

The Standing Committee on Ethics and Conflict of Interest for Senators
has the honour to table its

THIRD REPORT

Subsection 48(21) of the *Ethics and Conflict of Interest Code for Senators* (“Code”) provides that:

An inquiry in respect of a Senator who ceases to be a Senator is permanently suspended unless the Committee decides otherwise.

On May 10, 2017, then Senator Meredith resigned from the Senate. On the same day, the Senate Ethics Officer informed the committee that there were two inquiries under the Code pending against then Senator Meredith when he resigned from the Senate.

These inquiries are permanently suspended, in accordance with subsection 48(21) of the Code, unless the committee decides otherwise. The committee convened to consider and determine whether these inquiries should be continued.

A. Sexual Harassment, Harassment and Abuse of Authority in the Workplace

The first inquiry relates to allegations of sexual harassment, harassment and abuse of authority in the workplace. This process had been initiated in July 2015 at the request of Senator Housakos, then Speaker of the Senate. The request had been preceded by a workplace assessment commissioned by the steering committee of Standing Senate Committee on Internal Economy, Budgets and Administration. In accordance with subsection 48(22) of the Code, the committee considered the representations provided by former Senator Meredith, the Senate Ethics Officer and Senator Housakos before making its decision as to whether this inquiry should continue.

This inquiry involves persons employed by the Senate in their workplace environment. The Senate Ethics Officer has been seized of these allegations since July 2015. After a preliminary review, the Senate Ethics Officer found that there were sufficient grounds to conduct a full inquiry to determine if the general rules of conduct in sections 7.1 and 7.2 of the Code had been breached by then Senator Meredith.

The committee believes that allegations of sexual harassment, harassment and abuse of authority in the workplace should be fully investigated for the fairness of the employees involved and former Senator Meredith. This forms part of the Senate’s responsibility as an institution and as an employer. The completion of the process is also important to “maintain and enhance public confidence and trust in the integrity of Senators and the Senate” (Code, paragraph 1(a)) as a “breach of the Code by any one Senator affects all Senators and the ability of the Senate to carry out its functions” (Code, subsection 44(1)). The committee believes that the completion of the inquiry by the Senate Ethics Officer is the most effective process to address the allegations raised by the complaint and to have a determination in their regard.

The committee is aware that the Senate can no longer impose sanctions on former Senator Meredith. However, the inquiry report of the Senate Ethics Officer, in addition to the findings, reasons and recommendations specific to the case of former Senator Meredith, “may include [...]”

any recommendations arising from the matter that concern the Code and its interpretation” (subsection 48(12) of the Code). The committee believes that the Senate Ethics Officer’s inquiry report could provide guidance respecting the interpretation and application of the general rules of conduct to cases of workplace abuse of authority and harassment, especially in identifying when workplace misbehaviour becomes conduct unbecoming a Senator under the Code (sections 7.1 and 7.2). The Senate Ethics Officer’s report could also assist in clarifying the respective roles of the Senate Ethics Officer and your committee on one side and the Standing Senate Committee on Internal Economy, Budgets and Administration on the other side. The Senate Ethics Officer’s recommendations arising from this matter would also be relevant to all Senate authorities in the consideration of best practices respecting workplace harassment.

Therefore, the committee has decided that this inquiry is to continue.

B. Senator’s Partner Joined Delegation

The process in relation to this inquiry had been self-initiated by the Senate Ethics Officer following the publication of an article entitled “Senator’s Partner joined delegation” in the *Ottawa Citizen* on August 21, 2015. In accordance with subsection 48(22) of the Code, the committee considered the representations provided by former Senator Meredith and the Senate Ethics Officer before making its decision as to whether this inquiry should continue.

After consideration, the committee does not believe that this inquiry raises the same institutional concerns. The allegations relate more to then Senator Meredith’s fitness to sit as a Senator and to perform his parliamentary duties and functions. As he is no longer a Senator, the committee sees no compelling reasons to depart from the default rule that an inquiry be suspended when a Senator ceases to be a Senator.