

Parliament and the Public Service

Chapter Summary

The relationship between Canada's parliament and public service is ambiguous, as it has not been established in any constitutional framework or formal policy process. The operation and structure of the federal public service is subject to various functions of the parliament or the parliamentary process in Canada. It is important to acknowledge that parliament has no control or power over the public service, but can exert some influence and scrutiny over the performance of public service employees, although this has not been a priority of the federal government in the past. The main functions of legislatures are policy-making and systems maintenance, which speak to the operations of a political system, but not specifically overseeing the administration of the public service within the federal government.

Thomas discusses Slatter's (1982) five broad roles of parliament in relation to the public service, which are: legitimization, policy-maker, creator, financier, and scrutineer. As noted by the author, political power shifted first from Parliament to cabinet and subsequently from the cabinet to the bureaucracy. Specifically, in the role of financier, there have been many sources of bureaucratic influence and the development of public agencies, such as the Office of the Auditor General, the Office of the Information Commissioner, the Office of the Privacy Commissioner, and the Canadian Human Rights Commission.

In response to the so-called sponsorship scandal in December 2006, Parliament passed the *Federal Accountability Act* (FAA). The FAA introduced a consistent appointment process for Officers of Parliament with a more meaningful role for parliamentarians in reviewing the qualifications of nominees. This included adding a Public Sector Integrity Commissioner to oversee a whistle-blower protection law and the creation of a Parliamentary Budget Officer (PBO) to assist Parliament with its financial duties. In addition, Parliament also established techniques for surveillance of the public service. This included a review and approval of spending, general inquiries by parliamentary committees and requirements that ministers present to Parliament with information on a regular basis. To further facilitate and incur consistent accountability mechanisms, the government adopted

the *Access to Information Act* to promote openness in government, and appointed a number of Officers of Parliament to assist parliament with its scrutiny function for various purposes. New offices were also added to facilitate and support these changes, such as the Office of the Information Commissioner, the Privacy Commissioner, the Commissioner of Official Languages, the Public Sector Integrity Commissioner, and the Commissioner of Lobbying.

Over the past several decades, parliament and the public service have been guided by vague constitutional principles, such as the principle of ministerial responsibility, which informs and guides governments in their actions and decisions. However, Canada's federal government has been moving towards different reform initiatives to respond to changes in the economy and society. One example has been the accounting office model proposed in *the Federal Accountability Act 2006*. This Act has developed the new concept that calls upon deputy ministers to be directly and personally accountable to Parliament.

Annotated Weblinks:

- 1) https://lop.parl.ca/About/Parliament/LegislativeSummaries/bills_ls.asp?ls=c2&Parl=39&Ses=1

An overview of the federal *Accountability Act*, specifically related to changes regarding the role of deputy ministers and their responsibility and accountability to a department and a minister.

- 2) <https://lop.parl.ca/content/lop/researchpublications/prb0204-e.htm>.

The report, "The Roles of the Member of Parliament in Canada: Are They Changing?" was written in 2002 by Jack Stilborn for The Library of Parliament. It reviews major responsibilities of ministers, specifically related to law-making, surveillance, constituency demands and party responsibilities.

- 3) <https://www.canada.ca/en/treasury-board-secretariat/topics/access-information-privacy/access-information.html>

This site provides an overview of the *Access to Information Act* from the Government of Canada, including its services and also how to request information from the Information Commissioner's office.