

SUMMARY¹

The Ethics Commissioner's inquiry report on Mr. Benoit Charette, Member for Deux-Montagnes, and Ms. Sylvie D'Amours, Member for Mirabel

June 13, 2019

CONTEXT

On August 2, 2018, Mr. Claude Surprenant, Member for Groulx,² filed an inquiry request with the Ethics Commissioner ("the Commissioner") with regard to Mr. Benoit Charette, Member for Deux-Montagnes,³ and Ms. Sylvie D'Amours, Member for Mirabel.⁴

In the request, the Member for Groulx maintained that he had reasonable grounds to believe that the Member for Deux-Montagnes and the Member for Mirabel had violated sections 15 and 16 of the *Code of ethics and conduct of the Members of the National Assembly*⁵ ("the Code") by hiring Ms. Alexandra Lauzon, the Member for Mirabel's daughter.

More specifically, the Member for Groulx held that Ms. Lauzon had worked as a regional political attachée for the ridings forming the regional caucus, namely, the ridings of Blainville, Deux-Montagnes, Groulx and Mirabel, from April 14, 2014 to January 5, 2015. The Member for Groulx claimed that the Member for Mirabel had not contributed to Ms. Lauzon's salary, but that she had paid the salary of Ms. Hurtubise, another employee working for the Member for Deux-Montagnes, to compensate for not having contributed to Ms. Lauzon's remuneration. The Member for Groulx also mentioned that after Ms. Lauzon left, the Member for Mirabel contributed to the remuneration of Ms. Ouellette, the political attachée hired to replace Ms. Lauzon.

The purpose of the inquiry was to determine whether the Member for Deux-Montagnes and the Member for Mirabel had violated sections 15 and 16 of the Code.

-
1. The Ethics Commissioner's official position and conclusions are included in the inquiry report. Where there are any differences between the summary and the report, the latter prevail.
 2. When the inquiry request was filed on August 2, 2018, Mr. Claude Surprenant was Member for Groulx, so "Member for Groulx" in this summary refers to Mr. Claude Surprenant even though he was not re-elected in the October 1, 2018 general election.
 3. When the inquiry request was filed on August 2, 2018, Mr. Benoit Charette was Member for Deux-Montagnes, so "Member for Deux-Montagnes" in this summary refers to Mr. Benoit Charette even though he has also held the position of Minister of the Environment and the Fight Against Climate Change since January 8, 2019.
 4. When the inquiry request was filed on August 2, 2018, Ms. Sylvie D'Amours was Member for Mirabel, so "Member for Mirabel" in this report refers to Ms. Sylvie D'Amours even though she has also held the position of Minister Responsible for Indigenous Affairs since October 18, 2018.
 5. CQLR, c. C-23.1.

FACTS

The Member for Mirabel's observations revealed that, after she was elected in 2014, she wanted to work with her daughter at her riding office. After consulting the Commissioner on the matter, she informed her staff and the regional caucus members that she would not hire her daughter so as to avoid any risk of appearance of a conflict of interest.

On April 14, 2014, Ms. Lauzon began working as a political attachée for the Members for Deux-Montagnes, Groulx and Blainville, who each attested to her appointment in a form. Within the scope of her duties, Ms. Lauzon mainly worked as a political attachée for the Member for Deux-Montagnes, in addition to exercising regional functions, for a total of a few hours to two days per week.

All testimony indicated that Ms. Lauzon had not been hired by the Member for Mirabel to work for the Mirabel riding office. The Member for Mirabel pointed out that she had established precautionary measures with her daughter to avoid any risk of appearance of a conflict of interest with regard to the Code. The Member for Mirabel affirmed that there was a "wall" between her and her daughter in the exercise of their respective functions. Also, according to the testimony gathered, Ms. Lauzon worked, within the scope of her regional functions, for the Member for Deux-Montagnes, who was the regional caucus chair at that time.

On January 5, 2015, the Members for Deux-Montagnes, Groulx and Blainville confirmed that Ms. Lauzon had resigned. She stopped working as political attachée on that date.

Ms. Hurtubise worked part-time for the riding offices of Deux-Montagnes and Mirabel during the year following the 2014 election. The Member for Deux-Montagnes and the Member for Mirabel each filled out an appointment form to that effect. One of Ms. Hurtubise's mandates was to support and assist the Member for Mirabel in setting up her riding office. After several months, that specific mandate being completed, Ms. Hurtubise asked to work full-time at the Deux-Montagnes riding office. Her request was granted.

The circumstances surrounding the hiring of Ms. Ouellette, who started working on January 19, 2015, were similar to Ms. Lauzon's, with the difference that the Member for Mirabel appointed Ms. Ouellette. The duties entrusted to Ms. Ouellette by the Member for Deux-Montagnes were similar to Ms. Lauzon's, as were her conditions of employment. The testimony and various documents obtained show that Ms. Lauzon was replaced by Ms. Ouellette.

ANALYSIS OF THE FACTS AND APPLICABLE LAW

Independence of judgment (s. 15 of the Code)

The Commissioner had to determine whether the Member for Deux-Montagnes and the Member for Mirabel had placed themselves in a situation where their private interests might impair their independence of judgment in the performance of their duties.

1. *The Member for Deux-Montagnes*

Neither the inquiry request nor the evidence obtained showed that the Member for Deux-Montagnes held any private interest in the situation relating to the hiring of Ms. Lauzon or that any violation occurred.

Therefore, the Member for Deux-Montagnes did not violate section 15 of the Code.

2. *The Member for Mirabel*

As it seemed very important for the Member for Mirabel to be able to work with her daughter and as the fact that she could not do so was a great disappointment, it was determined that this constituted a private interest within the meaning of section 15 of the Code.

However, the Member for Mirabel did not place herself in a situation where the desire to work with her daughter might impair her independence of judgment in the performance of her duties, as she excluded herself from the discussions the regional caucus held on the hiring of her daughter and she did not participate in the hiring process.

Therefore, the Member for Mirabel did not violate section 15 of Code.

Prohibition against furthering private interests (s. 16 (1) and (2) of the Code)

The Commissioner had to determine whether the Member for Deux-Montagnes and the Member for Mirabel had, in hiring Ms. Lauzon as a political attachée, acted, attempted to act or refrained from acting so as to further their private interests or to improperly further Ms. Lauzon's private interests, in violation of paragraph 1 of section 16 of the Code. In addition, the Commissioner had to determine whether the Members had used their positions to influence or attempt to influence another person's decision so as to further their private interests or to improperly further Ms. Lauzon's private interests, in violation of paragraph 2 of section 16 of the Code.

1. *The Member for Deux-Montagnes*

No evidence collected gave reasonable cause to believe that the Member for Deux-Montagnes had acted so as to further his private interests or to improperly further Ms. Lauzon's private interests, or that he in any way used his position to influence or attempt to influence another person's decision to the same ends.

Indeed, Ms. Lauzon had relevant experience as well as the required skills and qualifications to fill the position of political attachée. The position had not been created to fit Ms. Lauzon's profile; it addressed an actual need. Furthermore, after Ms. Lauzon left, Ms. Ouellette was hired to perform similar duties, with similar conditions of employment.

Consequently, the Member for Deux-Montagnes did not violate section 16 of the Code.

2. *The Member for Mirabel*

The Code contains no particular provision relating to the possibility or impossibility for a Member to hire an immediate family member or a non-dependent child. However, the Commissioner has consistently determined that a Member of the National Assembly may not hire an immediate family member or a non-dependent child because doing so would further the family member's or child's private interests.

Testimony showed that, as political attachée, Ms. Lauzon performed certain duties for the regional caucus, which included the Member for Mirabel. On that point, the Member for Groulx claimed that the Member for Mirabel had not paid her daughter's salary, but that she had paid the salary of Ms. Hurtubise, another employee of the Member for Deux-Montagnes. The Member for Groulx seemed to be implying that there was an agreement between the Member for Deux-Montagnes and the Member for Mirabel to compensate for the absence of contribution by the latter to her daughter's salary. However, this inquiry found no evidence to support the argument put forward by the Member for Groulx regarding such an agreement.

Although two supporting documents submitted by the Member for Groulx showed there was some contact between Ms. Lauzon and the Member for Mirabel in the exercise of their respective functions, it would appear that such contact was not sufficient to describe the Member for Mirabel as her daughter's "employer", either in the context of her regional functions or otherwise. In the exercise of her regional functions, Ms. Lauzon worked for the Member for Deux-Montagnes in his capacity as regional caucus chair.

Evidence also showed that the Member for Mirabel did not appoint her daughter as a member of her political staff nor did she contribute to her daughter's remuneration. According to the evidence collected, the Member for Mirabel did not influence or attempt to influence the other Members belonging to the regional caucus as concerned the hiring of her daughter as a political attachée. Indeed, the Member for Mirabel excluded herself from the discussions the regional caucus held on that subject and did not intervene with other regional caucus members during the hiring process.

Therefore, the Member for Mirabel did not violate section 16 of Code.

CONCLUSION

The Commissioner concluded that the Member for Deux-Montagnes and the Member for Mirabel did not violate sections 15 and 16 of the Code.

FINAL REMARKS

This inquiry request was filed at the same time as six other inquiry requests, not long before the 2018 general election was called. Several of these requests referred to events that had occurred several years earlier.

In this regard, it is preoccupying that the mechanisms relating to ethics made available to the Members are being used during a pre-election period. The Commissioner would like to invite all parliamentarians to reflect on the subject of recourse to section 91 of the Code in the last months preceding the date set for a general election in a context of fixed-date elections.