

Foran, Grace E HLTH:EX

From: Foran, Grace E HLTH:EX
Sent: Monday, May 25, 2015 8:09 PM
To: Brown, Stephen R HLTH:EX; Feulgen, Sabine HLTH:EX
Cc: Godfrey, Debbie HLTH:EX
Subject: Extract from Ministry of Finance Estimates Debate
Attachments: 150525 Fin Estimates Extract.docx

Steve, Sabine asked that you be forwarded an extract of Finance's Estimates Debate as it relates to MOH. Extract enclosed for your review. Regards, g.

Grace Foran
Director, Executive Operations
Deputy Minister's Office, Ministry of Health
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Tel: 250 952-1798; ✉: grace.foran@gov.bc.ca

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A. Dix: Just a couple of questions for the minister with respect to the Public Service Agency and the comptroller general, who both have played significant roles in the Ministry of Health firing issues that the minister will be aware of.

In an e-mail from Mr. Graham Whitmarsh, who was the Deputy Minister of Health and former Deputy Minister of Finance, he wrote to the Public Service Agency on October 9, 2014, and said as follows. It was a letter to Lynda Tarras, then the deputy minister responsible. It says: "You and I, both individually and together, briefed John Dyble on many occasions during the course of the investigation. While his involvement was much less than your own, he was involved in some of the key decisions and the timing of some of the key events." How often did Ms. Tarras brief Mr. Dyble with respect to this matter?

Hon. M. de Jong: I'm sorry. Could the member just repeat the dates to me? I'll make notes.

A. Dix: Happy to. The e-mail from Mr. Whitmarsh to Ms. Tarras is October 9, 2014, at 8:18 a.m. It was copied to Ms. McNeil. What it says very clearly is: "You and I" — meaning Mr. Whitmarsh and Ms. Tarras — "both individually and together, briefed John Dyble on many occasions during the course of the investigation."

[1635]

My question to the minister is: how often did the deputy minister for the Public Service Agency brief Mr. Dyble?

CSA-20150525 PM 029/CGL/1635

did the deputy minister for the Public Service Agency brief Mr. Dyble?

Hon. M. de Jong: While I regret that I don't actually have an answer for the member, which probably derives in part from the fact that the period we're dealing with predates the estimates period, I can endeavour to.... I am advised by officials that they are familiar with the document that the member is referring to and the notion that there were briefings, but I don't have dates. The member would have to secure them.

A. Dix: Am I to understand from that that the minister is going to get a response to that question?

I mean, these were.... Mr. Whitmarsh put forward in detail the involvement of the Public Service Agency in this matter. For reasons that were separate, as the minister will recall, the Public Service Agency was removed from oversight of the McNeil report as a result of these interventions. What he says very clearly is that Ms. Tarras and himself on, as it says, many occasions briefed Mr. Dyble. I think it would be reasonable, given that in the immediate response to the e-mail from Ms. Tarras on behalf of the Public Service Agency — an e-mail, I'm sure, since it was so handsomely distributed at the time, the minister or his ministry or the agency will have — in no way contradicts Mr. Whitmarsh's view about this matter. I would be very interested in the minister getting an answer to that question.

I'll ask the minister about briefings today, if we may come forward in the present period. As the minister will know, what was unusual about this matter, aside from the fact that a number of public servants were smeared at the time with an RCMP investigation — an RCMP investigation that led the press release and the Public Service Agency was directly responsible.... Public Service Agency officials led the investigation, were involved at every stage of the

investigation, reviewed and were responsible for the dismissal letters in terms of their drafting, although Mr. Whitmarsh signed them. Then Mr. Dyble was involved. Mr. Whitmarsh, the Deputy Minister of Health, was involved. Mr. Fyfe, the Deputy Attorney General was involved. Ms. McKnight was, for the period involved in the McNeil report, the Associate Deputy of Health.... Then the head of the Public Service Agency, Ms. Tarras, was involved, and Ms. Mentzelopoulos was involved as the head of GCPE. All of them had a significant role in this matter in advance of the decision to wrongfully dismiss the researchers.

[1640]

I wanted to know because the current head of the Public Service Agency, who is Ms. McKnight, is — as I understand it — briefing assistant deputy ministers and deputy ministers, leading a process of sessions with them with respect to the fallout from the McNeil report. I wanted to know since those sessions focus on two questions, it appears — the fact the Public Service Agency was not sufficiently involved, even though it was involved at every stage

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of sessions with them with respect to the fallout from the McNeil report.

I wanted to know since those sessions focused on two questions, it appears: the fact that the Public Service Agency was not sufficiently involved, even though it was involved at every stage in the matter, it appears; and secondly, that the ministry — in that case the Ministry of Health, which was actually contracting the Public Service Agency — did not seek sufficient legal council.

Is the minister aware of the briefings being provided by Ms. McKnight? And does he not think the fact that so many deputy ministers, failing to take any responsibility.... In fact, they're specifically cited by Ms. McNeil for not acknowledging their own role in any decision-making --- deputy ministers, mind you. Whether that issue of deputy ministers' duty to document what they do and deputy ministers' failures in this matter is a part of her briefings to ADMs and deputy ministers across government on the consequences of the firings of health researchers for human resources in government.

[The bells were rung.]

A. Dix: The minister will now have some time to prepare an answer.

Hon. M. de Jong: What is the question?

A. Dix: The question? Oh, the question is pretty simple. The briefings that are happening, the briefings that are occurring for deputy ministers and assistant deputy ministers, the most recent of which occurred on Tuesday, May 19: do they deal with the role of all these deputy ministers and their failure to document their meetings on these questions in an adequate way and their failure to respond in such a way that Ms. McNeil could determine their role in the matter?

The Chair: The committee will now go into recess until after the vote.

The committee recessed at 4:41 p.m.

[1645]

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CSA - 20150525 PM 033/BJM/1655

The committee resumed at 4:56 p.m.

[D. Plecas in the chair.]

Hon. M. de Jong: Before I get to the member for Kingsway's question, we were talking a moment ago about the pension standards legislation. It turns out my memory was close to being sound. We issued a notice or release on May 13, which referred to the fact that the act will come into effect on September 30, 2015, and referred to the regulation giving effect to that that was enacted on May 11 of this year. So May 11 and September 30 of this year are the significant dates relevant to the pension standards legislation.

The member from Kingsway's question relates to — well, let me say in general terms — a pretty dark chapter and the work that was undertaken in the aftermath of the report conducted by Ms. McNeil. If I speak to that, I hope neither the member nor the committee will think that I am in any way trying to diminish the significance or the impact of what took place for the individuals involved.

The member asked about specific follow-up steps and, I think, referred to some sessions that have taken place this spring through the Public Service Agency and the ministries. The sessions that I think he was referring to occurred in May. I will say if those are the sessions that we're talking about, they were certainly more forward-looking than they were diagnostic about the situation that gave rise to the McNeil report in the first place.

They relate to the discussion and establishment of a checklist for making disciplinary termination decisions that touches on the various notifications of the agency. This would be a checklist for use by ministries, a checklist for confirmation of the due process roles and responsibilities for disciplinary termination decisions. I can go through it, but I think.... The member may already have it. If he doesn't, I'm happy to provide it to him. I think he's indicating that he already has it. So it may be better for me to await his next question with respect to that document or something else.

[1700]

A. Dix: Well, I guess what isn't here is one of the, I think, more shameful aspects of what the minister rightly calls a dark chapter. The fact that after meetings involving several deputies — the deputy responsible at the time for GCPE, the deputy responsible for the PSA, the Deputy Minister of Health, the Deputy Minister to the Premier

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the minister rightly calls a dark chapter, the fact that after meetings involving several deputies — the deputy responsible at the time for GCPE, the deputy responsible for the PSA, the Deputy Minister of Health, the Deputy Minister to the Premier — the decision was taken by government to smear the employees, first by leak and then by press release — leading a press release referring to an RCMP investigation that included, on the day where the Ministry of Health, in an investigation led by the PSA, was firing a co-op student.

What it was, was an aggressive media plan to deal with the government's problems. I think most people looking at human resources would say that is not an appropriate conduct, and in fact, some apologies have been made.

I'm curious why, in drawing the conclusions from the McNeil report, there's nothing about the role of all these deputies, who were very much involved, nothing about the primacy of government communications over employees' privacy rights — nothing about these questions.

In fact, the checklist puts all the responsibility back on the home ministry, essentially what the plan does and what the briefing does. It suggests that this, in this case, was an unprecedented matter, the firing of this many employees in this significant of a way on the front page of the *Vancouver Sun*.

The member has been here around provincial politics around the same time as I have. I don't recall any such incident in the past. Why is the public handling of such a situation not part of the PSA's seminars on this question and lessons learned on this question when the PSA and the government acted so reprehensibly on that aspect of the issue?

Hon. M. de Jong: I think it is clear from the McNeil report and the discussion that has flowed from that that there were serious gaps. I think the member has made clear his views on where some of the most serious gaps may lay, but I think at the heart of his question today, or his criticism, is the lack of assurance that as part of the process flowing from the McNeil report and this dark chapter there is some assurance that public communications relating to processes leading to termination are coordinated and take place in accordance with principles of fundamental fairness and justice.

[1705]

What I can tell the member and the committee is that in addition to the checklist that is in place, the briefing, the tutorial, specifically does address that question and continues to address that, in terms of the relationship between the agency and GCPE, to ensure that throughout the process, including the public communication of

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does address that question and continues to address that in terms of the relationship between the agency and GCPE to ensure throughout that the process, including the public communication of decisions that are taken, occurs in a way that is not just sensitive but respectful of basic principles of procedural fairness and justice.

A. Dix: The document I have is a disciplinary decisions executive overview, brought to you by the B.C. Public Service Agency — "Your ally for success." If the minister has a PowerPoint, as he appeared to be reading, would he be prepared to share that?

That details the discussion of GCPE. I guess he refers to the McNeil process. Part of the problem with the McNeil process though, as McNeil said, is people didn't tell her the truth in the sense that she would not be able to identify who was responsible.

She knew who signed the letters of dismissal, but none of the people involved — and we're talking about the most senior deputy ministers of government, and others — were prepared to take responsibility for their role. This is part of the challenge, and we've had this experience in other dark chapters, where people have to acknowledge their role and say what they did. In this case, of course, that is far from the case.

In the interest of time, because the minister has other questioners and issues, I want to ask the minister briefly about the office of the comptroller general's investigation with respect to this matter.

According to the terms of reference of the investigation, the OCG investigation team was supposed to report back to the Health Ministry on an ongoing basis. As the minister will know, Mr. Brown, the Deputy Minister of Health, essentially cleared the key agency contractors involved in October of 2013, presumably being in touch with the comptroller general. Then the government acted to settle with at least five of the employees.

According to the government, that meant that they were no longer interested — the Ministry of Health, at least — in the police investigation at the time. I want to know whether the OCG team kept Mr. Brown — Stephen Brown, the Deputy Minister of Health, who was assigned by Mr. Dyble in yet another investigation without paper — apprised of their findings of their review during the investigation.

Hon. M. de Jong: The member has referenced a report and work that was undertaken by the office of the comptroller general. I'm advised as follows, and I'm not sure I've been asked this directly. The review has been completed. That has taken place. That work was completed within the span of four to six weeks. Following the completion of the work, the Deputy Minister of Health was spoken with.

[1710]

There was interaction, perhaps just prior to the completion of the review, but that all would have been contained within the last two to three months. That's the information I can relay to the member and the committee.

CSA - 20150525 PM 036/EBP/1710

There was interaction, perhaps, just prior to the completion of the review, but that all would have been contained within the last two to three months. That's the information I can relay to the member and to the committee.

A. Dix: The terms of reference of the review talked about the continuing relationship there. I'm interested in that.

Did the office of the comptroller general conduct interviews with the executive levels of the Ministry of Health, of the PSA, of people at and above the assistant deputy minister level, past and present, who set the terms for contracts and contract approvals? Did the office of the comptroller general interview the contractors and agencies, for example, whose contracts were suspended and then reinstated? Did the office of the comptroller general conduct interviews with the reinstated staff and the staff who received apologies from the Minister of Health?

Hon. M. de Jong: Specific questions about specific people. I'm a bit hesitant, off the top of my head, to say yes to one, and no. I wonder if the member would be content with an undertaking to provide a detailed response as it relates to each of the individuals or each of the agencies that the member has referred to in his question. I think the member is looking for detailed and accurate information, and I'm not sure I can guarantee that, on the fly, here today.

A. Dix: What I'm just specifically asking for, I guess, is a summary of the investigation — how many people were involved? How many interviews took place? — and a response to the detailed questions. You should be able to get them from the *Blues*. As well, if you have the PowerPoint, please send it over.

Hon. M. de Jong: That's helpful. Yes, I do have the Public Service Agency document that the member is referring to. I'll be happy to provide it to him.

Foran, Grace E HLTH:EX

From: Brown, Stephen R HLTH:EX
Sent: Tuesday, May 26, 2015 6:13 AM
To: Foran, Grace E HLTH:EX
Subject: Fwd: Tuesday Estimates

FYI

Sent from my iPhone

Begin forwarded message:

From: "Darcy, Judy" <J.Darcy@leg.bc.ca>
Date: May 25, 2015 at 11:24:30 PM PDT
To: "Brown, Stephen R HLTH:EX" <Stephen.Brown@gov.bc.ca>
Subject: Tuesday Estimates

Hi Stephen,

Sue Hammell will be doing Mental Health. & Addictions from 11 to 12.

On the afternoon, we will cover health firings , PHSA & an assortment of remaining topics. Not sure of order yet.

Judy

Sent from my iPhone

Brown, Stephen R HLTH:EX

From: Brown, Stephen R HLTH:EX
Sent: Tuesday, May 26, 2015 6:13 AM
To: Darcy, Judy
Subject: Re: Tuesday Estimates

Follow Up Flag: Follow up
Flag Status: Flagged

Thks Judy

Sent from my iPhone

> On May 25, 2015, at 11:24 PM, Darcy, Judy <J.Darcy@leg.bc.ca> wrote:

>

> Hi Stephen,

>

> Sue Hammell will be doing Mental Health. & Addictions from 11 to 12.

>

> On the afternoon, we will cover health firings , PHSA & an assortment of remaining topics. Not sure of order yet.

>

> Judy

>

> Sent from my iPhone

Page 09 to/à Page 61

Withheld pursuant to/removed as

s.14;s.22

Page 62 to/à Page 64

Withheld pursuant to/removed as

s.14;s.22;s.13

Page 65 to/à Page 67

Withheld pursuant to/removed as

s.14;s.22

Page 68 to/à Page 70

Withheld pursuant to/removed as

s.22

Brown, Stephen R HLTH:EX

From: Plank, Sarah GCPE:EX
Sent: Wednesday, June 3, 2015 4:02 PM
To: Lake, Terry HLTH:EX
Cc: Wallace-Deering, Eric HLTH:EX; Loiacono, Sabrina HLTH:EX; Brown, Stephen R HLTH:EX; Heinze, Laura R GCPE:EX
Subject: Heads up re: **s.13,s.22**
Attachments: ScanPage_20150226140820_00000001_20150226_14083516544.pdf; **s.13,s.22**
s.13,s.22 docx

Hi Minister,
s.13,s.22

Sarah.

Sarah Plank
Communications Director | Ministry of Health
Government Communications & Public Engagement
Office: 250.952.1889 | Mobile: 250.208.9621 | Email: sarah.plank@gov.bc.ca

Page 72 to/à Page 73

Withheld pursuant to/removed as

s.14;s.22;s.13

Page 74 to/à Page 79

Withheld pursuant to/removed as

s.22;s.13

Page 80 to/à Page 82

Withheld pursuant to/removed as

s.14;s.22

Tyson, Jo HLTH:EX

From: Morris, Kirsty L LASS:EX
Sent: Monday, June 8, 2015 8:59 AM
To: Health, HLTH HLTH:EX
Subject: HSIMT - FW: Health Firings - Shameful

Vc svd as s.22 'June 8

From: s.22
Sent: June 6, 2015 8:10 AM
To: Lake.MLA, Terry
Subject: Health Firings - Shameful

Minister,

The response from you and your gov has been shameful

Please climb out of the message box, don't pass the buck on previous ministers, that trick is getting old, you are the rep now

Yes, data breaches are important, but that in no way condones what went on here

You can do better

Triteness wears thin

Tyson, Jo HLTH:EX

From: Morris, Kirsty L LASS:EX
Sent: Monday, June 8, 2015 9:03 AM
To: Health, HLTH HLTH:EX
Subject: HSIMT - FW: John Horgan Talks Health Firings - The Jon McComb Show - June 5 by CKNW | Free Listening on SoundCloud

Vc svd as s.22 /June 8

-----Original Message-----

From: s.22

Sent: June 5, 2015 3:06 PM

To: Stone.MLA, Todd; Lake.MLA, Terry; Wat.MLA, Teresa; Anton.MLA, Suzanne; Thomson.MLA, Steve; Cadieux.MLA, Stephanie; Gibson.MLA, Simon; Bond.MLA, Shirley; Hamilton.MLA, Scott; Sullivan.MLA, Sam; Lee.MLA, Richard; Coleman.MLA, Rich; Sultan.MLA, Ralph; Pimm.MLA, Pat; Letnick.MLA, Norm; Yamamoto.MLA, Naomi; Stilwell.MLA, Moira; Morris.MLA, Mike; deJong.MLA, Mike; Bernier.MLA, Mike; Stilwell.MLA, Michelle; Polak.MLA, Mary; Hunt.MLA, Marvin; Dalton.MLA, Marc; Reimer.MLA, Linda; Reid.MLA, Linda; Larson.MLA, Linda; Throness.MLA, Laurie; Sturdy.MLA, Jordan; Yap.MLA, John; Rustad.MLA, John; Martin.MLA, John; Thornthwaite.MLA, Jane; Tegart.MLA, Jackie; Kylio.MLA, Greg; Hogg.MLA, Gordon; Foster.MLA, Eric; Horne.MLA, Douglas; Bing.MLA, Doug; Barnett.MLA, Donna; McRae.MLA, Don; Piecas.MLA, Darryl; Ashton.MLA, Dan; Oakes.MLA, Coralee; Bennett.MLA, Bill; Wilkinson.MLA, Andrew; Virk.MLA, Amrik

Subject: John Horgan Talks Health Firings - The Jon McComb Show - June 5 by CKNW | Free Listening on SoundCloud

Very interesting and disturbing content here! Please take the time to listen.

How do you align yourselves with such despicable, immoral and unethical behaviour? Did you know what was happening here and chose to ignore it?

<https://soundcloud.com/cknw/john-horgan-talks-health-firings-the-jon-mccomb-show-june-5>

This is only one of several examples of the deceit coming forth from our Premier's office. Aren't you ashamed..... yet? Christy Clark was too busy declaring National Yoga Day to be interviewed about it. Any of you care to comment?

s.22

Tyson, Jo HLTH:EX

From: OfficeofthePremier, Office PREM:EX
Sent: Monday, June 8, 2015 10:24 AM
To: s.22
Cc: Health, HLTH HLTH:EX
Subject: HSIMT - RE: Open and Honest Government

Vc svd as s.22 'June 8

Thank you for your email, we appreciate hearing from you. The Health Ministry firings have been raised in the legislature a number of times, and the Minister of Health has responded to those concerns during Question Period; you can see one example on the Hansard site, found here: <https://www.leg.bc.ca/hansard/8-8.htm>.

With regards to Freedom of Information requests and the allegations of misconduct, the Premier has responded to those concerns, stating, "All staff are expected to live by the rules and make sure that they are abiding by all of the expectations that are very clearly set out." Following this, she reaffirmed the government's commitment to working with the Privacy Commissioner and ensuring that all legal obligations continue to be met.

The government is and has always been dedicated to remaining transparent and open to British Columbians — keeping the government accountable and honest. We appreciate your taking the time to write about this important issue.

On your behalf, we have shared your comments with the Ministry of Health, so that they are aware of your concerns and can include them in any discussions moving forward.

Thank you again for writing and we hope that this response was helpful.

-----Original Message-----

From: s.22
Sent: Thursday, June 4, 2015 12:13 PM
To: OfficeofthePremier, Office PREM:EX
Subject: Open and Honest Government

Dear Ms. Clark, I seem to remember a commitment being made to open and honest government when you took office. No one has yet taken responsibility for the firing of the health care researchers as no one will be open and honest about what took place, and it now appears that deleting emails to avoid FOI requests is routine. It's no wonder that the public has lost confidence in government. A happy, smiling face at photo opportunities does not make up for the lack of openness and honesty. s.22

s.22

Tyson, Jo HLTH:EX

From: Health, HLTH HLTH:EX
Sent: Tuesday, June 9, 2015 2:10 PM
To: Tyson, Jo HLTH:EX
Subject: FW: Health Ministry Firing's

Thanks!

*Valentina Cambiazo
Issues Assessment and Liaison Analyst
Correspondence and Documents Management
Ministry of Health
PO Box 9639 STN PROV GOVT
Victoria, BC V8W 9P1 Tel: (250) 952-2264*

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From: Morris, Kirsty L [<mailto:Kirsty.Morris@leg.bc.ca>]
Sent: Tuesday, June 9, 2015 9:38 AM
To: Health, HLTH HLTH:EX
Subject: FW: Health Ministry Firing's

From: s.22
Sent: June 8, 2015 8:48 PM
To: Lake.MLA, Terry
Subject: Health Ministry Firing's

Mr. Lake Congratulation's you have now joined the "club" of idiot people in control of portfolio's so far above your head, it's not funny, actually quite sad. Along with Stone, Oakes, Cadieux, Pollack, DeJong and not to forget the Supreme Idiot Christy Clark. Just a thought maybe you could ask Clark to take you all on a one way cruise to some place other than British Columbia. I'm sure she could pay for you through her "buddies donation's" and the secret kick back's she is receiving from the Chinese investor's. Thank God, after the next election, we will be rid of people like you and your friend's. The only problem will be it will take the NDP at least 8 year's to right your long list of stupidity. s.22

s.22

Tyson, Jo HLTH:EX

From: Tyson, Jo HLTH:EX
Sent: Tuesday, June 9, 2015 3:59 PM
To: Godfrey, Debbie HLTH:EX
Cc: Foran, Grace E HLTH:EX
Subject: FW: Firing of health care workers

From: Morris, Kirsty L [<mailto:Kirsty.Morris@leg.bc.ca>]
Sent: Tuesday, June 9, 2015 9:40 AM
To: Health, HLTH HLTH:EX
Subject: FW: Firing of health care workers

From: s.22
Sent: June 8, 2015 9:55 PM
To: Lake.MLA, Terry
Subject: Firing of health care workers

Dear Mr. Lake,

You have always struck me as a rarity in B.C. politics as you seem to be an honest politician. But in the case of the fired health care workers, you are feigning ignorance of what happened in your ministry (see <http://www.vancouversun.com/opinion/columnists/Vaughn+Palmer+investigation+matching+answers+from/11119715/story.html> <http://www.theglobeandmail.com/news/british-columbia/bc-ndp-demands-inquiry-into-2012-firings-of-health-workers/article24869415/>).

I am writing to ask you to please explain why these workers were fired and if you can't, please resign and call for a public inquiry into the matter.

Regards,

s.22