

# MISFIRE:

## THE 2012 MINISTRY OF HEALTH EMPLOYMENT TERMINATIONS AND RELATED MATTERS

### *Individual Recommendations*

The individual harms caused by the events described in this report are not easily remedied. The government can and should take further steps to provide remedies to these individuals. The Ombudsperson recommends that the government issue apologies to specific individuals affected by the events discussed, as well as making an overall public apology.

An apology is often an important step in allowing a party that has been wronged to express forgiveness and move forward. The Ombudsperson also recommends that, in recognition that its conduct has caused harm, the government issue *ex gratia* "goodwill" payments to affected individuals. The payments, ranging from \$15,000 to \$125,000, would, in some cases, be accompanied by personal written government apologies. In addition, the Ombudsperson has recommended that, if the BC Government and Service Employees' Union (BCGEU) requests, government re-open the settlements of the grievances of the three bargaining unit employees that were fired.

Also recommended is that government honour the memory of Mr. Roderick MacIsaac by funding a \$500,000 endowment for a scholarship at the University of Victoria.

The Ombudsperson is confident that recommendations regarding the individuals impacted by the events discussed in this report may have a broad impact. If the government implements each of these individual recommendations, it will make a significant contribution to the broader organizational reconciliation process that needs to occur.

### *Systemic Recommendations*

Recommendations that relate to broader systemic issues are aimed at preventing the events described in the report from recurring. These systemic recommendations aim to make public service investigations fairer, better define when suspending access to ministry data is justified, tighten the procedures for public service employment suspension and dismissal decisions, clarify conflict of interest procedures, and improve the government's communication protocols in situations of possible employee misconduct.

Some of the systemic recommendations are aimed at remedying broader impacts of the events described in the report and include organizational reconciliation inside the Ministry of Health. The ministry's investigation created anxiety across the organization that has not been adequately addressed to this day. A loss of trust and respect for the ministry among staff and contractors has hurt morale, employee engagement and productivity. The Ombudsperson recommends that the Ministry of Health, in consultation with the BCGEU, develop an organizational reconciliation program to re-establish respectful professional relationships.

Another recommendation addresses a significant way government can strengthen public confidence in the administration of public affairs. This recommendation is that government establish a clear and comprehensive process for handling "whistleblower" complaints, by introducing public interest disclosure legislation.

A separate recommendation will ensure regular oversight of government's dismissal practices by providing the Merit Commissioner new authority. This legislation would enable the Merit Commissioner to oversee the Public Service Agency's compliance with its legal and policy requirements when employment is ended, identify systemic issues, and recommend possible improvements.

# Individual Recommendations

- Ex Gratia payments (pg. 365)
- Re-opening the Settlement of Grievances (pg. 367)
- Apologies (pg. 368)
- Personal Property of the Terminated Employees (pg. 369)
- Investigation Conducted by Investigations and Forensics Unit of the OCG (pg. 369)
- Honouring Roderick Maclsaac's Memory (pg. 370)

# Systemic Recommendations

- Standards of Conduct for Public Service Employees (pg. 371)
- Standards for the Conduct of Public Service Investigations (pg. 373)
- Data Access Suspensions (pg. 376)
- Public Service Employment Suspensions and Dismissal Decisions (pg. 376)
- Ensuring Effective Executive Transitions (pg. 379)
- Obtaining and Responding to Legal Advice (pg. 380)
- Public Interest Disclosure Legislation (pg. 380)
- Organizational Reconciliation at the Ministry of Health (pg. 383)
- Evidence-Informed Approach to Pharmaceutical Management (pg. 385)
- Positive Affirmation of Evidence Based Approaches (pg. 386)
- UBC's BC Academic Chair in Patient Safety (pg. 387)
- BC Coroners Service Policy on Disclosure of Estate Records (pg. 387)
- Government's Consideration of Recommendations (pg. 388)
- Ongoing Monitoring (pg. 388)



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to the Legislative Assembly of British Columbia

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*Because of the unique circumstances of this referral from a legislative committee, the Ombudsperson decided that recommendations be provided to the government on the date of public release of this report. The Ombudsperson is requesting that the government respond by April 20, 2017, as to whether it accepts or does not accept each recommendation. The government's response document will be posted on the Ombudsperson's website with the report.*