
**THE DEPUTY MINISTER'S ROLE
IN THE GOVERNMENT OF CANADA:
HIS RESPONSIBILITY AND
HIS ACCOUNTABILITY**

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This report deals with the evolution of the deputy minister's role, particularly over the past 40 years, a period marked by growth and modernization in the Canadian government and public service.

It will address four subjects: the evolution of the status of the deputy minister, the career leading up to the position and entry into the deputy minister group, horizontal management and development of the deputy minister community, and finally the responsibility and accountability of deputy ministers to the Prime Minister, the Minister, the Clerk and the central agencies.

The first part will explain where the deputy minister is situated in the ministerial hierarchy, and what his responsibilities, functions, powers and obligations are. It will then describe the appointment process, tenure and the implications of this status in the so-called Whitehall model (application to the executive of the so-called Westminster model). This particular model of relations with political personnel will be placed in perspective alongside several models from other countries.

The second part of the study will deal with the career development of deputy ministers leading up to this level of duties and entry into the deputy minister group. Notably, it will be seen how this career involves a shorter tenure, more interdepartmental mobility, more corporate than departmental identification, and familiarity with the operation of the central agencies and their culture. This last element implies an early assessment of potential by major senior public service actors.

The third part of the research is concerned with the operation of the deputy minister group as a community, and also the rise of horizontal management. Nowadays, Canadian deputy ministers work not only within a more interdepartmental framework, but more so within a corporate framework where overall government management affects the individual management plan of every department. We will identify the types of corporate implications, common information tools and processes, coordination of initiatives and integration of departmental programming. Finally, we will examine the impacts of these trends on relationships with ministers and departments.

The final part of the study deals with the responsibility and accountability of deputy ministers in the light of the powers given to them under the law or by the delegation of responsibilities, as well as the directives they receive from the Prime Minister, the Minister, the Clerk and even other central agencies of the government.

This research is based on official documentation (Statutes, Orders in Council, Guidelines and publications by the Privy Council Office), a brief review of the relevant literature, empirical studies already carried out on certain aspects of the subject and, finally, to complement this information, a number of interviews with senior public servants and former federal deputy ministers. These interviews are in addition to some 200 interviews conducted over the past 30 years.²

The entire report highlights, on one hand, how the deputy minister's role, responsibilities and career have evolved and, on the other, how the performance of his functions has developed, in order to show how his obligations as an agent have evolved in terms of the discharge and accountability for his responsibilities.

1 Status: Deputy Minister's Position and Functions

1.1

The Deputy Minister: Selection, Recommendation and Appointment

The appointment of deputy ministers, the most senior officials in departments and those closest to ministers, has a discretionary basis that differs from the strict verification of merit that governs the appointment of other public servants in Canada. The departmental statutes provide that the Governor in Council should make such appointments. Under a constitutional convention, the Prime Minister has the exclusive prerogative of recommendation, and the Order in Council passed by Laurier in 1896 formalizing this power has always been renewed (the last time in 1935). The Prime Minister's recommendation nearly always follows the custom of prior consultation involving the Clerk and Secretary to the Cabinet. The Prime Minister sometimes consults his political advisers for an opinion on the Clerk's suggestion. The appointment occurs through the approval of a legal instrument of appointment, the Order in Council, passed at a meeting of the Privy Council, where the Governor General is deemed to be present by the fact of her signature (*Davis, 1968, pp. 304-6*).³

The deputy minister is mandated, therefore, as an agent serving the government, in its collective responsibility to Parliament, by being assigned to a department to serve the minister of the department. Several factors are considered in determining the choice of incumbents, such as: the candidate's experience, his strengths (policy development, leadership or management), the department's particular needs and the minister's experience in the department concerned in order to create complementary tandems, etc. (*Bourgault, 2005c, pp. 19-29*). A deputy minister recalls: "[Translation] One day the Clerk said to me: Keep an eye on this minister because he tends to be a little lazy!" This process makes the deputy minister an agent who serves the government by being assigned to a department so as to serve the minister. A former Clerk confirmed this as early as 1972: "[Translation] It must be recalled that in our system of government, the appointment of deputy ministers is the Prime Minister's prerogative. It is therefore logical to say that they are in the service of the government." (*Tellier, 1972, p. 378*).

Since the late 1970s, the Privy Council Office (PCO) has relied on a secretariat of senior staff to lay the groundwork prior to an appointment and to manage the deputy ministers' files. Several deputy ministers from the early 1970s have told us they did not find out about their appointment until after the Order in Council was passed! Others read about it in the newspaper. In spite of the discretionary and political nature of the appointment, the Public Service of Canada remains eminently apolitical and professional. Since the 1960s, over 95 percent of deputy ministers have come from the ranks of associate and assistant deputy ministers, and the very vast majority of these have made their careers in the federal public service (*Bourgault, 2005c, pp. 31-38*).

The appointment of the deputy minister is for an indefinite period during pleasure. The *Interpretation Act* (section 24.1) provides that the power to appoint includes the power to dismiss. A simple, unexplained decision by the Prime Minister is enough to relieve a deputy minister of his duties.

The Prime Minister may attach to the revocation of an appointment another discretionary recommendation to appoint a deputy minister to another deputy minister's mandate, another discretionary designation (e.g., as an ambassador) or a special assignment (e.g., head of a study or a reform).

1.2

Responsibilities of the Deputy Minister

The deputy minister is responsible to the minister, the government, the central management agencies and Parliament.

1.2.1 The Minister

In a parliamentary democracy system, the departmental statutes and most of the functional statutes assign the powers to make decisions and act exclusively to Ministers. They are responsible both individually and collectively to Parliament, particularly the House of Commons. The collective responsibility of the ministers of government to Parliament stems from the existence of the ministerial solidarity of Cabinet. Deputy ministers only rarely have autonomous decision-making powers and, therefore, support and serve ministers in their responsibilities, notably by providing advice and carrying out any delegations of authority from the minister. The ministers have powers from various sources: statutes respecting the department and any agencies in the portfolio (management and direction of the department, parliamentary responsibility of the agency), functional statutes (which codify sectoral policies), central agency legislation, legislation respecting various specialized agencies, regulations made further to the above-mentioned legislation, conventions, precedents and customs, a broad range of responsibilities, missions or special roles (*PCO, 2002, p. 10*). It is the role of deputy ministers to support their ministers in the exercise of these powers. The delegation of these powers has two effects: creation of accountability to the minister and establishment of an area of

administrative autonomy for the deputy minister. As one deputy minister said: “[Translation] As soon as he assumes his duties, the minister signs a delegation of authority for me, and then I become *the* person responsible to him...and *the* person in command!”

A minister bears responsibility for his own actions and those performed on his behalf by his officials, with or without his prior knowledge. Deputy ministers have the essential responsibilities of providing the minister with sound advice and ensuring that officials’ actions comply with the law as well as with the wishes of the minister and the government. “The accountability of departmental officials is to the minister through the deputy minister, but it is the minister who is accountable to Parliament.” (PCO, 2002, p. 7)⁴

The government is active in huge areas and manages hundreds of billions of dollars and hundreds of thousands of employees, across an entire continent, in complex areas of ever-evolving knowledge, social challenges and public policies. The minister, generally an MP, who represents a riding, sits in the House and is active within his party, does not have the time, availability, training, information or experience to study all the files requiring his approval. Furthermore, the majority of ministers are given new departmental assignments, on average every two years, and this requires them to become acquainted with new files and a new network of civil service stakeholders.

The deputy minister’s mission is to serve the minister in non-partisan fashion, competently, impartially, diligently and loyally. So as to optimize the management of the minister’s time and to inform him in his decisions and projects, the deputy minister provides professional, non-partisan advice concerning the development and implementation of policies, prepares the tools that will enable the minister to take a discerning stand in public, and manages the compliance of the decisions he makes. On a daily basis, he ensures the sound operational management of the department.

The deputy minister also acts as the senior adviser to the minister concerning all the responsibilities exercised by him. In addition to having responsibility to Parliament for the agencies in his portfolio, the minister receives special mandates from the Prime Minister and Cabinet. The deputy minister acts as his chief adviser in all such matters. "Their role is to provide their minister with the broadest possible expert advice and support needed for the minister's portfolio responsibilities and to undertake the day-to-day management of the department on behalf of their minister. However, deputy ministers do not exercise direct authority over non-departmental bodies within the portfolio." (*PCO, 2002, p. 7*).

1.2.2 The Government

The deputy minister also serves the government of the day as the institution responsible to the House of Commons. More particularly, he serves the Prime Minister, who heads the Cabinet as a Committee of the Privy Council, the body that appointed the deputy minister. To do so, he provides the Prime Minister, the Clerk, Cabinet and its committees, with information, studies and opinions; he takes part in discussions among senior officials and carries out specific mandates assigned to him. Generally speaking, he comments on draft policies of the Council of Ministers and ensures that the agenda and priorities of the government are properly reflected in his department's action plan. He also ensures that all of his department's employees act to fulfill the objectives of the government of the day. In addition, he organizes interministerial consultations on any issue liable to affect the general responsibilities of the other ministers. The manner in which the deputy minister supports his minister is another way of serving the government, overall; sound projects make the government look good, and timely cautions keep it from getting into trouble.

Some have noted the excessive influence of senior public servants on Ministers and the government. The decision-making provisions

introduced during the past 40 years seem to have increased the professional autonomy of Ministers and Cabinet:

The Trudeau approach to decision-making in the Cabinet [to multiply ministerial committees and prepare abundant documentation for decisions] has had many consequences... For these reasons ministers are not as dependent upon their principal civil servant advisers as they were in earlier administrations... [but] while ministers have become more expert, the problems have become more complex, and there remains plenty of scope for the exercise of the analytic powers and judgement of senior permanent advisers. (*Sharp, 1976, p. 6*).

1.2.3 The Central Management Agencies

Deputy ministers receive delegated responsibilities from the heads of central agencies, such as the Minister of Finance, the President of the Treasury Board, the President of the Human Resources Management Agency, the Minister of Public Works and Government Services, etc. Legislative provisions, regulations and decisions set the delegation frameworks.

Deputy ministers must carry out these delegated authorities competently and diligently, ensure that appropriate management and control systems are in place, and periodically report to their principals:

their responsibility to ensure that government-wide management practices are observed in their departments in order to support the Ministry's ability to approach Parliament as a collectivity for supply, and to maintain the confidence of the House of Commons in the Ministry. (*PCO, 2003, p. 17*).

1.2.4 Parliament

Since 1987, a parliamentary committee has been able to summon a deputy minister to communicate information about the management of a department and any public information that the minister cannot provide himself. Parliamentary agents conduct examinations of departmental operations and report to Parliament, which assigns its committees to study the findings. Deputy Ministers may thus be summoned to appear.

1.3 Powers and Obligations

Departmental statutes do not generally provide for any particular power for the deputy minister; they contain rather a standard section whereby he assumes the role of deputy head responsible for the financial and human resources of the department. Legally, the deputy minister acts under the direction and management of his minister. Most of the powers of the deputy minister are delegated by the minister in accordance with the provisions of the *Interpretation Act*. Under section 24(2) of this Act, the minister authorizes the deputy minister to fulfill certain administrative, legislative and judicial functions assigned to the minister. Not all ministerial prerogatives can be delegated to the deputy minister.

Moreover, certain provisions of the *Financial Administration Act* (e.g., sections 31.1, 31.3, 32.2 and 62 give specific powers to the deputy head to allocate the budget and submit it to the Treasury Board (TB), to implement controls, internal audits, control of commitments and public property inventory systems), the *Public Service Employment Act* (staffing, promotion, competitions) and the *Official Languages Act* (by delegation) assign certain powers directly to the deputy head. In these areas, the minister can only make sure that the deputy minister fulfills his responsibilities, without giving him specific instructions.

The deputy minister also enjoys some other direct powers, such as those arising from special statutes, conventions, common law or legislation respecting regulatory matters designed to isolate decision-making in political interventions.

The formal obligations of the deputy minister involve accountability to his multiple principals (minister, Cabinet, Prime Minister, central agencies), as well as to any institutions and agencies thus designated by the Act (Parliament and its agents). Less formal, but just as real, obligations are imposed on deputy ministers: in his department he must implement the government priorities and management initiatives of the central agencies, and, as a manager, he also has moral obligations towards his peers, senior executives and employees.

1.4

Classifications of Seven Types of Relationships with Political Personnel from Four International Models

The system of relationships between ministers and senior officials is aimed at guaranteeing the conditions for implementing the agenda arising from the democratic will and ensuring adequate management of the machinery of government. The models vary depending on the emphasis each system puts on either of these two objectives. Presented in a very simplified fashion for the purposes of this paper, the institutional typology presents four families of systems of relationships between political and administrative spheres. The Weberian (or Westminster) model promotes the fundamental distinction between the political and administrative spheres. Senior officials have no legal career guarantee but are professional and non-partisan. This is the model used in the United Kingdom, Canada, Australia, Ireland, etc. In the continental European model, senior officials are career employees but are actively involved in the formulation and promotion of government policies. As observed in France, Germany, Austria, Sweden and Switzerland, they are generally

associated by affiliation or sympathy with a trend, party or politician. The American model relies on a senior civil service, which has no career guarantees, and is non-professional, partisan and very involved in the formulation of policies. Finally, in the socialist governments, the senior civil service is highly politicized and enjoys statutory career guarantees (*Bourgault, 2005c, pp. 41-67*).

In the early 1980s, Aberbach, Putnam and Rockman identified a functional classification of four types of relationship between senior officials and ministers. These types of relationship included the *complete separation of roles* (the minister alone decides on everything and the public servant only implements), *shared expertise* and *political sensitivity* (the public servant provides the expertise and the politician ideology and sensitivity to the pressures of society), *shared responsibilities based on impetus and balance* (the politician represents the general non-organized interests of society and the public servant arbitrates the interests of specialized clients by taking part in policy development) and the *perfect integration of roles* when the politician and the public servant play undifferentiated roles. Campbell (1989) adds three types between categories 3 and 4 of the model: the *reactive career bureaucrat* who pursues his career interests while participating in the development of policies, the *proactive permanent civil servant* who associates himself with the political leaders of the day to facilitate his own political agenda and advancement, and the *politico-administrative amphibian* who is not from the civil service but who enjoys privileged linkages within the highest levels of the party in power.

It is important to look at the diversity of these models inasmuch as each model defines roles to be assumed, flexibility, behavioural expectations from the environment and particular areas of accountability. For example, the complete separation of roles model confines the deputy minister to a purely administrative role and forbids him to advise the minister on any subjects of a political nature. The pure amphibian, however, can intervene in partisan debates and expects his minister to

intervene in management of the department.

The Canadian senior public servant of the latter half of the 20th century corresponds to three of these models: *shared expertise and political sensitivity*, *reactive career bureaucrat* and *proactive permanent civil servant*. Indeed, they transmit expertise to politicians, make a success of their career through their contribution to policy and promote implementation of the agenda of the government of the day. Nearly every senior bureaucrat has a career path worthy of special classification attention, to the extent that occasionally there are some cases that fall into the other categories. Cooperation on the basis of mutual and convergent interests distinguishes the relationship between Canadian ministers and senior bureaucrats.

2 Deputy Ministers' Career Development

2.1

Career Leading up to this Level of Duties

Most deputy ministers have a graduate studies degree. The proportion of PhDs has decreased since 1977. At this level of responsibility, the senior public service is no longer looking for super-specialists, but rather discriminating managers who know how to efficiently manage the convergence of knowledge provided by his department's specialists. A large majority of deputy ministers come from the social sciences, mostly from political science studies. Deputy ministers come almost exclusively from the federal public service. Three-quarters of them have held assistant or associate deputy minister positions in other departments or federal agencies. Nearly all of them have occupied a senior executive position in the Privy Council Office (PCO) in the ten years preceding their appointment. Since 1967, deputy ministers have had an average of 25 years in the federal public service by the time of their first appointment (*Bourgault, 2005c, pp. 12-13*).

2.2

Career within the Deputy Ministers' Group

A second career begins with the first appointment to a deputy minister position. It consists of multiple assignments as departmental deputy minister, then in other types of position staff on a discretionary basis. Until 1917, deputy ministers spent more than 13 years at this level, and over 9 years between 1917 and 1947, nearly all (8.7 years) in the same position. From 1947 to 1997, they spent an average of 6.5 years at this level, two-thirds in the same position. Between 1997 and 2003, the average time spent decreased to 3.3 years.

Today, the first appointment is made at an older age: between 1967 and 1987, the first appointment occurred before age 50 in 65 percent of cases but, since 1997, this has been so in only 30 percent of cases (*Bourgault, 2005c, p. 12*). A study comparing the average ages of assumption of duties in 12 OECD countries shows that Canada is sixth in the group for the period since 1984. It is in the middle of the pack whereas before it appointed some of the youngest deputy ministers (*Bourgault, 2005c, p. 34*). This phenomenon, coupled with the way the challenges of the job have evolved, requiring a more adaptable personnel, and the availability of a more generous pension plan, considerably shorten the duration of the deputy minister's career. Prior to 1967, more than half left after age 60, but since 1977, the proportion has dropped to 20 percent (*Bourgault, 2005c, pp. 12-16*).

2.3

Shrinking of Tenure

Tenure represents the continuous time a person spends in one departmental assignment as deputy minister. The deputy ministers assigned as at July 1, 2003, had occupied their position for 1.6 years, a recent wave of appointments having negatively affected this average.⁵ Two years later, nine of the 28 incumbents were still in their position.

The members of this group had held the same position for 2.96 years. Thus, tenure in a single assignment has decreased by three-quarters since 1867 when it was 12.2 years. The times when the trend was broken were during the decades from 1947 to 1957 (down to 5.9 years) and from 1977 to 1987 (down to 2.3 years).⁶ Numerous changes of government and Prime Minister also contribute to this phenomenon (*Bourgault, 2005c, pp. 15-16*). For example, the Trudeau-Clark-Trudeau-Turner-Mulroney sequence of Prime Ministers from 1978 to 1987 (one per 1.6 years on average for eight years) had repercussions on the deputy ministers—although they are not partisan, the position is “sensitive”. Since 1993, tenure in the same position, owing to the political continuity of the government, has gone up slightly. In 2003, five of the deputy ministers had held their positions for over four years, and one person for over seven years. This was quite a contrast with Osbaldeston’s observation that less than 10 percent of incumbents in 1987 had been in their positions for three years or more; only two incumbents left their jobs before completing the first year of their mandate. The situation in July 2005 is comparable to that of 2003.

2.4

More Interdepartmental Mobility

Interdepartmental mobility is increasing remarkably, lending credence to the claim that a deputy minister is a corporate employee of the government, assigned to a department by the Prime Minister, to serve the minister. Since the early days of Confederation, but even more since the 1960s, deputy ministers have had several assignments at this level. From 1917 to 1977, the proportion of deputy ministers who had only one assignment fell from 91 percent to 48 percent. Today, nearly 30 percent of incumbents have from two to five assignments, during an average period of 15 years at this level. Actually, multiple assignments rose from five percent before 1967 to 17 percent after 1967 (*Bourgault, 2005c, p. 14*).

2.5

Learning About the Culture of Central Agencies and How They Operate

The career path of today's deputy ministers leading up to the time they assumed their position shows that they nearly all have experience working with the central agencies. Though less time is being spent working at the Treasury Board Secretariat (TBS), periods spent at the Privy Council Office (PCO) remain the general rule. Such periods at the PCO vary between two and five years, and only outside recruitment or regional career necessities give rise to exceptions to this rule, thus demonstrating the extent of corporate training. Since these agencies form the nerve centre and strategic centre of executive power, deputy ministers must know about and understand their operation so that they can deal with them. Furthermore, they play a key role in implementing the government's agenda and management priorities (*Bourgault, 2005c, pp. 12-13 and 31-38*). According to one former Clerk, however, a governing principle is that no senior official should spend his whole career with the PCO. This promotes the mobility and multiplication of assignment opportunities in the PCO: "A third principle is that there are virtually no officers making a career within Privy Council Office... the term of appointment is purposely kept short, three to five years... and is part of broader career development." (*Robertson, 1971, p. 505*). Many others found out about the "centre" of government from other points of view: in central departments, such as Finance, or horizontal departments, such as Foreign Affairs and Justice. Some have served ministers as chiefs of staff—even if those ministers were of a government party different from the one that has appointed them deputy ministers today. In short, what is of chief importance is intimate knowledge of how the machine works.

3 Horizontal Management and Community Development

3.1

Operation of the Deputy Minister Group as a Community

Canadian deputy ministers seem to form a functional community with a strong sense of identity, lots of cohesion and loyalty to one another. Some fear the formation of an opposition force, while others see in it a danger of loss of efficiency. It seems to us rather that the performance conditions of a deputy minister mean that he cannot achieve anything without the support of his department. They know that, if they do not meet with success, they will soon be replaced. Deputy ministers have to unite the department at the “centre” and transmit the “centre’s” inflows to the department. Furthermore, the decisions of the “centre” rely on the departments’ studies and opinions. Finally, the trend towards more modern corporate management has more advantages than disadvantages. The DM seeks to balance loyalties in “normal” situations, that is, in all but the extremely rare times when the PM intervenes indirectly or insistently.

3.1.1 Evolution of the Centre as a Strategic Reference Point for Deputy Ministers

The evolution of the Privy Council Office and the roles of the Clerk as a centre point in the administrative machinery affects the relationships the deputy ministers have with the centre of government. Former Clerk Paul Tellier notes that the reinforcement of the Prime Minister’s Office and the Privy Council Office have increased the power of the PM and the centre (*Tellier, 1972, p. 381*). Still, in 1959, Halliday wrote:

The position of the Prime Minister is one of exceptional and peculiar authority. He has been called the keystone of the Cabinet, or the sun around which all the planets revolve...he is naturally master of the Cabinet in all matters of organization and procedure. It has been said the office of Prime Minister is what the holder makes of it. (*Halliday 1959, p. 232*).

Up to World War II, the Privy Council Office simply played the role of secretariat to the Cabinet and the Prime Minister. Major issues were the subject of discussions among the Prime Minister, a handful of deputy ministers, a few ministers and some outside advisers. (*Sharp, 1976, p. 3*). At Cabinet meetings, it was not unusual to see the Prime Minister take out a slip from his pocket with the day's agenda on it. The Clerk took very minimal notes (*Robertson, 2000, p. 216*). The War Cabinet Committee revealed the advantages of the ministerial committees, which steadily developed until they reached their height in numbers and influence under Trudeau and in decision-making authority under Mulroney. So the Clerk, especially in his capacity as Secretary to the Cabinet, had ever greater importance between 1946 and 1964 (*Bourgault, 2005b, p. 16*). The deputy ministers had to constantly work with the Secretary to the Cabinet in order to prepare their ministers for these meetings, notably by discussions among deputy ministers or by holding preparatory meetings (*Bourgault, 2005b, p. 13*).

The Clerk gradually became the deputy minister to the Prime Minister, and this affirmed his role in relation to his peers beginning in 1985 with Paul Tellier (*Savoie, 2005, p. 37*). "The Clerk is your boss," said one deputy minister. He advises the Prime Minister in all the PM's prerogative areas, (e.g., appointments, hirings, classifications, salaries, separations, promotions, appraisals, etc.) and provides support for the ultimate decision-maker of our contemporary executive universe, notably to identify the subjects in respect of which expectations could be expressed and even, to judge from our interviews, to comment on the ministers' selection proposals.

Until 1969, the Clerk was regarded as one of the deputy ministers, who was assigned some specialized duties, was in daily contact with the PM and was potentially influential. He acted as a "senior" within the community (*Hay, 1982, p. 15*). With the increasing complexity of the committee machinery, the growth of its functions in the late 1960s,

and the arrival of Pitfield in 1975, the Clerk was apparently regarded formally for the first time as the most senior official, a *primus inter pares*, indeed even a “boss.” He became a reference point for the deputy ministers and an intermediary in difficult situations within the departments. In 1992, further to the recommendations made by the working group on the initiative Public Service 2000, a legislative amendment made the Clerk the Head of the Public Service and the person in charge of its development, and required that the Head provide an Annual Report to the Prime Minister (*Bourgault, 2005b, p. 21*). Every Clerk has his personality and his style (*Gray, 1985, pp. 15-16*), but beyond the individualities, we have seen that, in all these capacities, the evolution of the relationships between the deputy ministers and the centre of government has been marked in two ways in the past 40 years: confirmation of the Clerk’s supremacy over the deputy ministers and creation of a central apparatus for coordinating the departments’ actions.

3.1.2 The Community

The support of the deputy ministers’ community plays an essential role in professional life; peers sit on committees, but above all, they generally exhibit support and solidarity for each other, in addition to supplying informed advice for one another. The Five Lakes Country Club no longer plays the social role it once did and the festive annual event is no longer held. In order to strengthen the community of deputy ministers, the Clerk organizes such things as dinners and educational events, while other opportunities for meetings and discussions contribute indirectly. The deputy ministers say they give top priority to returning their peers’ calls. Some meet outside office hours to “[Translation] Freely talk about the challenges of the job and vent their feelings” (*Bourgault, 2002, Chap. 3*). Some management tools, such as performance appraisals, with significant contributions by peers, contribute to the feeling of community belonging.

Some feel that loyalty to the centre and the community is greater than that owed to the minister and departmental employees. Attachment to

the centre and to one's peers could be a problem for a minister seen too seldom (Savoie, 2004) and could make the department's executives mistrustful (Jabes and Zussman). They wonder how non-specialists who spend so much time out of the department can understand the department's files and effectively defend its interests among the central authorities. This means, though, that, since ADMs are also generalists who systematically move on after brief assignments, we would have to move down four levels before finding someone who really is familiar with the department and its programs! These arguments are erroneous and exaggerated.

First, deputy ministers serve the government first by serving their minister and they understand that this is their primary task. Serving one's minister today also involves being connected to the "centre." Second, the mistrust of executives observed in the early 80s may be explained as a form of resistance to this new trend of appointing generalists within corporatist empires of specialists (engineers, accountants, physicians), as resistance to the intrusion of the "centre" into professional enclaves, or finally, as a fear that new approaches might disturb comfortable habits acquired over the years. Above all, we must understand that, these days, everything is changing so quickly and science is progressing so quickly that no one can any longer, as in 1960, claim to be *the* specialist in a department's affairs. Even in the civilian world, there are no longer any doctors or lawyers who can claim to know everything in their field! The deputy minister's role is one of integrator, one who can harness the knowledge applied to public policy problems. They are specialists in this type of intellectual business. We no longer hear such criticisms making demands for specialization.

Third, loyalty to the "centre" and to one's peers is limited since deputy ministers have to mobilize the department in order to be successful, and exclusive reliance on the centre would condemn them to rejection as foreign bodies. All deputy ministers know they are judged by the rank

and file on the criterion of getting resources and power from the centre. They eagerly find out about their department's life and issues, they are briefed and take people with them to plead their cases. The networks they have built up over the years, in various previous assignments, help them. Deputy ministers can very quickly get a good grasp of a department's work and its issues. They give themselves five to eight months to do so, using strategies of assumption of duties and leadership techniques to rally their employees around a vision (*Bourgault, 2002*). They are trained for this, and accustomed to doing it; they are just as good at it as the DGs who frequently change departments.

Nowadays, other public servants also have short tenures, and this helps them to accept the rotation of deputy ministers. It is worrisome to see how quickly executives are rotated in Ottawa (that is, below the DM and ADM levels); tenure seems to be so extremely short that it is hard to maintain corporate memory. In these circumstances, an executive can take risks, should they help him get ahead; when the negative consequences emerge three or five years down the road, the executive will be long gone!

Finally, the power of the community is not absolute in Canada. If such were the case, how would the choice of isolationist behaviour by the Public Works DM in the sponsorship affair over reliance on his peers be explained? Or how could the "patience" of the Treasury Board Secretariat be justified? In a strong community model, protection of the group would have quickly imposed swift and complete rectification of individual behaviours prejudicial to the group.

3.2

Rise of Horizontal Management

The concept of horizontal management emerged in the early 1970s. It may be seen at meetings of bi- or multi-ministerial or government-wide ad hoc committees or committees with mandates and formal processes.

Horizontal management involves three areas: files on policy or program development or management of direct concern to the department (tools: thematic focus groups), corporate files where the deputy ministers give collective opinions as senior advisers to the government (tools: Clerk's breakfasts, Friday lunches, etc.) and management of the community of deputy ministers (tools: Committee of Senior Officials (COSO) and deputy ministers' focus dinners). Horizontal management of all types takes close to 40 percent of the working time of deputy ministers, which gives rise to criticisms from those who feel that the fundamental role of deputy ministers should be to serve their minister and manage their department. In response to this, it is argued that, without horizontal management, the time of the deputy minister would be even more taxed by reactive management of crises, conflicts and operational emergencies, and would produce policies of lesser quality (*Bourgault, 2002, Chap. 2*). Many accounts support this view: Sharp notes the presence of such committees in the post-war years (*1976, p. 3*). Pitfield wrote in 1976, "We have not viewed government sufficiently as a total system" (*1976, p. 19*). "There is growing interdependence in reaching decisions in specific policy areas in dealing with the enormous administrative complexities of government" (*Hay, 1982, p. 7*). Horizontal management is a reality that cannot be avoided, and deputy ministers take part in it with concern for the perception of their ministers.

3.3

Tools and Processes of Mutual Information, Coordination of Initiatives and Integration of Departmental Programs

Coordination tools vary in their specific forms according to the style and preferences of each Clerk, but in the past 15 years, they have complied with a certain standard profile. They begin with a one-hour breakfast every Friday (or the day after Cabinet meets), which includes a summary of the meeting of Cabinet, a presentation of the Clerk's vision and additional information, and a discussion of certain political aims. At the same time, some 15 other deputy minister committees and other,

ad hoc committees bring together the deputy ministers; some meet a few times a week and others a few times a year. As well, the community of deputy ministers goes on a few retreats every year for one or two days (*Bourgault, 2005a, p. 10*).

Types of DM group meetings in 2004

Formal committees (with mandates) within the PCO:

The Coordinating Committee of Deputy Ministers (10 senior members of the group) exists as a committee, and also has a core committee and three subcommittees.

The COSO (12 DMs) now plays a strategic role in the development of the public service; it is used for succession, DMs' working conditions and performance appraisals. Monthly meetings, as a rule.

The DM advisory committee on human resources management (7-8 members); monthly meeting to implement new Act.

DM advisory committee to TBS (weekly meetings).

TBS committee on management of government information (mandate under review).

Interministerial committee on security and information (variable frequency).

DM committee on official languages (monthly meetings).

Committee on justice and legislative affairs (not very active of late).

DM committee on business development (not very active of late).

Committee on pride and recognition (re-assuming a lot of importance).

Committee on the environment and sustainable development (assuming a lot of importance).

Other professional meetings

Without really being a committee, the Canadian School of Public Service (CSPS) Board includes several DMs and plays a strategic role for both DMs and the senior public service.

COSO: thematic meetings every other week for dinner.

CSPS dinner for DMs the first Friday of every month. There are presentations followed by discussions.

3.4

A Corporate Framework in which the Overall Government Management Plan Affects the Particular Management Plan of Each Department

Nowadays, deputy ministers arrive in a department inspired by a corporate vision. Most of them come from the ranks of assistant deputy ministers. Already, at this level, they do not belong to a specific department, but to the Leadership Network, that is, the government corporation. Early in their career, interdepartmental mobility for executives fosters a government perspective over a uni-departmental one. Seven other instruments contribute to a corporate rather than a departmental approach. The Committee of Senior Officials (COSO) identifies potential candidates for the positions of associate deputy minister and deputy minister. An orientation day for new incumbents is held at the Canada School of Public Service. In addition to explaining the framework and challenges of the function, the session provides reference material, opportunities for transmitting organizational culture, and an opportunity to create more informal links among the members of the community. The Clerk agrees on a performance contract with each of the DMs (composed of key and ongoing objectives, horizontal elements, designated objectives and personal learning objectives). The Clerk's list of priorities, along with other tools such as the department's management accountability framework (the Plans and Priorities document transformed into Actions and Results) provide a framework for corporate pressure. At the end of the year, a visiting committee gathers information (self-evaluation, the minister's point of view, and opinions of the heads of central agencies, such as the Commissioner of Official Languages). COSO studies the files and recommends ratings to the Clerk, who transmits his recommendations to the PM. Retreats and the committee system are an opportunity both to get the opinions of members of the community on government projects being developed and to create a feeling of inclusion for everyone in the production of

government policies and initiatives. Corporate support activities include offers of mentorship, availability of personal support, coaching by the Clerk, and offers of continuing learning events.

Management thus goes from horizontal to corporate and encourages deputy ministers to regard their contribution as something that goes beyond the boundaries of their department to encompass the performance of the government as a whole. Furthermore, the commitment of deputy ministers to meld the priorities of the department with those of the government of the day and, likewise, the obligation to account to the Prime Minister, via the Clerk, are marks of corporate management.

3.5

The Impacts of These Trends on Relations with Ministers and Departments

The development over time of provenance profiles and the Leadership Network contributes in principle to a more corporate than departmental sense of belonging. This change has been criticized by many departmental employees (see the studies by Zussman), since it reduces the number of late-career internal promotions, protects departmental culture less, reduces the internal solidarity of administrations and promotes the perception that there is no longer the possibility of intervention from the centre of government. Over the years, there has been a strengthening of corporate identification via institutions (increased authority of the PM and the Clerk) and corporate management mechanisms (debriefing breakfasts, coordination committees, performance appraisals, retreats, selection and orientation).

Nevertheless, every deputy minister very clearly understands that what will make him or break him is primarily his performance within his department and his relations with his minister. No one seeks confrontation with his assigned department in order to satisfy the

interests of the corporation (*Bourgault, 2002, Chap. 3*). The deputy minister must discover, rather, how to give shape in his department to the priorities of the Clerk and the government. Corporate trends nevertheless have impacts on the relations deputy ministers have with their ministers and their departments.

These trends have enshrined the multiple nature of the accountability of deputy ministers: to the PM, the Clerk, the corporation and the minister. Ideally, this accountability is not hierarchical, but simultaneous; conflicts remain possible when the demands from various sides do not converge. The chief occupation of the deputy minister is to relieve these tensions: the central agencies reduce resources, while the minister has expensive projects; the centre wants to decrease such and such involvement by the government, while the minister really likes a type of program; the department is considering a program, which the minister is not keen on; Treasury Board slashes some area of expenditure, while the department seeks to increase it; pressure groups demand a particular action, which the government no longer wants, etc. A senior official tells us: “[Translation] A minister is told “no” fairly often. Ninety per cent of the time, it’s because the minister doesn’t know he can’t do what he’s thinking of. If the minister insists, the situation has to be explained to him in detail. If he still insists, you can tell him that you’ll discuss it with the Prime Minister and usually that’s the end of it!”

As a rule, the deputy minister owes his loyalty first to his minister (*PCO, 2003, p. 15*). Where there are conflicts with government priorities, however, the loyalty of the deputy minister will go to the Prime Minister since he represents the government for the minister. Normally, the deputy minister is loyal to the Clerk over his peers, but recent cases have illustrated exceptions to this rule.

Several items feed frustrations in relations between ministers and deputy ministers: personality conflicts, different ways of working

(although theoretically the deputy minister should adapt to the ways of his political master), a minister's criticisms of his deputy head for having badly defended a pet project or his disappointment in his DM's lack of enthusiasm; the minister feels that the DM is not collaborating with him keenly enough; the minister would like more public exposure for his new program; or the minister wants the DM to sell his projects to his DM colleagues. It also works the other way around: deputy ministers would like their ministers not to trip up during Cabinet meetings and want their ministers to know how to convince their colleagues; and they are always worried about "spontaneous" statements made by their ministers.

When the deputy minister believes that the centre is opposed to a project, he will try to dissuade the minister. How does he know? By numerous subtle and more or less formal ways, as a former Clerk explains:

[Translation]

These interventions by PCO staff will generally take the shape [further to discussion within the specialized ministerial committee or after information from the Prime Minister] of subtly formulated suggestions to the authors of the Cabinet memorandum [minister and deputy minister of the departments concerned] and will have the effect of directly influencing policy formulation. (*Tellier 1972, p. 378*).

The minister can appeal the position of the PCO, committee or deputy minister to the PM, but he must have excellent relations with the PM, as Tellier wrote, or great influence within the party (*Tellier, 1972, pp. 379-80*): "[Translation] For an intermediary like the PCO acting on behalf of the PM to stand up between the minister and the DM... there must be a prevailing set of circumstances: the competence and credibility of the PCO staff must be acknowledged by the Minister and DM concerned (the PCO has this according to the description given by Robertson in 1971), the minister concerned must occupy a foreground

position with the PM, and the DM concerned cannot be one of the privileged advisers to the head of government..." Such a minister nevertheless claimed that, in a final confrontation with his deputy head, he would win (*Savoie, 2005*) and in these matters reality checks often prove to be surprising. The general rule in these matters is that it all depends on the issues and the individuals involved. That is, the PM will appear to be intractable on certain subjects dear to his heart, regardless of who proposes them, and the confidence built up among them (PM, Chief of Staff and the Clerk) plays a fundamental role. So a veteran deputy minister is sure to win over a new, erratic minister with little support, while a pillar of the party may get his deputy head transferred.

4 Accountability

The accountability of deputy ministers is consistent with their legal obligations, and also the powers and mandates they are given. Many agents entrust him with them: the Prime Minister, the minister, the Clerk, the central agencies, Parliament, certain agents of Parliament, public agencies, his peers and his staff. The accountability of deputy ministers is therefore multiple. His difficulty arises from the fact that, a single action, in its various dimensions, can become the subject of several simultaneous accounts, seen from as many different and sometimes divergent angles (for example, expenditures for access to information will require accounts to be rendered to the Clerk, Treasury Board, a peer committee, the Commissioner, the Office of the Auditor General and perhaps a parliamentary committee). The deputy minister's challenge is to get commitment for actions that fulfill *all at once* the objectives and standards of all these agents, and then to account to each of them in the light of their concerns.

In relation to the Prime Minister, who selects and recommends the deputy minister for a departmental assignment and signs his performance appraisal, the deputy minister has the mandate of an agent who serves the government by being assigned to a department in order to serve

the minister. He is accountable for the support provided to the minister, for implementation of the government's agenda and for the particular mandates entrusted to him by the Prime Minister or the Cabinet.⁷

To judge from our interviews, in everyday life, it is extremely rare for the Prime Minister to directly telephone a deputy minister to give him a directive. Many retirees who spent over 15 years as deputy minister never experienced such calls. Some particularly intense situations, such as constitutional negotiations, can give rise to calls "for information." The Prime Minister's personality plays a role here; Mulroney was less formal than Trudeau or Chrétien. So no directives are given by the PM in everyday circumstances. Calls for information from him or his office will convey concerns that any senior official with the least bit of experience will know how to interpret. At all times, the Prime Minister has the final say concerning the behaviour of a deputy minister:

The appointment of Deputy Ministers on the recommendation of the Prime Minister reflects the Prime Minister's responsibility for the government's overall performance. In the end, the Prime Minister, with the advice of the Clerk of the Privy Council, will determine what, if any, action is appropriate, with respect to the deputy minister's accountability (*PCO, 2003, p. 18*).

When they are appointed, the ministers receive a Guide explaining to them the special relationship between the deputy minister and the Prime Minister:

As a result of their role in the collective management of the government, deputy ministers are also accountable to the Prime Minister for responding to the policies of the Ministry as a whole and to the requirements of the Treasury Board and the Public Service Commission. This includes ensuring that appropriate interdepartmental consultation occurs on any matter that may

touch upon broader ministerial responsibilities. In this capacity, deputy ministers are required to keep the Clerk of the Privy Council informed of any matter they consider significant enough to affect their responsibilities or those of their Minister. If the issue is of sufficient concern, the Clerk of the Privy Council will inform the Prime Minister (*PCO, 2002, p. 7*).

This statement may be read as a warning to ministers.

The legislation clearly establishes that the deputy minister works first of all under the authority of the minister: “Thus, while Responsibility in the Constitution notes that a deputy minister’s ‘supreme loyalty’ is to the Minister.” (*PCO, 2003, p. 15*). This authority ends with its exercise and legal compliance. Within legality, there are choices of appropriateness to be made and the minister remains responsible for the choices he makes in this area, with or despite the advice of the deputy minister. The most usual accountability of the deputy minister is to his minister in connection with the support provided in all aspects of the portfolio held by the minister—that is, the department and the agencies, mandates and special files.

On a day-to-day basis, a Deputy Minister’s accountability is to his or her Minister. The deputy’s accountability cannot be exercised without reference to the responsibility of Ministers to Parliament. Deputies act on behalf of their Ministers, exercising their Minister’s statutory powers on the Minister’s behalf, and playing a role in ensuring the control and supervision of the financial, personnel and other resources at the department’s disposal. They are, therefore, accountable to their Ministers (*PCO, 2003, p. 16*).

Within the department, his role in supporting the accountability of the minister consists of preventing mistakes, identifying any made as soon as possible, informing the minister of them, and taking corrective

action and any sanctions necessary—so that his minister can fulfill his political responsibility in the House:

The Minister is accountable, in the sense that the Minister deals with the issue in Parliament and accepts responsibility. The Minister will tell Parliament that an error was made, that he or she has investigated the circumstances and initiated measures to see that it does not recur. The Deputy Minister is responsible for the effective management of his or her department, and must account to the Minister for what went wrong. . . . It is the Deputy Minister's duty to confront problems openly and directly, and to improve the management practices within his or her department. . . .(PCO, 2003, p 18).

Accountability to the Clerk involves three main areas. First, the most personal accountability of the deputy minister concerns his performance expectations and appraisal; the Clerk recommends a performance rating and performance award to the Prime Minister. Second, in recent years, there have been the Clerk's priorities, most of which express the government's priorities in administrative terms; these will in large part form the performance agreement of the deputy ministers. Finally, the Clerk may, from time to time, give special instructions or mandates, or even issue reminders to deputy ministers (for instance, issues concerning the three aspects of their horizontal commitment). The *Guidance for Deputy Ministers* document clearly expresses this relationship of responsibility:

Deputy Ministers in the Government of Canada are also accountable to the Prime Minister, through the Clerk, to support the Minister in a way that is consistent with the agenda and direction of the government as whole. In this way, Deputy Ministers contribute to the unity of the government they serve (PCO, 2003, pp. 15-16).

Beyond these formal instruments, the consequences of administrative life may give rise to accountability accompanied by sanctions: according

to our interviews, Clerks have already “put under administrative tutelage” departments with too many problems, and deputy ministers have been moved, replaced or retired.

Central agency standards express the guidelines issued or authorized by Cabinet and departmental committees. Deputy ministers are accountable for the powers entrusted to them by the central agencies, notably concerning human and financial resources, and public property. This accountability is formally expressed through periodic and annual reports, as well as answers to questions posed by agency representatives. Conversations with central agency officials and former deputy ministers have provided material to document a few cases in which delegations of decision-making authority to departments and deputy ministers have been recalled temporarily because the central agency was not satisfied with the way in which rules and procedures were being applied in some departments and agencies. Appraisal of everyone's performance by peers, which includes consultation with the central agencies, contributes to this accountability. Conversely, deputy ministers of central agencies are also the subjects of such procedures, and this makes them accountable for their practices to their deputy minister colleagues in departments. To avoid the disapproval and consequences of management mistakes or errors of judgement, some deputy ministers may be satisfied with observing the formal prescriptions of the central agencies, rather than the spirit of accountability. For example, mental evasion and withholding of information might enable deputy ministers to avoid letting a central agency know about any difficulties in the management of a program. It would never be possible to spell out in detailed fashion all accountability provisions, but deputy ministers have always had a duty to interpret their obligations as agents broadly and proactively. For example, they have a moral duty to inform the central agencies of difficulties stemming from the management of public funds within their department.

Deputy ministers also report to Parliament by appearing before parliamentary committees, regarding the “supervision of the financial, personnel and other resources at the department’s disposal,” implementation of programs, delivery of services and assessment of their progress (*PCO, 2003, pp. 12-16*). The rules of engagement determined by the PCO are a diluted version of what the McGrath Report proposed in 1986. On behalf of the minister and with his permission, they answer questions explaining the department’s policies and actions. They do not in any way take a position on the merits of policies and do not give any information that is not available to the public. The Office of the Auditor General deems that the answerability of deputy ministers to Parliament is not clear enough in that it does not specify whether deputy ministers answer for their management in a personal capacity or on behalf of the minister. It would like the expectations of the deputy minister, which are set by the Clerk, to be communicated to the parliamentary committees and also would like the committees to make better use of the deputy ministers’ accountability framework for carrying out their examinations of deputy ministers’ management (*OAG, 2002, 2.44-2.46*).

It remains hard to reconcile two types of accountability that frequently overlap (Minister and DM) and two reports that may prove to be contradictory. Publishing the results of investigations (was something the fault of the minister or the deputy minister?) would be harmful to the principle of anonymity of professional advice and thus to the quality of support for the minister.

5 Conclusion

This report emphasizes, on one hand, the evolution of the deputy minister’s role, responsibilities and career and, on the other, the evolution in the practice of his functions, thus showing how, as an agent of the government, his obligations have grown in terms of execution and accountability.

Nevertheless, the deputy minister has mandates from many simultaneous sources and must account to agents whose concerns, and sometimes interests, may occasionally turn out to be concurrent, if not divergent. Furthermore, the stakes are high for a deputy minister; he holds a strategic position and any error or negligence on his part will have very significant consequences. He has a sense of public interest, which means he assigns a lot of importance to his success. He knows that many eyes are on him—from within, from above and from his departmental clients (*Bourgault, 2002, Chap. 4*). Finally, he banks on a precarious professional status that does not allow for many mistakes.

In this context, we can state that deputy ministers, in their concern to simultaneously satisfy multiple, very different mandates, enjoy a certain margin of appreciation and that they act by *proprioception*. Proprioception is the ability of the human and animal brain to seek out the strong constraints in its environment and then order its organs to adapt to them. Thus, a fundamental quality of a deputy minister consists of decoding the signals in his environment, placing them in hierarchical order and then organizing an appropriate action strategy, with a view to fulfilling the restrictive expectations of this environment. A deputy minister explains: “[Translation] a deputy minister should know what’s important to the Prime Minister. He should also keep abreast of any policies and initiatives under development at the centre and adjust accordingly.” A former Clerk is described as “[Translation] . . . not liking surprises and becoming very irritable when anything went wrong.” Finally, a deputy chief concludes: “[Translation] You’re always looking over your shoulder to see who’s watching you while you manage, especially since the Centre is more organized. You have to anticipate what others want, particularly in the central agencies.”

Some of these signals are formal ones, like the expectations of the Clerk, statutes and regulations, and guidelines from the central agencies. Others are not always so clear or permanent, as is the case of directions

taken by government and the minister. Politicians' signals and expectations are described by one deputy minister as being "[Translation] oral, informal, indirect, especially when the legal terrain isn't too firm!" Expectations change with increasing speed with the effects of globalization and the progress of scientific and legal knowledge, as was explained by one deputy minister who was interviewed: "[Translation] Often, what you end up with after a long and refined process of policy development is already out of date in some respects. Things change so quickly these days. You have to adjust continually and modify your vision of things and your plan. You do it through maximum perception of your environments and constant study of the organization." In addition, some of the signals on the radar of deputy ministers are more informal, for example, understanding conventions, interpreting traditions and organizational culture, and anticipating the expectations of the minister and the Clerk.

Anticipating the expectations of those around them, some of which are contradictory, and selecting action strategies have an effect on their decisions and therefore on their behaviour. Certainly, the formalization of the central machinery (role of the Prime Minister affirmed by the presence of electronic media, growth of the Office of the Prime Minister, activation of Committees of Ministers, expansion of the organizational capacity of the PCO, development of horizontal and corporate management) can only strengthen "central" concerns, which become the concerns of the deputy minister. This does not mean that "central" expectations did not exist in the time of MacKenzie-King. It is just that they have become more formalized and important in the past 50 years, and this alters the work perspective of deputy ministers.

In this context, is it conceivable that a deputy minister might leave program management to a minister who clearly expresses his intention to do so with strong signals? One deputy minister recalls "[Translation] that there is a well-established tradition in Canada to the effect that

politicians stay removed from program management.” When asked about this, several deputy ministers commented as follows: “[Translation] When a deputy minister feels or sees that, in the particular conduct of a file, there is agreement among the Prime Minister, the President of Treasury Board, Treasury Board Secretariat and the minister, then there’s no point in intervening, even if the initiative doesn’t seem right to him! Why should he throw himself on the tracks in front of an oncoming train?” Others, scandalized by this type of cynical statement, retort: “[Translation] He should oppose it just because it’s his role to do so and, in this system, if he doesn’t do it, no one else can do it for him! As deputy head of the department, you have the responsibility. You have to correct the situation and alert the Clerk.” Some others avoid the crux of the matter by commenting: “[Translation] Traditionally, we don’t get mixed up in these publicity affairs of politicians. In any case, they remain marginal in the system!” Perhaps this is another example of the phenomenon of proprioception!

Is it acceptable to a deputy minister for his minister to intervene directly and regularly with his subordinates? Some reply: “[Translation] I’m not going to baby-sit while my minister contacts my staff. My employees, however, have been instructed not to agree to do anything illegal. So they have to alert me and I’ll talk about it to the Minister, and if that doesn’t work, I’ll tell him I’ll talk about it to the Prime Minister!” Some rules have been issued in this regard:

It is important to remember, however, that exempt staff of a Minister do not have the authority to give direction to public servants. When they ask for information or convey a Minister’s instructions, it is normally done through the Deputy Minister (*PCO, 2003, p. 17*).

Clear rules and conventions exist to guide these situations and they have been stated to both ministers and deputy ministers. Some of the conventions respecting such relationships are to the effect that the

minister does not get involved in the day-to-day management of the department's programs. He may, however, get all the information he wishes through information channels already established between his office and the deputy minister's. In emergencies, any sort of communication is acceptable, but the employee must then notify his deputy minister.

In 2002 and 2003, some formal rules based on conventions deemed to be well established were published in order to confirm the deputy minister's obligation to protect the collective responsibility of the government by ensuring respect for the law; they indicate to both the minister and the deputy minister what procedure to follow in the case of disputes:

They are accountable on a day-to-day basis to their Minister, and a cooperative relationship between the two is critical. The advice that Deputy Ministers provide should be objective and must respect the law. If conflict occurs between the Minister's instructions and the law, the law prevails (*PCO, 2002, p. 7*).

Deputy Ministers should also consult the Clerk in cases where problems have occurred in the management of the department or the Minister's portfolio, and which may have an impact on the Ministry's ability as a collectivity to maintain the confidence of the House of Commons and move forward its legislative and policy agenda. In such instances, the Deputy Minister may also want to consult the Secretary of the Treasury Board (*PCO, 2003, p. 16*).

So there are rules, and deputy ministers must constantly opt for exemplary behaviour or an appropriate course of action in dealing with the daily difficulties that arise. It is to be hoped that proprioception does not deprive deputy ministers of their reflex to respect both the letter and the spirit of the rules insofar as they wish to avoid being seen in a bad light for having put some higher-placed stakeholders in the delicate situation of having to intervene. In such cases, the withholding of information contributes to avoidance of responsibility.

In the context of comments bearing on a matter such as the so-called sponsorship affair, it would be tempting for many to make multiple spontaneous recommendations. For example, we have already heard that some suggest putting an end to discretionary appointments or to recommendations by the Prime Minister, while others hope to refocus the energy of the deputy minister on his department or to make him exclusively responsible for spending. For our part, we feel it is best to follow the logic of cause and effect: What was the problem? What were its causes? How to go back as far as possible in the causal chain?

According to our research and the elements submitted to the Commission of Inquiry that came to our knowledge, some problems occurred in several areas of public action, including that of deputy ministers, to which we will give our exclusive attention. We are confronted by a problem for which we must seek the systemic causes:

- If it were proven that a deputy minister had any knowledge or suspicion of irregularities concerning the process followed or the ways in which basic questions were handled and that he neglected to investigate, or to notify the minister; or that, if the minister was involved, the deputy minister neglected to advise him formally to proceed otherwise; or finally that the deputy minister did not warn the Privy Council authorities;
- If it were proven that a deputy minister with delegation of authority from a central agency failed to warn the agency that an internal audit report drew attention to major difficulties in this regard; and,
- If it were proven that a deputy minister had any knowledge or suspicion of irregular human resources management practices and did not or could not intervene to defend the principles of the rule of law, the security and professionalism of public employees under his orders, and the trust of citizens and the House.

Insofar as the blindness of the actor in question could not be explained by corruption, partisan politicization, blackmail or some personal gain,

we have to assume the cause of such action as being the phenomenon of proprioception, whereby an actor chooses a conduct which he thinks is consistent with the wishes of those in command.

In this case, an appointment by competition would not have affected this behaviour as much as better protection of the performance of duties would have done. Moreover, if an incumbent, in such a situation, had warned PCO management, he would have fulfilled his professional responsibilities, if not enjoyed better protection. If a deputy minister, in such a situation, had been *exclusively and personally* responsible for procedural compliance with respect to the spending of funds, he would probably have opted to intervene more vigorously to find out about the situation and, if necessary, curb and correct improper practices.

Some would like to refocus the energy of the deputy minister on his department. This backward-looking prescription does not have much to do with the problem concerned. Horizontal management affects all departments, and the difficulty involved in the inquiry affects only one department. None of the evidence showed that the department's incumbent was too busy to keep an eye on his minister or some senior officials, and even less, that horizontal management was keeping him too busy to prevent the irregularities revealed. On the contrary, if the incumbent had been more "horizontal," he would have alerted the PCO, the Treasury Board and the Public Service Commission about the practices brought to his attention. Horizontal management contributes to the quality of policies and government coordination; without it, deputy ministers would have to spend more time settling problems and crises.

From causal theory, it seems to us that the relevant recommendations pertaining to the intervention of deputy ministers should be concerned with four areas: ministerial intervention in program management, retention of staff, exclusive responsibility for processes, and the promotion and monitoring of adequate leadership values among deputy ministers.

- **Intervention by the minister in the department** is a firmly rooted right, reinforced by the full accountability of the minister to Parliament. Canada's executive power operates largely on conventions. Convention requires him to use it with reserve and according to the agreement concluded with the DM where program management is involved. It might be advisable to adopt a practice that would formalize and systematize this type of agreement so as to ensure concordance on the circumstances and terms.
- **Retention of staff** is currently decided by the Prime Minister at his discretion. This democratic principle of primary importance should be kept but accompanied by a provision enabling a deputy minister who is dismissed to draw the Commissioner's attention to the ethical aspect if he feels that his dismissal was linked to an intervention aimed at avoiding irregular practices. Such a situation would have comforted the incumbent in his role as protector of public funds and interests.
- Decisions respecting budget allocations must remain the minister's privilege. Respect for procedural rules, however, can no longer remain the subject of ambiguous or shared responsibility between the minister and deputy minister. **The deputy minister must be ultimately, exclusively and personally responsible** to both the mandating central authorities and the parliamentary committees that examine these areas of responsibility. Such a situation would have given the incumbent sufficient legitimacy and interest to better ascertain and perhaps oppose any irregular practices.
- Because of the changing challenges and modes of intervention in the public sector, **irreproachable leadership is required**—one that is exemplary and founded on appropriate, adequately promoted values reinforced by increased vigilance from those responsible for the public management system. Monitoring of leadership should become the focus of constant attention by central agency officials and be reflected both in performance agreements and performance appraisals. Every leadership has a proactive dimension respecting the values sought rather than just the strict and reactive compliance with legal prescriptions stemming from already very numerous, though little exercised, controls inasmuch as the conditions for exercising them are not consolidated.

During crises, bureaucratic systems react spontaneously by creating additional rules and controls. The current system does not lack rules, or central control features—on the contrary! Adding more would only help suffocate the system and add to the costs of the public service, without having any effect on the root of the problem. What is needed, rather, is the creation of conditions conducive to vigilant and constant enforcement.

Endnotes

- ¹ The author wishes to thank his anonymous evaluators and Professors James Iain Gow and Donald Savoie for their comments; he remains solely responsible for any opinions or mistakes contained in this text.
- ² As is the custom, we have promised our sources confidentiality, and therefore have not attributed the quotations to anyone or named anyone in the excerpts. I plan of course to fulfill these commitments scrupulously.
- ³ The instrument, initiated by the Prime Minister, is then signed by two Ministers before being signed by the Governor General since a quorum of four members of the Privy Council is sufficient for the holding of a meeting. Some sections of the *Public Service Employment Act* provide a framework for the status and appointment of deputy ministers.
- ⁴ See also Privy Council Office, *Guidance for Deputy Ministers*, p. 17.
- ⁵ These data may be misleading for three reasons. The first is that, in a group of about 25 people, two or three numbers have a heavy effect on the average. The second is “musical chair” appointments, that is, five to eight appointments at a time, some years even twice (December and June); if we look at the data just after such switches, the averages drop. For example, as at July 1, 2003, the average was 1.6 years since these major changes had occurred only a few weeks before. The third reason is that the averages take into account time spent up to the present in a position and we can never know how much time some people will stay in the same position.
- ⁶ Osbaldeston observed that deputy ministers in 1987 had been in their positions for less than two years. His study, along with the studies by Bourgault and Dion (1988 and 1990), were an alarm signal within the community.
- ⁷ The tradition is to mention that service to the public and the clientele should be among the criteria of accountability. These are ideal pretexts on which bureaucrats rely to raise themselves above democratically elected politicians. These criteria must apply to elected members rather than bureaucrats of all ranks, since bureaucrats themselves could take this approach in order to promote their own corporate interests. The performance objectives assigned by the Clerk to deputy ministers are informed by the government’s agenda and always include a component to address these concerns.

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