

SUMMARY¹

The Ethics Commissioner's Inquiry Report on
Mr. Gaétan Barrette, Minister of Health and Social Services
and Member for La Pinière

July 5, 2018

CONTEXT

On March 1 and 2, 2018, two inquiry requests were filed with the Ethics Commissioner ("the Commissioner"), the first by the Member for Taillon and the second by the Member for Lévis. Relying on information revealed by the program "Enquête" (Radio-Canada), the Members stated they had reasonable grounds to believe that the Minister of Health and Social Services and Member for La Pinière ("the Minister") had possibly, for partisan reasons, delayed or held up a project to reorganize obstetric and pediatric services in the Montérégie region.

The purpose of the inquiry was to determine whether the Minister had violated sections 6 to 9, 15, 16 and 26 of the *Code of ethics and conduct of the Members of the National Assembly* (CQLR, c. C-23.1) ("the Code").

FACTS

Following the passage of the *Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies* (CQLR, c. O-7.2), the Ministère de la Santé et des Services sociaux ("the Department") undertook, under the direction of the Associate Deputy Minister of the Direction générale des services de santé et de médecine universitaire ("the Associate Deputy Minister"), to initiate new reflection on the review of the obstetric and pediatric services offered in the Montérégie region.

On August 1, 2016, the Associate Deputy Minister mandated the president and executive directors of the integrated health and social services centres ("the CISSSs") of Montérégie-Est and Montérégie-Centre to develop scenarios for the reorganization of obstetric and pediatric services in the greater Longueuil area with a view to creating a single department for the Pierre-Boucher and Charles-Le Moyne hospitals.

The report of the working committee set up to act on that request was sent to the Associate Deputy Minister and the Deputy Minister on January 30, 2017. The report recommended an integrated organization of services with a regional specialized services hub, without specifying where in particular this single hub should be established.

¹ The Ethics Commissioner's official position and conclusions are included in the inquiry report. If there are any differences between the summary and the report's content, the latter prevails.

According to the many testimonies and documents obtained, there was no follow-up with the CISSSs after the report was received, nor was there any formal analysis of the report by the directorates concerned at the Department. However, professionals at the Department prepared a letter addressed to the president and executive directors of the CISSSs of Montérégie-Est and Montérégie-Centre, to be signed by the Associate Deputy Minister. The letter stated that, after analyzing the report, the Department had selected Hôpital Pierre-Boucher to be home to the regional specialized pediatric and perinatal care services for the greater Longueuil area, and set a time frame for the work. The letter, dated March 16, 2017, was sent to the Associate Deputy Minister to be signed. The latter informed us that he held on to the letter for the time he needed to call the president and executive directors of the CISSSs of Montérégie-Est and Montérégie-Centre to notify them. However, testimonies reveal that these calls did not take place and the letter was never sent. Most of the people involved, at the Department as well as the CISSSs, learned of the letter's existence when the "Enquête" news story aired.

The testimonies and documents obtained also show that the Associate Deputy Minister informed a number of members of the Department's personnel in June 2017 that the project had to be put on hold. A witness also reported having attended a meeting where there was talk of delaying the project to reorganize services offered in the Montérégie region, even though the project was a good idea, until after the election, at the Minister's request, as the selected site was in the Taillon riding. It was not possible to corroborate in any way that such a discussion had actually taken place. All the other testimonies as well as the documents obtained suggest that the project to reorganize obstetric and pediatric services in the Montérégie region was first discussed by the Associate Deputy Minister and the Minister only in September 2017, in very general terms and with no mention of the working committee's proceedings.

ANALYSIS OF APPLICABLE LEGISLATION

Holding another post (section 26)

In light of section 26 of the Code, it had to be determined whether the Minister, in carrying out his duties as a Cabinet member, had been in conflict with his duties as Member for La Pinière.

The rules of conduct applicable to Members provide that a minister's duties of office cannot be considered to be another post potentially incompatible under the Code. Therefore, it is not justified to consider that the Minister placed himself in a conflict of interest situation simply by carrying out his ministerial duties in addition to Member duties.

In this case, the Commissioner ruled that she could not see that a violation of section 26 of the Code had occurred.

Independence of judgment (section 15), prohibition against furthering private interests (section 16) and values and ethical principles (sections 6 to 9)

In light of sections 15 and 16 of the Code, it had to be determined whether, in carrying out the duties of his office, the Minister had placed himself in a situation where his private interests might have impaired his independence of judgment and whether he had furthered his private interests. The Code's values provide a framework for Members, and ministers, actions, even in situations not expressly referred to in the Code.

Independence of judgment (section 15), prohibition against furthering private interests (section 16) and values and ethical principles (sections 6 to 9)

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Before assessing any aspects of the project that may or may not have compromised the Minister's independence of judgment and furthered his private interests, it was necessary to determine whether the Minister had been informed of them, as this was central to determining whether such a violation had occurred. Indeed, both inquiry requests contended that the project to reorganize obstetric and pediatric services at Hôpital Pierre-Boucher had been voluntarily delayed because the hospital was located in a riding represented by a Member of the Official Opposition.

In this regard, the documents consulted and testimonies gathered do not conclusively show that the Minister knew about the mandate entrusted to the working committee by the Associate Deputy Minister or of the scenario recommended by the committee. Therefore, in the absence of clear proof that the Minister was aware of the project to consolidate specialized obstetric and pediatric services in the greater Longueuil area, there was no point in looking any further into the Minister's independence of judgment and the prohibition against furthering private interests.

CONCLUSION

The Commissioner concludes that the Minister of Health and Social Services and Member for La Pinière did not violate the rules of conduct set out in sections 15, 16 and 26 or the values and principles set out in the Code.