

Session title: An Ounce of Prevention is Worth a Pound of Enforcement: Preventive Approaches to Encourage Ethics Compliance

Moderator/Panelists:

Bradley Odsen, Registrar of the Alberta lobbyist registry and General Counsel to the Alberta Ethics Commissioner.

Mary Dawson, Conflict of Interest and Ethics Commissioner, Canada

Lynn Morrison, Integrity Commissioner of Ontario

Nancy Nicolescu, Director of Education and Communications, Connecticut Office of State Ethics

Date and time: Wednesday, December 11th 2013, 10:45 am

Rapporteur: Alain Gagné

Session Summary

Mary Dawson, Canada's Conflict of Interest and Ethics Commissioner, administers two federal statutes, the *Conflict of Interest Act (Act)* and the *Conflict of Interest Code for Members of the House of Commons (Code)*. Rules such as prohibition of outside activities, divestment of controlled assets, declaration of personal interests, acceptance of gifts, and public disclosure are all ways to increase public trust in government.

To begin with, Ms. Dawson stated that, while she does have investigative powers, she prefers prevention to punishment. To avoid conflict of interest situations, she employs formal mechanisms such as confidential disclosure, the application of compliance measures to help elected and appointed officials fulfill their obligations, providing information and advice and maintaining public records. Outreach, training and communication are some of the informal preventive mechanisms in place. These measures are designed to ensure that parliamentarians and public office holders understand the rules and their obligations. While it is difficult to measure the success of preventative activities, she is convinced that prevention helps to reduce the number of infractions under both the Act and the Code.

Lynn Morrison, Integrity Commissioner of Ontario, has also adopted an approach to her work that focuses on prevention. Ms. Morrison meets personally with each MPP (Member of Provincial Parliament) on a yearly basis. This meeting allows Ms. Morrison to build a relationship based on trust that lends itself to frank discussions and encourages MPPs to seek her advice throughout the year. These meetings also help prevent conflicts from arising by heightening the MPPs' awareness of potential issues. Although the legislation in Ontario requires that Ms. Morrison provide her opinion in writing, she believes that telephone conversations can help to further foster the relationship she has with MPPs and that those conversations tend to be more productive than mere written communications. Ms. Morrison believes that it is important to use every opportunity to not only provide advice, but also to teach others about how to reason through moral issues. When an MPP and/or their staff trusts the Commissioner's analysis, she finds that they are more likely to learn how to recognize possible ethical issues by themselves and that they are also more likely to call her for guidance. One of Ms. Morrison's goals is to ensure that MPPs know when they should

ask questions. The fact that MPPs can come to Ms. Morrison for confidential advice helps them to be able to trust her with their sensitive information. Ms. Morrison believes that ethics violations can be prevented through education and ensuring that MPPs have knowledge of the rules. She further believes that focussing her efforts on education leads to fewer complaints.

For her part, Nancy Nicolescu, Director of Education and Communications at Connecticut Office of State Ethics, described her efforts to revive educational programs and continue developing and establishing training sessions and conferences. She pointed out that different agencies handle rules of ethics in different ways and that this is why their office developed guides so as to set standards for more uniform practice for all those involved in ethical matters. They also publish monthly updates, hold meetings, provide ethical briefs and legal opinions, and offer recurrent training to guide liaison officers in their work. For purposes of prevention, they have audit committees to steer agencies in the right direction. Ms. Nicolescu added that their research indicates that knowledge of ethics rules results in more requests for advice and more complaints filed. Requests for advice and complaints are proxies for more compliance and more compliance with ethics rules equals more ethical government.