

## **Session 4: Accountability in the Public Sector**

**Moderator:** Linda Gehrke, City of Toronto

**Speakers:** Sheldon Levy, President of Ryerson University  
Lynn Morrison, Integrity Commissioner for Ontario  
Dean Lorne Sossin, Osgoode Hall Law School – York University

### **Dean Lorne Sossin**

Dean Sossin introduced the notion of accountability in the public sector. He advised that as a society, we must ensure independence and that public funds be spent on public benefits. He discussed the *Broader Public Sector Accountability Act (BPSAA)*, which is the legislation that regulates public accountability. It deals with a sector of organizations such as universities and hospitals, and lobbyists who ensure and facilitate public accountability in procurement and expenditures.

Dean Sossin explored the problems associated with public accountability. He noted that there is no over-arching theme. There is little engagement with this notion. In fact, accountability was created in a time of turmoil where the government had to look to bodies to provide accountability. Dean Sossin believes there is more to this field than people are recognizing. Bodies can only do what statutes allow them to do and indeed, tribunals have limits and boundaries. In addition, he suggested there should be some sense of evaluation so that if a body meets its goals and in fact, abides by the above noted legislation, it can celebrate in this achievement. However, the *BPSAA* does not allow for this type of evaluation.

Dean Sossin provided some advice with regard to the issue of public accountability. He stated that accountability needs to engage with difficult questions and even when a solution or definite answer is not reached, the dialogue remains very useful. He also noted that accountability should flow from this type of dialogue and these articulations. He stated that accountability should be relevant to the people and the public's needs. It is useful to have qualitative stories which illustrate actual experiences and events. Lastly, he suggested that accountability in the public sector requires innovation and experimentation.

Dean Sossin suggested the aforementioned points are the approach to public sector accountability he wishes to see in future. He noted that the *BPSAA* does not lead to negative consequences. However, it is borne out of a culture of mistrust and a scandal, and not out of a body of stakeholders who were looking to build relationships.

### **Lynn Morrison**

Ms. Morrison began by indicating that the public is witnessing a unique time with regard to public accountability. She believes that public servants are being held to a higher standard than they were previously. She recognizes that everyone faces difficult ethical decisions regularly. For this reason, she suggested that the accountability legislation and rules are vital.

She then discussed her position and what her responsibilities include as the Integrity Commissioner of Ontario. Although she did not provide an exhaustive list, Ms. Morrison described some of her responsibilities. She noted that her office came into existence in 1988. Under the *Members Integrity Act*, she deals with various matters relating to integrity. For example, she deals with disclosure of wrongdoing from public servants to ensure that the information about wrongdoing is disclosed safely. Also, she is involved with the Lobbyist Registrar and with reviewing expenses of Cabinet staff and senior officials. Under the *Lobbyist Registrar Act*, it is vital that the public know who is lobbying whom. The Act insists that the public should have open dialogue and activities with regard to lobbying. She stated that lobbying is a legitimate part of policy making in Ontario. The Registry provides great transparency and any lobbyist who fails to abide by the act is guilty of an offence subject to a \$25 000 fine.

She said that since the *BPSAA* came into being, public bodies have been prohibited from hiring outside lobbyists (consultants). Consultant lobbyists can be hired if there is an attestation that this person is not being paid through public funds. Since the *BPSAA* came into force, there is a growing concern with the registry. Ms. Morrison noted that being registered is not a bad approach; it merely ensures transparency exists in a time where accountability approaches are becoming more vital.

Another responsibility Ms. Morrison discussed in detail was that of expenses. She noted that with regard to expenses of Ministers, she receives a report and is able to review expense claims. When doing so, she determines whether the expense is considered reasonable and it is in her discretion to allow or deny payment. With regard to expenses of senior officials, Ms. Morrison is responsible for 475 such officials. She has been conducting these reviews for the last two years and has educated public officials on the various rules with regard to expenses. Her efforts are used to ensure that public funds are being spent in a reasonable manner.

Due to the aforementioned review mandates, there was a culture change. Ms. Morrison suggested that this change has had positive effects. The public's trust in the government is fragile and thus, her mandate is to encourage accountability in the government. She advocates that her approach in fulfilling her responsibilities is to do "what makes sense." She also noted that legislation should be articulated carefully at all times and should not be borne out of a crisis. Despite the *BPSAA* being borne out of a crisis, she suggested that it still succeeds in instilling public accountability.

### **Sheldon Levy**

Mr. Levy introduced his part of the session with providing some insight on the issue of accountability in the public sector. He noted that any time a person speaks negatively about public accountability it seems as if they do not want to be held accountable. However, he warns that this is not always the case and any dialogue can be considered helpful. Mr. Levy agreed that everyone has a responsibility to use public funds well. In the case of universities, 45% of funds come from public money and for this reason, Ryerson University is audited 21 times a year. Mr. Levy stated that the auditing process ensures that the university is reviewed intensely.

Mr. Levy discussed how he would measure accountability, in the context of his university. He would ask three questions:

- 1) Do we make a difference in the quality of students?
- 2) Do we help students achieve their fullest?
- 3) Do we contribute to the public overall?

He commented that it is difficult to measure accountability. Again, in the context of universities, he stated you are unable to see the results when a student graduates. Indeed, it may not be until many years after graduation that one is able to assess accountability with regard to that particular student.

Mr. Levy noted that it is difficult to determine accountability at times, but the public does so by setting measures or goals. However, a university that has an 85% graduation rate may be more accountable than a university with a 95% graduation rate. For example, the former university may offer all students an opportunity, including those who have learning disabilities. Therefore, with this example, it becomes evident that the 'right thing' cannot always be measured by using raw data and numerical comparisons. Accountability may not always be determined by assessing these concrete standards.

Mr. Levy then discussed the issue of consultants and lobbyists. He noted that when evaluating academic programs, consultants are always hired to assess the programs. He recognized that Ryerson is a large university and thus, if they are unable to hire lobbyists, they are financially able to hire consultants. But a smaller university, such as Nipissing, would not be able to hire consultants and therefore, they would be at a disadvantage.

Again, Mr. Levy reiterated the fact that if Ryerson were to score a perfect percentile under the public accountability legislation, it would not necessarily mean that as a body they are perfectly accountable. Mr. Levy believes that perfect accountability is when he is able to serve the public, students, and disadvantaged people. He recognizes that we cannot fully abolish the legislation and simply trust all persons and bodies to act accountably. However, he recommended that institutions and governments should come together and agree on areas where they should be held accountable. Then the government can be confident that bodies are being held to certain standards with respect to accountability. This type of dialogue ensures a comprehensive approach when dealing with public accountability and recognizes who bodies are and who they serve.

Mr. Levy suggested that the public must strive for high goals in respect to public accountability. However, if these goals are not reached, there must still remain a way to be applauded for one's efforts. He summarized that many positive things have occurred since the development of the public accountability legislation. It has brought accountability into the centre of discussions and has initiated constructive dialogue with respect to this topic. However, he strongly warned against the notion of perfect scores correlating to true accountability. As the public, we should allow failure to be our success and unless failure is considered acceptable, accountability will never be achieved.

