

Nunavut Ethics Officer Annual Report Fiscal Year 2023-2024

Submitted to

The Hon. Pamela Gross, Deputy Premier of Nunavut, and Minister of Human Resources

Submitted by

Joseph Murdoch-Flowers

Ethics Officer for the Government of Nunavut

To the Honourable Pamela Gross, Deputy Premier, and Minister of Human Resources,

In accordance with Section 53 of the *Public Service Act*, I provide you the Annual Report of the Office of the Ethics Officer for the fiscal year, commencing April 1, 2023, and concluding on March 31, 2024.

The office of the Ethics Officer remained vacant from May 8, 2023 to February 2, 2024. I was appointed as the Ethics Officer on February 2, 2024.

I therefore provide you with this Annual Report 2023-2024 based on information provided to me by the staff at the Department of Human Resources and based on information I collected during my tenure as Ethics Officer at the end of the 2023-2024 fiscal year.

Number of wrongdoing disclosures

Pursuant to subsection 53(1)(a), the report must include the number of wrongdoing disclosures received under section 40.

In 2023-2024, there were thirteen (13) disclosures of wrongdoing. Three (3) were withdrawn and one (1) was abandoned. The Department of Human Resources assigned six (6) to investigators, and were dismissed. The Ethics Officer declined to investigate one (1) disclosure on the basis that the matter disclosed was being adequately investigated elsewhere. Finally, two (2) disclosures of wrongdoing remained the subject of ongoing investigations.

Pursuant to subsection 53(1)(b), the report must include the number of complaints of reprisal received under section 47.

In 2023-2024, there were no complaints of reprisal received under section 47.

Pursuant to subsection 53(1)(c), the report must include a summary of each report of an investigation completed in the year, including recommendations made under subsection 45(3) or subsection 47(4).

One (1) matter was assigned to an investigator, who dismissed the disclosure of wrongdoing on the basis that no wrongdoing occurred in relation to an allegation of unauthorized remote work, and thus dismissed the matter on the basis of 42(1)(g) of the *Public Service Act*.

Two (2) matters were assigned to an investigator, who dismissed the disclosures of wrongdoing on the basis that the complainants were not employees of the Government of Nunavut.

One (1) matter was assigned to an investigator, who dismissed the disclosure of wrongdoing on the basis that the matter was not “wrongdoing” but rather was a breach of contract, and thus dismissed the matter on the basis of 42(1)(g) of the *Public Service Act*.

One (1) matter was assigned to an investigator, who dismissed the disclosure on the basis that the matter was an employer or labour relations matter, and thus dismissed the matter on the basis of 42(1)(c) of the *Public Service Act*.

One (1) matter was reviewed by the Ethics Officer, who dismissed the disclosure of wrongdoing on the basis that the matter was not “wrongdoing” but rather was a breach of contract, and thus dismissed the matter on the basis of 42(1)(g) of the *Public Service Act*.

Pursuant to subsection 53(1)(d), the report must include a summary of the responses of Ministers to recommendations made under subsection 45(3) or subsection 47(4).

As there were no findings of wrongdoing in 2023-2024, there were no recommendations to the Minister made under subsections 45(3) or 47(4).

Pursuant to subsection 53(1)(e), the report must include any other matter the Ethics Officer considers relevant in respect of his or her activities under this *Act*.

The Ethics Officer respectfully submits that the following matters are relevant to his activities under the *Act*.

The Public Service Act allows for the appointment of only one (1) Ethics Officer, pursuant to Part 8 of the *Public Service Act*, and more specifically, sub-section 76(1). Under very restricted circumstances may the Minister to appoint another Ethics Officer. First, the Minister may appoint an acting Ethics Officer pursuant to subsection 77(1), when the Ethics Officer is temporarily unavailable; and, second, the Minister may appoint a Special Ethics Officer pursuant to subsection 78(1) when the Ethics Officer determines that he or she should not act in relation to any particular matter.

The absence of an Ethics Officer for the bulk of the 2023-2024 reporting year highlights the vulnerability of the office of the Ethics Officer to sudden changes in circumstances. There are two possible ways to address this vulnerability. First, legislative amendments might or could allow the appointment of a deputy Ethics Officer who could step into the role of Ethics Officer, should the Ethics Officer suddenly become unavailable. Second, in the absence of legislative change, appointment-readiness could be increased to minimize the time during which the office is vacant.

I wish to express my gratitude to the Minister of Human Resources for the opportunity to serve in this role, and to the staff at the Department of Human Resources for facilitating my onboarding and ongoing assistance with the discharge of my duties.

All of which is respectfully submitted on this 27th day of September, 2024, in Iqaluit, Nunavut.

Joseph Murdoch-Flowers
Ethics Officer for the Government of Nunavut