

Recommendations to improve Ontario's Public Appointments Process

The following recommendations aim to update and strengthen Ontario's Public Appointments Process to uphold its integrity, restore public confidence and prevent future misuses of power.

The recommendations are based on an analysis of best practice across other jurisdictions in Canada.

1. Include merit-based criteria

The current system makes no mention of merit or professional qualifications in the assessment of candidates, except in the case of adjudicative tribunals. Explicitly requiring a merit-based evaluation for all appointments would ensure that selected individuals are qualified. It would also make the process more robust and guard against the potential for inappropriate appointments.

Such a change would bring Ontario in line with BC, Alberta, New Brunswick, Newfoundland & Labrador, and Ottawa, whose frameworks all mention a merit-based process.

To the current framework, the following should be added (additions in bold):

Public Appointment Secretariat's Principles governing the appointment process
(<https://www.ontario.ca/page/appointments-selection-process>)

"We are looking for people who are committed to the principles and values of public service and who will perform their duties with integrity.

"Appointees must also demonstrate they have the qualifications and expertise needed to perform the role effectively."

Our responsibility is to make sure that appointees:

- are representative of all segments of Ontario society;
- reflect Ontario's diversity and regional representation;
- have the personal and professional integrity to serve the public on Ontario's provincial agencies;
- **possess the skills required to execute the role.**

2. Standardize transparency measures

The current system is inconsistent in terms of the publication of selection criteria and completed appointments. Without full transparency, it is difficult to assess the appropriateness of appointments.

The following changes should be made:

- An explicit commitment made to a transparent appointments process;
- Qualifications and/or selection criteria should be published online for each posting; and
- The search process for completed appointments made more transparent and accessible.

3. Make results of Integrity Commissioner investigations public

The *Public Services Act* should be amended to provide the Integrity Commissioner with the authority to publicly report on the results of ministerial staff investigations.

4. Add a public complaints and investigation process

The current system does not provide a public process for raising concerns with appointments. For full accountability, there must be a process for registering a complaint about a potentially inappropriate public appointment and for the complaint to be investigated by an independent body. The following changes should be made:

- Create a public complaints process whereby any Ontario resident can raise concerns that an appointment was not based on merit or that the process was not transparent; and
- Give authority to the Integrity Commissioner to investigate these complaints and publicly report on results.

5. Strive for diversity and gender parity

The previous government set a target to reach 40% women on public boards and agencies. In 2018, the Auditor General reported that the Public Appointments Secretariat would be publishing these targets and results online in 2019.

To date, it is unclear whether the current government is upholding the previous targets or whether they will comply with the Auditor General's recommendation. The government must:

- Establish a goal to strive for diversity and gender parity in appointments.
- Ensure results are made publicly available on a government website.

6. Strengthen the appointment process for Special Advisors and short-term Advisory Bodies

Currently, Special Advisors and short-term Advisory Bodies can be created without the same level of transparency and accountability as the regular appointment process. The following changes to appointments should be made:

- The government should explicitly and publicly state how a given appointment aligns with principles of transparency, merit and diversity;
- An open application process should be encouraged wherever possible;
- Business cases that are currently provided to Treasury Board/Management Board of Cabinet should be made public.

7. Establish a Committee to reform the appointments process

Using the points above as a road map, the government should create an All-Party Select Committee or direct the Standing Committee on Government Agencies to recommend legislation to reform the appointments process, and investigate further improvements to the process.