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CANADIAN HERITAGE

Library and Archives Canada—
Code of Conduct

Question by:

The Honourable Claudette Tardif

Thursday, March 21, 2013

THE SENATE

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[Translation]

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LIBRARY AND ARCHIVES CANADA— CODE OF CONDUCT

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, my question is about the Library and Archives Canada code of conduct, which has been the subject of some controversy for the past several days. Among the controversial elements of the new code of conduct are passages that identify activities such as speaking to a class of students or attending a conference as being high-risk.

The code also appears to prohibit employees from participating in such public activities if the theme of the discussion is related to their work or the mandate of Library and Archives Canada or if the organizers of the activity collaborate or could at some point have dealings with Library and Archives Canada.

Can the Leader of the Government in the Senate explain to us why these activities have suddenly been identified as being high-risk and why the code of conduct appears to prohibit Library and Archives Canada employees from interacting on their own time with groups working in that sector or other sectors?

[English]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, the fact is that librarians and archivists are still able to speak at conferences and other events. There has not been a change in policy.

With regard to the code of conduct, this is a process that dates back to 2004 under the previous government. At the time, it was spearheaded by the Clerk of the Privy Council. Reg Alcock, who was the President of the Treasury Board, made reference to Bill C-11 because this was the policy practised by the previous government and which has been in place since 2004. I quote Reg Alcock from October 14, 2004 when speaking to Bill C-11, the Public Servants Disclosure Protection Bill:

The bill requires the Treasury Board to establish a code of conduct for the entire federal public service.

This is a policy that has been in place now for nine years, and there has been no change in that policy. Archivists and librarians are free to continue to participate at conferences and other events.

Senator Tardif: Honourable senators, the code states that public servants' duty of loyalty to the government, and I quote, "derives from the essential mission of the public service to help the duly elected government, under law, to serve the public interest and implement government policies...."

Why would Library and Archives Canada adopt a code of conduct that would limit staff members from speaking in public and with other professionals from their area of expertise, but that also stresses employees' duty of loyalty to the dutifully elected government? Why would that be?

Senator LeBreton: The government is the government, no matter who it is. As was the case in 2004, it was another party that was in government and this is a policy that was established then. This policy has not changed. On the Treasury Board website, the quote is:

... all federal public sector employees are required to adhere to the Code as a term and condition of employment.

With regard to the archivists and librarians, the policy has not changed. They are free to continue to participate as they have in the past in events and, of course, at school events.

Senator Tardif: According to Richard Provencher, Library and Archives Canada Senior Communication Adviser, the code was written in response to the April 2012 Values and Ethics Code for the Public Sector, which called for federal departments to establish their own codes of conduct. Library and Archives Canada based their code of conduct on what other federal organizations were doing.

Does the government support the fact that speaking in classrooms and speaking to teachers and in other areas is a high-risk activity? Is that the public sector code that is being supported in federal organizations?

Senator LeBreton: I think I have already answered that. There is no change in policy. Archivists and librarians are absolutely free to speak to school organizations and at other such events.

Senator Tardif: Why is it, then, honourable senators, that this code was written in April 2012, based on the values and ethics code for the public sector and that the government is pushing in other federal organizations? Why is that? Those dates do not correspond.

Senator LeBreton: If the honourable senator has questions with regard to Library and Archives Canada, I would encourage her to invite Mr. Caron, the head of Library and Archives Canada, to address this issue before a committee of the Senate.

Individuals are in charge of their own departments. There is a standard Treasury Board guideline, which I have already put on the record, and there is nothing more I can add to that.

Senator Tardif: Honourable senators, I understand that Library and Archives Canada have put forward this code of conduct, but they have based it on what is going on in other federal organizations.

My question is: Does the government support this code of conduct and how the behaviour of employees should be regulated? Is this something that the government accepts in other federal organizations?

Senator LeBreton: Again, honourable senators, this is a practice that has been followed, as I pointed out, and I can only repeat what is on the Treasury Board website:

... all federal public sector employees are required to adhere to the Code as a term and condition of employment.