

## SUMMARY<sup>1</sup>

The Ethics Commissioner's Inquiry Report Regarding Mr. Eric Lefebvre, Chief Government Whip and Member for Arthabaska

February 16, 2022

This report concerns Chief Government Whip and Member for Arthabaska Mr. Eric Lefebvre (the "Chief Whip"). It was conducted under the *Code of ethics and conduct of the Members of the National Assembly* (the "Code") at the request of the Member for LaFontaine, Marc Tanguay. The purpose of this inquiry is to determine whether the Chief Whip violated section 36 of the Code.

### **BACKGROUND**

The inquiry request is related to an email sent by the Office of the Chief Whip to all constituency office staff regarding a webinar called "Planification et achats médias — Formation à l'intention des équipes des circonscriptions" (media planning and buying – training for constituency teams), held on November 10, 2021. Information subsequently published in *La Presse* and additional documentation about another presentation offered on June 11, 2021, to all staff of the parliamentary group forming the government, called "Calendrier électoral 2021–2022" (election calendar 2021–2022), led to the expansion of the inquiry.

### **ANALYSIS**

Section 36 of the Code states that Members use and allow the use of State property and services made available to the Members by the State for activities related to carrying out their duties of office. This includes the resources provided by the National Assembly of Québec to run a constituency office or National Assembly office.

The evidence obtained establishes that the training given on June 11, 2021, is not related to the Chief Whip's duties, as it is partisan. The use of State property and services by the Chief Whip's staff on this occasion is not significant enough to engage the Chief Whip's liability under section 36 of the Code. No member of his office attended and only two (2) emails were exchanged to send the invitation and transmit the PowerPoint file.

With respect to the training on November 10, 2021, several factors, including its purpose, content and the vocabulary used in it, qualify the activity as partisan. Planning it, holding it and following up on it are therefore not related to the Chief Whip's duties of office. Furthermore, the staff members' use of State property and services – specifically, equipment, email addresses and work time – was extensive enough to be considered inappropriate under the circumstances.

Case law states that elected officials are expected to take necessary and reasonable measures to demonstrate that they have neither permitted nor condoned the improper use of State property and services by their staff. These measures must also be tangible and substantial enough to

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1 The Ethics Commissioner's official position and conclusions are included in the inquiry report. In case of differences in the content of the summary and the report, the latter prevails.

permit their application to be monitored. In this case, the evidence shows that the Chief Whip's office staff did not receive adequate training on the provisions applicable to them and to elected officials, nor were they made aware of the required separation between partisan and parliamentary work. Although the Chief Whip was informed of the webinar topic, he did not approve it, trusting in the experience of his staff members, and did not seek to learn more about the actual content of this presentation or the instructors. A few questions would have revealed to him that the initiative for the training came from the Director-General of the Coalition Avenir Québec and that it was developed and primarily given by the person who will serve as the party's director of media placements for the next general elections.

The analysis found that the measures taken to ensure that the State property and services were only used by the Chief Whip's staff for activities related to the performance of his duties were largely inadequate. The Commissioner therefore finds that he has committed a breach of section 36 of the Code with regard to the training on November 10, 2021.

The Commissioner does not consider it appropriate to recommend a sanction for the Chief Whip, however. The essential purpose of determining a sanction in parliamentary ethics is not to punish but, rather, to enforce the rules of ethics that the Members have adopted. In this case, the Chief Whip was quick to acknowledge the breach and offered exemplary cooperation throughout the inquiry. In addition to arranging a training session for his staff, in collaboration with the Commissioner's office, he also committed to taking appropriate measures to recoup the time his staff spent on this training, so that it would not be paid for using public funds.

The facts leading to this inquiry point to a lack of training on the ethical principles and rules of conduct that apply to elected officials and their staff members. Although the Code does not contain a provision making it mandatory, the Commissioner is appealing to the Members' sense of responsibility and encouraging them, once again, to take steps to ensure that they and all their staff receive such training.

## **OTHER ISSUES**

This inquiry also found that at the training on November 10, 2021, the staff of the parliamentary group forming the government constituency offices were mandated to develop a media placement plan for the pre-campaign and election campaign. The fact-finding also revealed that throughout their tenure, they are involved in managing partisan media placements. While it is not the purpose of the Code to conduct audits at the political party level, the Commissioner is very concerned about the extent to which State property and services may have been used for this purpose. As such, every Member is invited, if they have not already done so, to immediately take steps to ensure that time spent on partisan activities has not been paid for by the National Assembly and to give clear instructions so that such a situation does not recur. It is the responsibility of the Members to implement processes that uphold the separation of activities related to the duties of office and partisan activities and to ensure that those processes are followed.

Finally, as the period leading up to a general election can entail ambiguity and legitimate questions about ethics and conduct, particularly for the Members' staff, the Commissioner will soon publish guidelines specifically addressing their conduct during the election period.