulty.

For us this means at least three things. Public service leaders at all levels, but especially at senior levels, should be selected not just for effectiveness but also for the degree to which they exemplify and can symbolize the highest public service values. Second, in the process of evaluation, reward, and promotion, an assessment of the degree to which a leader exhibits public service values and models them for others should have an important role to play, and should carry weight. Third, in all the activities that influence or shape the culture and conversation of the higher public service — whether training and development programs, DM retreats, ADM updates, executive networks, Treasury Board communications, departmental retreats — the theme of public service values should occupy an important place, and should be continually reinforced.

The public servants we listened to thirst for leadership and for symbolic gestures that speak to and embody strong, well-rooted public service values. The cynicism or scepticism we encountered was usually but a thin veneer, a mask for a disappointed idealism that longs for a vision to which it can give its pent-up, heartfelt response.

## 7. Conclusion: Principles of Public Service

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As we stated in the Introduction to this report, the Study Team did not set out to draft a list or a declaration of public service values. We wished instead to explore some of the most important problems or issues for public service values at this time, as they emerged from our own discussions and from our conversations with other public servants.

That is what we have done. The most important current issues we encountered turned out to be: the evolving practice of accountability in a parliamentary democracy; the relationship between employment and values; the dynamic tension and ongoing reconciliation between old values and new ones; the new ethical dilemmas associated with a service culture and empowerment; and the challenge of leadership and people management in a time of change. We have explored each of these themes in turn, teasing out as best we could the questions and problems associated with each, or common to more than one.

As we proceeded, however, we found that certain values emerged spontaneously from our reflections. They are the values that come naturally to mind as one thinks about public service, the values without which it is not possible to speak of public service at all. It may now be possible to review some of these values, and to cluster them in four “families.”

### **Core Values for the Public Service**

As we explored the problems outlined in this report, the public service values that emerged seemed to us to take their place within four categories. We call them democratic values, professional values, ethical values, and people values. Together these four clusters appear to us to constitute a set of core values for the public service. These families of values are not fully distinct, but largely overlap or repeat each other. In this sense, the four clusters are not so much distinct categories but rather

lenses or perspectives, through which or from which one can observe and describe the universe of public service values.

### *Democratic Values*

The first lens through which we can view public service values is the most important of all and the one that provides the foundation for all the rest. It is the lens of what we call the democratic values. We rediscovered that the most important defining factor for the role and

**“We rediscovered that the most important defining factor for the role and values of the public service of Canada is its democratic mission and public trust: helping ministers, under law and the Constitution, to serve the common good.”**

values of the public service of Canada is its democratic mission and public trust: helping ministers, under law and the Constitution, to serve the common good. Public service values largely derive from and are shaped by the role of the public service, as a Canadian institution, in supporting Canada’s unique brand of parliamentary democracy. Our core values are shaped by an understanding that authority in a parliamentary democracy rests with elected officeholders who are accountable to Parliament.

The concept of accountability is fundamental to the parliamentary form of democratic government. Accountability is the partner of authority; it distinguishes legitimate authority from raw power, as it requires all those in authority to render an account of how they exercise their authority, of how well they are doing and of what they are doing to correct problems and make things better. Both ministers and officials must accept the personal consequences when some problem has occurred because they acted inappropriately or failed to act appropriately. The system depends on mutual understanding of the authorities and accountabilities of each. Ministers are accountable to Parliament, public

servants are directly or indirectly accountable to ministers. This relationship between elected officials and public servants is the foundation of public service values. It defines our responsibilities to provide to ministers the best possible information and frank and comprehensive advice and, then, to carry out faithfully and professionally their decisions.

To be effective, public servants must be as loyal in implementation as they are fearless in their advice. Loyalty to the public interest, as represented and interpreted by the democratically elected government and expressed in law and the Constitution, is one of the most fundamental values of public service, and many other values (such as integrity, equity, fairness, impartiality and so on) are linked to it or draw their strength from it. Public servants hold a public trust; they are trustees for the interests of the citizens of Canada, as represented by the democratically elected government and expressed in law and the Constitution. What public servants do and say matters to the lives of Canadians and the future of Canada. It is, therefore, crucial that public servants understand the Canadian system of government, the nature of responsible government, of relations in a federal state, and of the role of the state, and its limits, in a liberal democracy. What most distinguishes the Canadian public service from other organizations is that all our actions are shaped by the requirements of Canada's democracy. Canadian public servants must, in all their actions, respect ministerial responsibility, human rights and freedoms, the principles of federalism, and the rule of law.

The public service should be animated by an unshakable conviction about the importance and the primacy of law, and especially the law of the Constitution, and about the need to uphold it with integrity, impartiality and judgement. Functions that bear upon the rights, duties and public purposes of Canadian citizens can only be carried out with legitimacy and equity within a framework of law and due process. Among the important public service values to be preserved and reinforced, therefore, is a heightened awareness that both ministers

and public officials act within a web of law and procedures which serve to secure the authority of ministers, and to preserve the integrity, reputation and legitimacy of the public service as an important national institution in support of democratic government.

This is how Canadian public servants serve the public interest, and it is precisely service in the public interest that motivates and ties together the diverse elements of this institution. The notion of the public interest is a touchstone of motivation for public servants. It is for the public service what justice and liberty are for the legal profession, or what healing and mercy are for the medical profession. The desire to serve the public interest is one of the "normative foundations" for public employment, and any approach to public service that treats it as if it were the same as private enterprise risks undermining not only the structure of motivation for public service but, more important, its capacity to serve democratic government in an ethical and accountable manner. The pursuit of the public interest over personal interest is both the reward and the price of public service.

Since Canada enjoys a parliamentary form of democracy, the principles of responsible government form the soil from which public service values grow. Accountability to ministers — and through them to the citizens of Canada — the rule of law, and loyalty to the public interest are among the key democratic values that underpin public service. As pressures increase, as constant change confuses, and as public servants come under greater public scrutiny, it becomes even more important to revitalize these core democratic values as the foundation of all other public service values.

#### *Professional Values*

Closely related to these fundamental democratic values are what might be called the "professional values" of the public service. The family of professional values includes such things as excellence, professional competence, continuous improvement, merit,

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effectiveness, economy, frankness, objectivity and impartiality in advice, speaking truth to power, balancing complexity, and fidelity to the public trust. “New” or emerging professional values might include “quality,” innovation, initiative, creativity, resourcefulness, service to clients/citizens, horizontality, partnership, networking and teamwork, but often these are but a new way of expressing old values in a new form, or new means to achieve traditional ends.

As with many professions, the public service has been undergoing a long and often difficult period of renewal. Over a number of years, public service has been redefining itself, trying to equip itself to serve changing public interests, shifting its emphasis from rules and process to principles and results. To provide service more responsive to clients, and policies more responsive to citizens, it has tried to become more “horizontal” in its work. The public service has become more service-oriented, adaptable, flexible and open, less hierarchical and insular. The values of service, partnership, teamwork, empowerment, flexibility have already had a salutary effect on public service — and have challenged the preoccupation with turf or rule nit-picking that have sometimes inhibited the pursuit of excellence.

The ideal of service to the public is one of the deepest sources of public service motivation. In everyday life, however, the many cross-cutting objectives of government can lead to a preoccupation with process, rules and procedures, at the expense of service. The great contribution of new public management approaches with their emphasis on “customers” or “clients” is that they help to reinvigorate the idea of service in the public sector, in at least four ways: by encouraging managers to find out what recipients of their services really need or want; by encouraging them to measure outputs and the degree to which recipients value them; by encouraging recognition of “internal clients”; and by encouraging managers to streamline or align the business processes that support service delivery. An emphasis on outputs and service also encourages “horizontality” and a “whole

of government” approach and a focus on important aspects of the public interest.

A healthy climate for understanding service requires a clarified understanding of the important concept of citizenship, and an ability to distinguish citizens, voters and taxpayers and “customers.” Of course a public service serves all of these. But citizens are bearers of rights and duties in a framework of community. Citizenship aggregates; the concept of “customer” disaggregates. The satisfaction of individual “customers” may not add up to an overarching public good. For this reason, as we noted, political accountability must always come higher in the public service hierarchy of values than “customer” or stakeholder accountability. The true role of public servants is not just to serve “customers” but also to balance the interests and preserve the rights of “citizens.” It is the sum and balance of these interests, democratically determined, that may add up to something that could be called the public interest.

From the point of view of public service values, therefore, it is important to remember that government is much more than “customer” service. It is also about Canadian values, public purpose and national goals, about the administration of law, about social ordering, about compliance and regulation, about the reconciliation of competing purposes and interests, about peace, order and good government. It is this larger constellation of concepts and purposes, from which public service values in their totality must flow, that is captured in the concept of the public interest.

The structure of public service values should motivate public servants, above all, to give their primary loyalty to the public good and to put it ahead of any private or individual self-interest, as trustees are required to do. But loyalty is a two-way street. This kind of loyalty is most likely to flourish within a professional public service, built on long-term rather than short-term relationships. The reality of downsizing does not contradict this need. Whatever its future size may be, or how it is organized,

a professional public service is required to furnish the critical mass of persons who embody and give life to public service values.

In a time of change, public servants must be careful to maintain the balance, to remember the special role — and public trust — of a professional public service. Our authority to act is delegated. We are accountable — and not only for what we achieve but how we achieve it. Our information must be accurate, our advice objective, our service even-handed. Accuracy, objectivity, fairness, balance are also part of our professional ethic. There are no doubt too many rules, too many procedures which serve no clear public purpose, and public servants must continue to challenge these rules, eliminating unnecessary procedures, barriers to change. But even as they challenge the rules, public servants must recognize that the rule of law protects Canadians from arbitrariness at the hands of officials. And, as we move to more empowerment to individual public servants and more authority to public service agencies, clarity about authorities, obligations, performance measures and, above all, values becomes increasingly important.

Renewal of the public service does not mean choosing between the “new” and the “traditional” values of professionalism but rather requires us, in some instances, to find the appropriate balance between them.

#### *Ethical Values*

A third family of values we encountered might be called ethical values. These include such values as integrity, honesty, impartiality, taking responsibility and being accountable, probity, prudence, fairness, equity, objectivity, disinterestedness, selflessness, trustworthiness, discretion, respect for law and due process, and the careful stewardship of public resources. These ethical values are not different from those found in other sectors or parts of society. But they take their distinctive coloration from the intersection with democratic and professional values.

One of the most fundamental values of the public service is the value of integrity. Integrity is not unique to the public service. Every profession requires integrity. The distinctive form that integrity assumes in the public service is the ability to hold a public trust and to put the common good ahead of any private interest or advantage. Integrity in the public service also imposes on public servants, at all levels, a commitment to the truth and therefore, an obligation to speak truth to power: to provide ministers and other superiors with a full range of analysis and advice that will help them to take the best possible decisions for the public good. This may sometimes involve telling them, in confidence, things they do not necessarily wish to hear. Integrity is also closely linked to people values: integrity is the key ingredient of trust upon which public service leadership and renewal must depend.

#### *People Values*

A final lens through which to view public service values is the family of values related to people. These are closely related to ethical values since concern for others is likely to be accompanied by high standards of integrity, fairness, and trustworthiness in other things. The family of “people values” includes, in its turn, several sub-clusters of its own. It includes existential values, the values one can be or live, such as courage, moderation, decency, reasonableness, balance, responsibility, humanity. It also includes the values one can show or offer to others such as respect, concern, civility, tolerance, patience, benevolence, reciprocity, courtesy, receptivity, openness, fairness and caring. People values may show themselves in specific approaches to leadership and management that include a high concern for participation, involvement, collegiality, consultation and communication. Finally they should show themselves in respect for Canadian values such as respect for diversity, respect for official languages or respect for other collective or individual rights. People values, like ethical values, are not unique to the public service but take their distinctive quality from their intersection with democratic and professional values.

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The public service should display the same values of courtesy, of caring, and of concern to its employees that it aspires to offer to other citizens of Canada.

Running through all of our discussions was a recognition that much is asked of public servants. While downsizing, job insecurity and pay freezes are by no means unique to the public sector, public servants have had to manage these challenges in the face of considerable public debate and, often, criticism. Too little has been said publicly about the importance of the public service to Canada and Canadians, about the excellence of our public service, about the dedication and hard work of its members, about the challenges they face. Too often, downsizing was implemented without sufficient respect for those affected or displaced or for those who remain.

All organizations depend for their success on the ability to attract and develop people who can work together, with shared values and toward a common goal. In the public service, an institution based on relationships of trust, “people values” — respect for the dignity and recognition of the worth of individuals — take on added importance. Just as public servants must, in all of their interactions, be seen to be fair and even handed and must demonstrate a respect for those they serve, public servants must feel that they too are treated fairly and with respect. A professional public service requires a critical mass of dedicated, career public servants who share public service values, new recruits who bring fresh ideas and energy, a human resources regime which is fair, transparent, based on merit, promotes continuous learning and improvement, holds people accountable, recognizes excellence, admits errors and celebrates success.

Leadership in the public service faces unique challenges. Public service leaders are often the bridge between elected office holders and other public servants, carrying messages in both directions, balancing competing and diverse pressures, maintaining confidences on the one hand while trying to ensure that public servants have the

information they need on the other, pursuing departmental interests while maintaining a government-wide perspective. Public service leaders are being asked to break new ground and to encourage a more open and creative climate. Inevitably this will often mean learning from error. But public servants are being called upon to accept a higher level of public accountability in an environment often unforgiving of error. While in the past, the consequences of error were private, outside of public view, this is now less often the case. And, just as the burden of accountability is greatest for public service leaders, so too is their obligation to exemplify all of the values of public service, democratic values, professional values, ethical values, and, not least, people values — that is, leadership must, above all else, exemplify respect for the institution of public service in a parliamentary democracy, and for the people who comprise it.

Nothing is more important to the nourishment of public service values than the quality of leadership in the public service. First, it is only through leadership that the people values of the public service can be put into action, and these play an important role in triggering the wider range of public service values. Those who are treated with respect, concern, fairness, civility and integrity are more likely to display these values in their own conduct, across the whole range of public service functions, than those who are not. Second, as this implies, public servants like other people are inspired much more by concrete examples than by abstract principles. Principles that are contradicted by experience or by the conduct of those in authority may be worse than useless: they undermine trust and may spawn a corrosive cynicism about values, or about public service itself. In order to ensure that leaders model public service values, including people values, the public service needs to establish adequate forms of accountability for the full range of public service values. It needs to ensure, and to make clear through actions, that public service values have a prominent role to play in processes of selection, appointment, evaluation, promotion and reward. In the long run, no other single factor is likely

to have more impact on the quality and condition of public service values.

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These four overlapping families of democratic, professional, ethical, and people values appear to us to constitute a set of core values for the entire public sector.

While they may be reflected in different ways in different places and at different times, they seem to us the values that define the very nature of public service. If we

**“these core values, rooted in the democratic mission of government, are the bedrock, the solid foundation on which renewal can take place and on which a stronger public service can be built.”**

are right, then every public sector organization and every type of organization — traditional departments or new agencies — should respect them and be accountable for them. In fact, in a time of change, these core values, rooted in the democratic mission of government, are the bedrock, the solid foundation on which renewal can take place and on which a stronger public service can be built.

Core values should not be identified or confused with specific policies or mechanisms for their protection. Policies can and must change; the core values should not. In times of change, however, they may need to be clarified, reaffirmed, or expressed in new ways. Too often in the past the rules of public administration have assumed greater importance than the values they were meant to represent. As it comes to rely somewhat less on centralized rules and regulations in future, the public service will need to have a deepened and reawakened understanding of the values and purposes that lie behind them. For parts of government established or designed expressly to enjoy greater flexibility and delegation than in the past, such understanding and integration will be especially important.

The future of the public service will be determined in large measure by the level of trust it will be able to sustain in its mission as an important public institution. In our view a high level of trust can only be sustained, both inside and outside the service, through a consistent attention to public service values. This will be even more true as public servants come to hold their accountabilities in more public ways.

Democratic, professional, ethical and people values are fundamental and should be a unifying force for the public service. But the emphasis and balance among them, and the way they are applied or expressed, may vary from institution to institution. Common public service values are quite compatible with a variety, perhaps a growing variety, of public service sub-cultures, as new departmental or agency forms are created. Prudence and probity, for example, are universal public service values, but they will no doubt express themselves in different ways depending on the public service challenge to be met. As Christopher Pollitt has observed in another CCMD research report:

**“Democratic, professional, ethical and people values are fundamental and should be a unifying force for the public service. But the emphasis and balance among them, and the way they are applied or expressed, may vary from institution to institution. Common public service values are quite compatible with a variety, perhaps a growing variety, of public service sub-cultures”**

“I do not want an entrepreneur looking after my state pension (or my aged grandparent), but neither do I want a cautious bureaucrat driving the fire engine or giving pump-priming grants to inventors. The problem is not one of how to apply a magic set of management techniques right across the public sector, it is much more a question of seeking, in each separate case, a match of function, form, and culture. A less rousing sermon, no doubt, but a more useful one.”



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## Values under Pressure

Democratic values, professional values, ethical values and people values may well be the core values of the public service, as we suggest, but it is also clear to us that these values are under pressure from many directions. One of those sources is the sheer stress of overwork.

Many public servants are trying to cope with issues of increasing complexity, issues moving at increasing velocity that allow them less and less time for action. They are under pressure to downsize, reorganize, and, at the same time, increase performance with reduced resources. The demands of ministers and citizens are growing, as are those of employees. There are also growing (and welcome) demands from the centre of government to participate in corporate and horizontal activities.

Lack of time causes many problems. Mistakes can be made simply due to fatigue or to the pace of events: less time means less consultation, less involvement in decisions, and less explanation. As decisions must be made quickly, they are often made in a top-down manner, based on hierarchy, and employees end up feeling less like valued collaborators and moral actors than as resources to be used, ignored and discarded.

Because issues are complex and there is little time to deal with them, insufficient attention may be given to their implications or consequences for public service values. And when mistakes of this kind are made, those affected are unlikely to be tolerant. Persons under stress react strongly when their interests are affected and forget that there can be many other legitimate ways to view any situation. People may not take the time to reflect that even values can conflict, and that difficult choices must be made between them. As a result, they are less understanding and forgiving than they otherwise would be.

Many pressures on public service values come from outside the public service. Some of them come from broad

trends like globalization which increase the pace of change and the pressure on institutions, and that unsettle established ways of doing things. The public service is also affected by broad changes in social values, including a broad scepticism about values themselves and a growing acceptance of relativism. A world in which there are fewer and fewer absolutes is a world in which it is harder to nourish organizational values, including the values of citizenship, governance and public service.

The growing scepticism about authority in general has a special impact on public service values as a result of the declining legitimacy of government. The public service is constantly assaulted by external criticism and denigration that undermine its confidence and sap morale. A high proportion of the public believes that the public service is inward-looking, self-serving and wasteful, and we have found that many public servants share the same basic diagnosis. Confidence in the public service's own values and principles is further eroded by the soaring prestige of market models and of private sector values. The rapid penetration of public administration by a business vocabulary and by private sector management techniques reflects an authentic pursuit of improvement; but it also expresses a desperate attempt to regain legitimacy by draping the public service in the borrowed clothes of the market and of private enterprise.

As if the general decline of legitimacy for government and the public sector in general were not enough, Canadian public service values are also affected by a general decline in understanding of the principles and practices of responsible government. Declining sensitivity to or familiarity with the essential features of parliamentary government, and the relationships that underlie it, is not limited to the general public or the media. It affects ministers, parliamentarians and public servants too.

These various influences — and no doubt many more we have not named — have combined to create or to exacerbate the five problem areas or challenges explored

in the various chapters of this report. The result is that, although public service values have never been more important, they have never been under greater pressure than they are today.

To call this a crisis would be incorrect: it would not do justice to the overwhelming majority of public servants who are living and representing sound public service

**“The legitimacy of public institutions will be enhanced by a renewed pride and self-confidence on the part of public servants themselves, a confidence that can come from refocusing on the character of public service as a public trust.”**

values every day, often in very trying circumstances. We have deliberately refrained from doing so. However, in the eyes of the Study Team, the public service has arrived at a turning point when action is required to clarify and reaffirm public service values.

If public service values are affected by the declining legitimacy of government, they can also help to restore it. The legitimacy of public institutions will be enhanced by a renewed pride and self-confidence on the part of public servants themselves, a confidence that can come from refocusing on the character of public service as a public trust. But this is a step that public servants cannot take alone.

### **A Statement of Principles**

We have been at pains throughout this report to emphasize the limits of codes and rules as far as the values of the public service are concerned. We have emphasized, and will again, that abstract statements are less powerful than living models and broadly shared practices, and are relatively powerless where these do not exist. For this reason, we have underlined the overriding importance of leadership and example, and the practices that encourage and reward them.

However, we also stated that such statements have their place. They are even essential at certain times and for certain purposes. We believe this may be one of those times, because what is needed is something that goes beyond the public service itself, something that helps link it to the broader framework of parliamentary government in Canada.

We suggest that, after a suitable period of preparation to be discussed below, the Government and Parliament of Canada should adopt a statement of principles for public service, or a public service code. Such a statement of principles should not focus on conflict of interest or other ethical issues. The public service already possesses conflict of interest and post-employment guidelines. These deserve to be better known and better understood, but they exist. The statement that is needed should aim much higher. It should aim, above all, to set forth the role of the public service within the principles of federalism and responsible government: to anchor the public service in its primordial values, those that we have called the “democratic values.”

We have examined public service codes from a number of countries and sponsoring organizations including the UK, New Zealand, U.S. and Canada. Some are too much focused either on ethics or on managerial issues. A useful example is the proposed UK Civil Service Code. [This code is included as Annex 3 to this report.] Among the virtues of the British document are that it is brief and, above all, that it is focused primarily on the principles of responsible government: the relationship of officials to ministers and the responsibility of ministers to Parliament. The other duties of public servants are rooted in and related to these first principles. A striking feature of the British code is that it sets out not only the duties of public servants to ministers, but also the duties of ministers to officials. For example, it enunciates the duties of ministers to uphold the political impartiality of the civil service, not to ask civil servants to act in any way which would conflict with the code, and to give fair consideration and due weight to informed and impartial advice from civil servants in reaching decisions. We must of course remember that the

UK is a unitary state, not a federation, in learning from its example.

We think that a statement of principles or code of this kind could help to provide not only a new foundation for

“...a statement of principles or code of this kind could help to provide not only a new foundation for public service values, but could establish a new moral contract between the public service, the Government and Parliament of Canada.”

public service values, but could establish a new moral contract between the public service, the Government and Parliament of Canada. In the Canadian case, we suggest that such a statement should set out the principles that govern the relations between public servants and Parliament, especially parliamentary committees. As we pointed out in chapter 2, this is an area where public service values and conventions have been subject to great pressure in recent years, and a public statement of principles endorsed by the Government and Parliament of Canada could greatly help to put things on a clearer footing, especially in preparation for the creation of new program delivery agencies.

A statement of public service principles could also make provision, as the British code does, for the kind of recourse mechanisms we have recommended in chapter 5 for public servants who believe they are being asked to take actions that conflict with public service values and ethics.

A statement of public service principles should not attempt to do too much, however. The more it is loaded down with managerial or other detail, the less useful it will be, and the swifter it will become dated. The ideal statement would be succinct, dignified in tone and diction, focused on the great principles of public service, and intended to endure. Other matters can be handled in other ways, including the normal processes of leadership and discourse within the public service itself.

Although we think a statement of the great principles of public service endorsed by the Government and Parliament of Canada is now required as a foundation and reference point for public service values, we do not think the time is yet ripe for its adoption. We suggest a target date of one year from the publication of this report. In the meantime, to prepare the ground for it, and to advance broader awareness and understanding of public service values, we suggest a process of discussion now take place, both inside and outside the public service.

### **The Next Steps**

In the introduction to this report, we used the image of an honest dialogue to describe the process we have been engaged in over the past year. It has been a remarkable journey, and it is one on which the public service as a whole should now embark. Over the coming year, we suggest there should be a wide-ranging and honest dialogue about values and ethics in the public service, using the report of the Study Team as a starting point. We suspect this dialogue will open up a host of important issues, including public service-wide issues such as harassment, discrimination and conflicts in information policy (openness and confidentiality).

This dialogue on values should start at the top. In-depth discussions on values should be undertaken by deputy ministers, and perspectives on values should be integrated into other public service renewal initiatives, especially service initiatives, structural and organizational reforms, and any revisions to the employment or human resource management regimes. These discussions and a focus on values will energize and strengthen reform.

Dialogue should also embrace the entire public service to the greatest possible extent. This wider process could be coordinated under a central authority but it could also be facilitated by the Canadian Centre for Management Development (at least at the executive level), using a variety of techniques, instruments and forums to reach the

widest number of public servants, both in Ottawa and in all regions of Canada.

Within departments and agencies, we suggest that each deputy head should structure an internal process of discussion in such a way as to ensure that it will be open and challenging, reflecting the kind of honest dialogue that we ourselves have enjoyed and that should be part of a healthy public service culture that encourages speaking truth to power.

The dialogue we propose should not take place within the public service alone. Because there is need for a new moral contract between the public service, and the Government and Parliament of Canada, we suggest a process of dialogue should also be engaged with ministers and with members of Parliament. This process would aim at developing a statement of principles of public service along the lines discussed in the preceding section, a statement or code that could eventually be adopted by the Government and Parliament of Canada. This discussion might also involve other stakeholders such as public service unions, private sector leaders, non-governmental organizations, and leading academics.

At the end of a year of broad discussion inside and outside the public service, we propose the adoption of a statement of principles for the public service, but this should not be the end of the story: it is only the beginning of what should be an ongoing process of public service attention to values and ethics. In order to provide a focal point for this ongoing concern and attention to values, we propose that, when a statement of principles has been adopted, an office should be established to provide advice to public service leaders and managers on matters related to values and ethics in the public service, to collect information, and generally to coordinate administration of the principles. At a public service-wide level, this office might also provide the kind of confidential recourse or appeal mechanism to support and counsel public servants

who believe they are being asked to perform an action contrary to sound public service values or ethics.

The main responsibility for ongoing concern about the condition of public service values will fall on the shoulders

**“Within each department, a person or office, at a senior level, should be established to provide advice, support, and enforcement for the role of public service values and ethics in the department. Every department and agency should also establish an appropriate recourse or appeal mechanism for members of departments concerned about potential violations of accepted public service values or ethics.”**

of public service managers and leaders, especially deputy ministers. It will fall to them, more than to anyone else, to articulate and to exemplify public service values, to lead by example, to earn the trust of their colleagues and to encourage a continuing dialogue. Deputies should be held responsible and accountable for ensuring that core public service values are understood, respected and embodied in their departments. Success in doing so should be a leading criterion for appointment, performance assessment, discipline and promotion. Within each department, a person or office, at a senior level, should be established to provide advice, support, and enforcement for the role of public service values and ethics in the department. Every department and agency should also establish an appropriate recourse or appeal mechanism for members of departments concerned about potential violations of accepted public service values or ethics.

Other activities should also continue through the coming year, and beyond. There is need for ongoing research on public service values and ethics, especially the experience of other parliamentary countries. This research should be undertaken or sponsored by organizations such as CCMD and the Treasury Board.

Ongoing training and development in the field of public service values and ethics is also needed at all levels, both in corporate public service and departmental programs. Orientation programs at all levels should pay

appropriate attention to values issues and discussion, and a variety of other programs, methodologies and approaches should be developed by CCMD, TDC and departmental training authorities to promote a deepened understanding of the role of values in the public service. The focus in such training or development activities should be on how to think about values and ethics, how to discern values and ethical issues in the public sector, and how to deal with moral dilemmas and conflicts. Such training should emphasize the specific governmental context of values, helping public servants to relate values and ethics to the higher purposes of the public service as a national institution with a solemn public trust. There is a special short-term need, even urgency, for broader training and explanation about the Conflict of Interest and Post-Employment Codes within all departments. The existing guidelines are sound, but they are not well understood. In an environment of employee takeovers, partnerships and new approaches to service delivery, the conflict of interest issues are subtle, complex and widespread. Public servants need a better understanding of them and of how the existing framework should be applied. This is also an area in which the Treasury Board should be providing more active assistance to public service leaders and managers, so that they can provide the necessary leadership on ethical matters to their employees.

### **A Strong Foundation**

Public service is a special calling. It is not for everyone. Those who devote themselves to it find meaning and satisfaction that are not to be found elsewhere. But the rewards are not material. They are moral and psychological, perhaps even spiritual. They are the intangible rewards that proceed from the sense of devoting one's life to the service of the country, to the affairs of state, to public purposes, great or small, and to the public good.

The rewards of this special calling, like those of other professions, come at a price. The price is submitting to very high standards of professional conduct; accepting

public scrutiny and accountability; learning to hold a public trust and to put public interests ahead of self; respecting the authority of law and of democratic will; and entering into a community that values these as the foundations of good government. The values of public service are both its price and its reward.

A community based on high ideals is bound to have its moments of disappointment or discouragement. People are not perfect; choices are difficult; the way ahead is not always clear; the debate over public purposes is often messy, and sometimes raw; and the press of public business is great. In these circumstances, actions or decisions can sometimes fall short of the ideal, or appear to do so. And when they do, those who have devoted themselves to the ideal may feel betrayed. They may react strongly, conclude that the whole edifice of values was a sham in the first place, and retreat into scepticism, cynicism, or indifference.

A strong public service community, well rooted in its values, will be able to surmount these moments of testing, recover its balance, and renew its calling. Public service, and public service values, cannot be judged only by the ways in which the profession falls short of its ideals. This is bound to happen, in a human world. It must be judged also by its aspirations; by its determination to maintain them at a high level, and by its effort to achieve them.

Moments of discouragement might be fewer or less grave if there were a wider understanding of how values interact or conflict in any human decision or action. Choices in human affairs are not often made between something clearly bad and something clearly good; they are made instead between competing goods. Liberty and equality may both be good, but they also conflict, and any choice where they are at stake will make trade-offs between them. The same is true of public service values. In every choice to be made in the public service, a variety of values is at play, and a weight must be given to each. Those with eyes fixed firmly on only one of these values may lose track of the importance that should be, or has

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been, accorded to other important values. If we were more aware of how values conflict, we would have more insight into the complexity of our own situations, and the decisions we ourselves have to make. We might also be more generous to others, especially to those with very serious responsibilities, realizing more clearly the agonizing trade-offs and delicate balances that are entailed in every significant decision.

If we have reason to be more insightful about the tasks of leadership, we also have reason to expect much of it. It is through leadership and example, above all, that values are given force in daily life, and become part of the real conduct of a community of persons. Leadership does not come only from the top. In fact, at the moment it seems to us that much of the leadership on values is coming from the middle and lower levels of the public service who are showing forth public service values in their daily work and lives, and sometimes ask themselves whether these same values are shared by the higher levels of the service. They need and look for gestures, symbols, actions that confirm to them that public service values are important and are lived at all levels of the hierarchy.

One of the ways in which public service leaders will be able to respond to this yearning will be in the leadership they are prepared to give, and the momentum they are prepared to sustain, for discussion and action on public service values through the year following the publication of this report, and beyond. Nothing would be less helpful than to assume that the whole matter of values was adequately addressed by a single report, or even by an eventual statement of public service principles. These are only steps in a long process of constructing the foundation for the public service of the future.

If leadership and example from the top are forthcoming and, what is more, sustained, we think they will meet a strong and welcoming response from below. The cynicism or scepticism we encountered does not seem to us to run deep. In fact, where it occurs, it appears very often to be but a thin, defensive shell on a deep well of

idealism about public service, an idealism that waits only to be tapped and channelled into firm commitment by a consistent pattern of behaviour and example from above.

In rediscovering and reaffirming its values, not only through words but through actions, the public service will go a long way to addressing the problem of public legitimacy that affects governance today. Part of this is cyclical. It has to do with the succeeding patterns of overconfidence and disappointment that wash over all social institutions. The wheel will turn again. And one of the things that will help it to do so is clarity and conviction on the part of the public service about its vocation, and the values that sustain it. If declining legitimacy contributes to undermining values or calls them into question, a revival of public service values can also help to prepare the ground for a future in which the balance of legitimacy swings again.

In our view, public service renewal cannot come through new techniques or approaches to public management alone. These are important, even crucial, but they are the icing on the cake, the superstructure, the outward manifestation of an inward reality. They will not succeed — or worse, they will lead the public service into the wrong paths — unless they are animated from within by sound public service values.

Renewal must come first from within: from values consciously held and daily enacted, values deeply rooted in our own system of government, values that help to create confidence in the public service about its own purpose and character, values that help us to regain our sense of public service as a high calling. This is the solid foundation on which we can build the public service of the future, a great national institution dedicated, as in the past, to the service of Canadians and their form of democratic government.

**A** n n e x 1**Principles of the Conflict of Interest and Post-Employment Code for the Public Service**

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Every employee shall conform to the following principles:

1. employees shall perform their official duties and arrange their private affairs in such a manner that public confidence and trust in the integrity, objectivity and impartiality of government are conserved and enhanced;
2. employees have an obligation to act in a manner that will bear the closest public scrutiny, an obligation that is not fully discharged by simply acting within the law;
3. employees shall not have private interests, other than those permitted pursuant to this Code, that would be affected particularly or significantly by government actions in which they participate;
4. on appointment to office, and thereafter, employees shall arrange their private affairs in a manner that will prevent real, potential or apparent conflicts of interest from arising, but if such a conflict does arise between the private interests of an employee and the official duties and responsibilities of that employee, the conflict shall be resolved in favour of the public interest;
5. employees shall not solicit or accept transfers of economic benefit, other than incidental gifts, customary hospitality, or other benefits of nominal value, unless the transfer is pursuant to an enforceable contract or property right of the employee;
6. employees shall not step out of their official roles to assist private entities or persons in their dealings with the government where this would result in preferential treatment to any person;
7. employees shall not knowingly take advantage of, or benefit from, information that is obtained in the course of their official duties and responsibilities and that is not generally available to the public;
8. employees shall not directly or indirectly use, or allow the use of, government property of any kind, including property leased to the government, for anything other than officially approved activities, and
9. employees shall not act, after they leave public office, in such a manner as to take improper advantage of their previous office.





## A n n e x 2

### Components of an Ethics Regime<sup>2</sup>

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The measures outlined below are designed for application to the public service, but they can be combined with measures applicable to government as a whole, that is, to both politicians and public servants. Some of these components are contained in the section of the Auditor General's report on "possible elements" of an ethical framework.

1. The evaluation of ethical performance as a basis for appointing and promoting all members of the public service, but especially its leadership.

Note: The New Brunswick Office of the Comptroller General requires that employees sign off "to acknowledge their understanding of [the Code of Conduct] on an annual basis as part of their performance review."

2. A statement of values, including ethical values, either as part of a strategic plan or as a separate document.

Note: This document is sometimes described as a credo or a statement of principles or philosophy.

3. A code of ethics (or conduct), linked to a value statement (if one exists) which sets out general principles of ethical conduct.

Note: If there is a government-wide statement on ethics, it can be elaborated by various sub-codes to meet the needs of particular categories of officials, for example, Cabinet ministers, legislators, public servants, Crown agency employees.

4. Elaboration on the code, usually as commentary under each principle, which explains more fully the meaning of the principle and/or provides illustrations of violations of the principle.
5. Reference to the existence of ethics rules (statutes, regulations etc.) related to the problem areas covered in the code and/or to problem areas covered elsewhere.

Note: Rules on such matters as harassment and discrimination often constitute part of a collective agreement between the government and an employee union.

6. Elaboration on the code, either following each principle or in a separate part, which adapts the code's principles to the particular needs of individual organizations.

Note: Conflict of Interest Guidelines for Manitoba's Department of Family Services supplement government-wide guidelines to provide for the particular problem of employees who work closely with community-based organizations but also participate in the community as citizens.

7. Provisions for administering the code, including publicity, penalties for violations and provisions for grievance.

Note: One technique for publicizing the code, especially in respect of conflict of interest, is to circulate it annually to all employees and have employees attest by their signature that they have read and understood it.

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<sup>2</sup> Excerpt from Kernaghan, Kenneth, 1996. *The Ethics Era in Canadian Public Administration, Research Paper No. 19*. Ottawa: Canadian Centre for Management Development.

8. An ethics counsellor to perform advisory and administrative functions for senior public servants across the government.

Note: An ethics counsellor could also perform investigative and educational functions. He or she could perform the same functions for cabinet ministers.

9. An ethics counsellor, ombudsman or committee to provide advice on ethics rules and ethics issues within a single department or agency.
10. Ethics education/training for public servants, beginning with the most senior echelons and new employees.

These approaches can be supplemented by other measures that are less common or more controversial than those shown above.

11. An ethics audit to evaluate the organization's policies and procedures for preserving and nurturing ethical behaviour.<sup>3</sup>

Note: Depending on the sophistication of the existing ethics regime, the audit can be done either before any of the above measures are adopted or as a means of assessing a regime already in operation.

12. The raising of ethical considerations in a deliberate and regular way at meetings and through such other means of communication as newsletters.
13. The provision of a confidential hotline that public servants can use to discuss concerns about their personal ethical behaviour or that of others.

14. The inclusion of exit interviews (interviews with employees leaving the organization) to ask questions about the employee's view of the ethical culture of the organization.

The objective of outlining these components of an ethics regime is to encourage public organizations to take a systematic approach to promoting ethical conduct. The measures chosen, however, must be carefully geared to the unique requirements of individual organizations. What has been said about codes of conduct can be said about ethics programs as a whole, namely, that they "should be crafted from a rich empirical base, understandable in the climate of the particular agency, making sense to those to whom they apply — down-to-earth, realistic... The goal is to underscore that the standards of honesty go hand in hand with those of efficiency and competence."<sup>4</sup> An ethics regime containing an appropriate selection of the measures discussed above can help to make ethics an integral part of daily dialogue and decision-making. In government decision-making, ethical considerations are tightly intertwined with political and managerial ones and all three dimensions are essential to successful governance.

<sup>3</sup> See the model ethics audit in Lewis, pp. 199-202.

<sup>4</sup> Robert C. Wood, quoted in Lewis, *The Ethics Challenge in Public Service*, p. 158.

- 1 The constitutional and practical role of the Civil Service is, with integrity, honesty, impartiality and objectivity, to assist the duly constituted Government, of whatever political complexion, in formulating policies of the Government, carrying out decisions of the Government and in administering public services for which the Government is responsible.
  - the duty to comply with the law, including international law and treaty obligations, and to uphold the administration of justice;
- 2 Civil servants are servants of the Crown. Constitutionally, the Crown acts on the advice of Ministers and, subject to the provisions of this Code, civil servants owe their loyalty to the duly constituted Government.
- 3 This Code should be seen in the context of the duties and responsibilities of Ministers set out in Questions of Procedure for Ministers which include:
  - accountability to Parliament;
  - the duty to give Parliament and the public as full information as possible about the policies, decisions and actions of the Government, and not to deceive or knowingly mislead Parliament and the public;
  - the duty not to use public resources for party political purposes, to uphold the political impartiality of the Civil Service, and not to ask civil servants to act in any way which would conflict with the Civil Service Code;
  - the duty to give fair consideration and due weight to informed and impartial advice from civil servants, as well as to other considerations and advice, in reaching decisions; and
- 4 Civil servants should serve the duly constituted Government in accordance with the principles set out in this Code and recognising:
  - the accountability of civil servants to the Minister or, as the case may be, the office holder in charge of their department;
  - the duty of all public officers to discharge public functions reasonably and according to the law;
  - the duty to comply with the law, including international law and treaty obligations, and to uphold the administration of justice; and
  - ethical standards governing particular professions.
- 5 Civil servants should conduct themselves with integrity, impartiality and honesty. They should give honest and impartial advice to Ministers, without fear or favour, and make all information relevant to a decision available to Ministers. They should not deceive or knowingly mislead Ministers, Parliament or the public.
- 6 Civil servants should endeavour to deal with the affairs of the public sympathetically, efficiently, promptly and without bias or maladministration.

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- 7 Civil servants should endeavour to ensure the proper, effective and efficient use of public money.
- 8 Civil servants should not misuse their official position or information acquired in the course of their official duties to further their private interests or those of others. They should not receive benefits of any kind from a third party which might reasonably be seen to compromise their personal judgment or integrity.
- 9 Civil servants should conduct themselves in such a way as to deserve and retain the confidence of Ministers and to be able to establish the same relationship with those whom they may be required to serve in some future Administration. They should comply with restrictions on their political activities. The conduct of civil servants should be such that Ministers and potential future Ministers can be sure that confidence can be freely given, and that the Civil Service will conscientiously fulfil its duties and obligations to, and impartially assist, advise and carry out the policies of the duly constituted Government.
- 10 Civil servants should not without authority disclose official information which has been communicated in confidence within Government, or received in confidence from others. Nothing in the Code should be taken as overriding existing statutory or common law obligations to keep confidential, or to disclose, certain information. They should not seek to frustrate or influence the policies, decisions or actions of Government by the unauthorised, improper or premature disclosure outside the Government of any information to which they have had access as civil servants.
- 11 Where a civil servant believes he or she is being required to act in a way which:
- is illegal, improper, or unethical;
  - is in breach of constitutional convention or a professional code;
  - may involve possible maladministration; or
  - is otherwise inconsistent with this Code;
- he or she should report the matter in accordance with procedures laid down in departmental guidance or rules of conduct. A civil servant should also report to the appropriate authorities evidence of criminal or unlawful activity by others and may also report in accordance with departmental procedures if he or she becomes aware of other breaches of this Code or is required to act in a way which, for him or her, raises a fundamental issue of conscience.
- 12 Where a civil servant has reported a matter covered in paragraph 11 in accordance with procedures laid down in departmental guidance or rules of conduct and believes that the response does not represent a reasonable response to the grounds of his or her concern, he or she may report the matter in writing to the Civil Service Commissioners.
- 13 Civil servants should not seek to frustrate the policies, decisions or actions of Government by declining to take, or abstaining from, action which flows from ministerial decisions. Where a matter cannot be resolved by the procedures set out in paragraphs 11 and 12 above, on a basis which the civil servant concerned is able to accept, he or she should either carry out his or her instructions, or resign from the Civil Service. Civil servants should continue to observe their duties of confidentiality after they have left Crown employment.

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