



**LEGISLATIVE ASSEMBLY OF NUNAVUT**

**REPORT TO THE SPEAKER OF THE LEGISLATIVE ASSEMBLY  
CONCERNING THE POSSIBLE CONFLICT OF INTEREST  
RESPECTING THE APPOINTMENT OF THE  
ACTING DEPUTY MINISTER OF HUMAN RESOURCES**

**Katherine R. Peterson, Q.C.**

**Integrity Commissioner**

**March 2022**



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# REPORT TO THE SPEAKER OF THE LEGISLATIVE ASSEMBLY CONCERNING THE POSSIBLE CONFLICT OF INTEREST RESPECTING THE APPOINTMENT OF THE ACTING DEPUTY MINISTER OF HUMAN RESOURCES

## 1. INTRODUCTION

This Report is made to the Speaker of the Legislative Assembly pursuant to section 44(1) of the Integrity Act of Nunavut.

This matter arose as a result of the questions posed by two elected members of the Legislative Assembly - George Hicke, Iqaluit-Tasiluk, and Joe Savikataaq, Arviat South, during proceedings in the House on Monday March 7, 2022. The central issue raised by Member Hicke was that a member of a Minister's household was appointed as an acting deputy minister [in the department over which the Minister had authority], and what assurance could be given that this will not occur again. The relevant excerpt from Hansard is attached as Appendix 1 to this Report. The Premier, The Honourable P.J. Akeeagok, responded orally to the questions on March 7, 2022 and as well, provided a Return to Oral Question (Appendix 2) on March 8, 2022. The Premier advised that such matters are governed by policies and procedures and that no policies or procedures had been broken. As indicated in the Oral Return, the Premier advised that this matter would be referred to the Integrity Commissioner for review and advice. The Premier contacted me by telephone Tuesday March 8, 2022 to outline his request.

## 2. SCOPE OF AUTHORITY

Any person who wishes to make a complaint to the Integrity Commissioner may do so by making a request for a review in writing. The Integrity Act states that in addition, this procedure requires the person making the complaint to provide a sworn affidavit setting out the grounds for the belief that a contravention of the Integrity Act may have occurred.

This process did not occur in the present case. However, under section 40 of the Act, the Integrity Commissioner may on her own initiative undertake a Review. The ability for the Integrity Commissioner to initiate a Review without a formal complaint being submitted is a necessary authority which allows matters to be reviewed which have come to the attention of the Integrity Commissioner. However, this self-initiated process should only occur in circumstances involving a serious question of a possible breach of the provisions of the Act and where there is significant public interest in the review and resolution of the issue. It is my opinion that both of these circumstances exist with respect to the present matter.

The Review involves a possible breach or contravention of the duties of elected Members of the Assembly set out in the Integrity Act. For the purposes of this review, the question before me is whether the Minister Responsible for Human Resources breached any provision of the Integrity Act in approving or accepting the appointment of his spouse as acting Deputy Minister in that department.

The relevant sections of the Act are as follows:

### **Integrity Act S.Nu. 2001,c.7**

#### PROVISIONS APPLYING TO ALL MEMBERS

##### General obligations and commitments

**4.** Each member shall

- (a) perform his or her duties of office and arrange his or her private affairs in such a manner as to maintain public confidence and trust in the integrity, objectivity and impartiality of the member;

Conflict of interest

- 8.** A member shall not make a decision or participate in making a decision in the performance of his or her duties of office or otherwise exercise an official power or perform an official duty in the exercise of his or her office if the member knows or reasonably should know that in doing so there is an opportunity to further the member's private interest or improperly to further another person's private interest.

### 3. BACKGROUND

#### A. Election to Cabinet and assignment of portfolios

Members of the 6<sup>th</sup> Assembly were elected October 25, 2021. Thereafter, on November 15, 2021 Members announced the date and format of the Nunavut Leadership Forum. For those who may not be familiar with this process, it is a Forum in which elected Members put their names forward for election as Speaker, Premier and Executive Council (or Cabinet). The News Release for this process is set out as Appendix 3.

The Leadership Forum concluded on November 17, 2021 at which time the Speaker (The Honourable Tony Akoak, Gjoa Haven), Premier (The Honourable P.J. Akeeagok (Iqaluit – Niaqunngu)) and members of Cabinet were announced. (Appendix 4). Members were sworn in the following day, November 18, 2021.

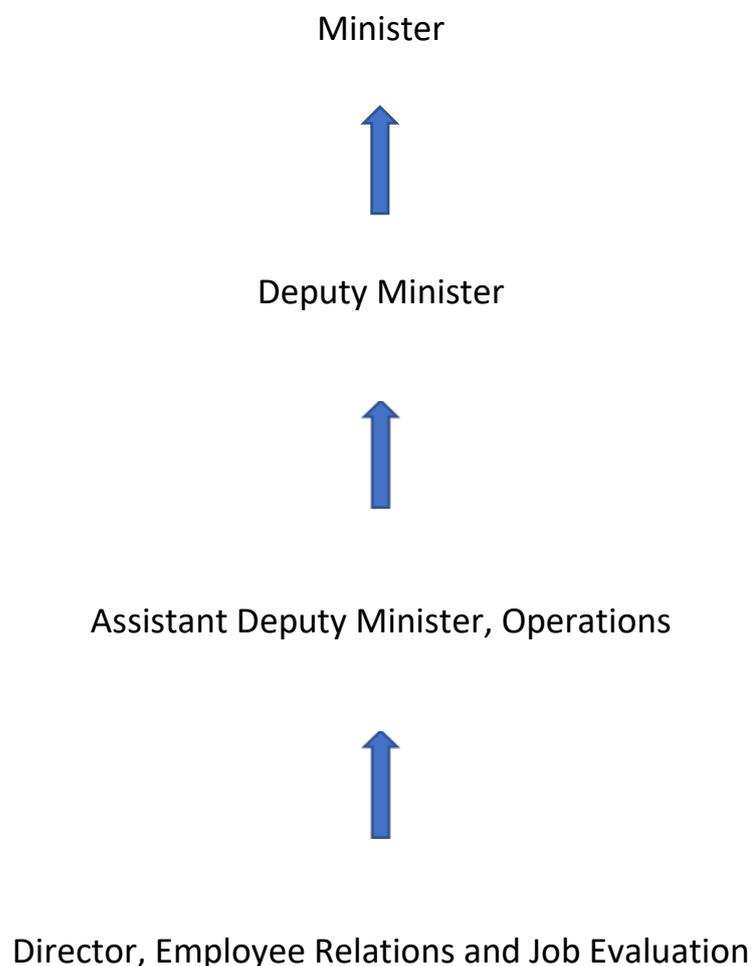
The Premier has the authority to assign portfolios to the Cabinet Members. In this regard, Minister Adam Arreak Lightstone, Iqaluit-Manirajak, was designated the Minister Responsible for Human Resources. He was also assigned other portfolios, namely Minister of Finance, Minister Responsible for Workers Safety and Compensation Commission and Minister Responsible for the Liquor Licensing Board.

At the time this appointment was made, the spouse of Minister Lightstone was employed as Director, Employee Relations & Job Evaluation, Department of Human Resources. It is to be noted that this position is a senior and critical function within the Department. The position involves a broad range of significant responsibilities including (but not limited to):

- Directing collective bargaining activities as per the Public Service Act, including the provision of a Chief Negotiator for all GN bargaining teams;
- Directing employer/employee relations activities that add to the efficiency and quality in delivery of labour relations services throughout the GN;
- Responding to grievances, human rights complaints and direct handling of arbitrations.

A copy of the Position Description for the position occupied by the spouse of Minister Lightstone is attached as Appendix 5.

The Director position reports to the Assistant Deputy Minister, Operations in the Human Resources department. The Assistant Deputy Minister reports to the Deputy Minister. A schematic of this reporting is as follows:



A copy of the organizational chart is attached as Appendix 6.

At the time this cabinet portfolio appointment was made, the spouse of Minister Lightstone had already tendered her resignation from this post on October 18, 2021 such resignation to be effective January 28 , 2022. However, she remained an active employee during that period.

In addition, at the time that Minister Lightstone was assigned Ministerial responsibility for the Department of Human Resources, the Premier did not have detailed or formal discussions with his newly elected Cabinet members regarding their appointments to the various portfolios, nor was there any request that Cabinet members declare possible conflicts of interest prior to the assignment of portfolios. The Premier indicated that he took careful note of the remarks of those seeking Cabinet positions, and in particular, past experience, areas of strength and interest. In addition he had conversations with various members prior to the conclusion of the Leadership Forum regarding members' interests, strengths and prior experience.

Minister Lightstone advised that he had casual discussions with the Premier prior to the Leadership Forum at which time he indicated his areas of strengths and weaknesses, past relevant work experience and those portfolios which would most align with his experience and skill set. He also indicated that he made the Premier aware of the employment of his (Minister Lightstone's) spouse. There are some discrepancies in the recollections of Minister Lightstone and the Premier on this issue. The Premier does not recall whether or not Minister Lightstone advised him of the employment of his spouse in a senior position in the Department of Human Resources at the time of the Leadership Forum. Suffice it to say that at the time the Acting Deputy Minister appointment was approved by Minister Lightstone and brought to the attention of the Premier, the Premier was aware of the relationship and the perception of conflict of interest in the matter.

Prior to the Leadership Forum, elected Members received detailed briefings on the operation of the Assembly, parliamentary procedure and the status of matters in various departments. In addition, a detailed briefing was given by myself regarding the elected members' responsibilities and obligations under the Integrity Act. After the briefing I was available in Iqaluit to meet with members to discuss any issues, questions or concerns. Twenty of the 22 elected members met with me in person. Minister Lightstone did not avail himself of this opportunity.

Once elected as Cabinet members, a detailed briefing was provided to them by senior staff within the Department of the Executive and Intergovernmental Affairs. This briefing included a section concerning conflicts of interest as well as areas concerning familial relationships. The Ministers were also provided with a detailed document called the Ministerial Procedures Manual (portions of which will be referred to later in this Report). Minister Lightstone did not advise any senior staff in the Department of Executive and Intergovernmental Affairs of the employment of his spouse in the Department of Human Resources. He indicated that "everyone knew".

#### B. Circumstances of the Acting Deputy Minister Appointment

It is commonly known that the Department of Human Resources can be and often is a stressful work environment. It deals with sensitive employee relations matters, among many other responsibilities, and situations where employees seeking advice and direction, or relief may not be at their best or strongest. This stressful work environment was amplified by the pandemic, the isolation of workers, families and general anxiety concerning health and well being.

In addition, the Deputy Minister of Human Resources is responsible for all GN building closures arising from weather or other safety considerations. I mention this because the responsibility is a daily, ongoing and important function and accordingly, there must be a designated person in the position of Deputy Minister of Human Resources at all times.

Finally, it is well known that this Department, as well as other Departments, has suffered significant staff shortages, leaving a heavier burden on those in the Department to fulfil its mandate.

I also note at this point that a common concern brought to any elected MLA often involves issues related to human resource matters. In the circumstances that existed between November 18, 2021 (the date when Ministers were sworn into office) and January 28, 2022 (the resignation date of the Minister's spouse), such concerns often could not be presented to Minister Lightstone by an MLA due to the involvement of the Minister's spouse in the issues of concern. This is separate and apart from the appointment of her as acting Deputy Minister. Alternatively, the Minister would have to declare a conflict of interest respecting any issue arising out the actions, decisions or operations for which his spouse was responsible.

The Department of Human Resources has been chronically understaffed and this was the case in December 2021. One Assistant Deputy Minister had left his position, and the other Assistant Deputy Minister was in the process of completing his employment with the GN and was working remotely outside Nunavut.

The Deputy Minister of Human Resources, Sheila Kolola, had applied for a much needed break from work and was scheduled to take leave from December 16, 2021 to January 3, 2022. This application for leave was made November 29, 2021 and was approved by Minister Lightstone. This followed the usual procedure. Approval for leave of senior staff and appointment of acting senior staff is typically handled by the Minister responsible for that department. Information concerning these decisions is routinely provided to the Department of Executive and Intergovernmental Affairs.

However, the above noted vacancies at the senior management level in HR made it difficult to allocate the acting Deputy Minister role and responsibility during the period of Ms. Kolola's leave. Normally an Assistant Deputy Minister would assume the acting Deputy Minister position. Employees other than Minister Lightstone's spouse were approached but were either unable or declined for other reasons to assume the Acting position. However there was no canvas of other departments to determine whether a senior staff member could fill this role. The period in which the acting Deputy Minister would have responsibility was short as the GN closed for the holiday season December 24, 2021 until January 4, 2022. In practical terms, the "acting" period, or the period in which there would be an acting Deputy Minister of HR was at most seven working days. Nonetheless, as indicated above, it was necessary to have someone in that position for that period.

Sheila Kolola had come to the conclusion that the spouse of Minister Lightstone was the best person to act as Deputy Minister due to her strong skills, knowledge and experience in the HR field. In consultation with her Assistant Deputy Minister, Ms. Kolola was advised that the acknowledged conflict of interest could be addressed by having an alternate reporting pathway – namely that her acting Deputy Minister would not have direct contact or communication with the Minister regarding matters which arose. She would have signing authority in Iqaluit for internal operations. Communications to and from the Minister’s office would be addressed through the Assistant Deputy Minister.

On December 15, 2021, when Deputy Minister Kolola sought the approval of Minister Lightstone for the appointment of his spouse to the acting Deputy Minister position, she advised the Minister of the alternate reporting arrangement and that this would address the issue of conflict of interest. Although Minister Lightstone initially had concerns regarding the appointment, he accepted this advice without further inquiry and signed the approval for his spouse to be appointed acting Deputy Minister. A copy of the signed approval from Minister Lightstone is attached as Appendix 7 to this Report. It is clear that the choice of the Minister’s spouse to act as Deputy Minister did not originate from the Minister and indeed, it caused him concern. However, he accepted the advice that the conflict of interest could be appropriately addressed through the alternate reporting and communication pathway through the Assistant Deputy Minister.

### C. Steps taken after the appointment of the Assistant Deputy Minister

Deputy Minister Sheila Kolola advised the then Deputy Minister to Cabinet, Virginia Mearns, of the acting appointment of Minister Lightstone’s spouse. She also advised Ms. Mearns of the alternate reporting procedure that had been put in place. Despite this alternate reporting mechanism, Ms. Mearns was immediately concerned about the appointment and accordingly on or about December 20, 2021 raised the question with the Premier. Although the exact timing of this conversation is unclear, it is clear that it occurred after the acting assignment was signed off by Minister Lightstone. The Premier advised Ms. Mearns that he was disturbed by the apparent conflict of interest and instructed

that another person be found to take on this responsibility. Deputy Minister Kolola agreed to shorten her leave and assume her responsibilities December 21, 2021.(Appendix 8)

## ANALYSIS

I wish to point out that there is no evidence of any collusion, corruption, inappropriate benefit nor nefarious actions or directions associated with these circumstances. There was no evidence of the advancement of a private interest of the Minister, his spouse, or other person. However, the absence of this does not address the more difficult questions of:

- The appearance of conflict of interest, and
- Whether the alternate reporting mechanism put into place in this matter adequately addresses the question of apparent conflict of interest.

It is well established that the appearance or perception of conflict of interest must be treated with the same scrutiny and seriousness as actual conflict of interest. In some instances actual conflict of interest can easily be established on the evidence, such as when a person in authority or elected office participates in a decision that either directly benefits him or her, their business interests, or those of his or her family. Such clearly identifiable conflicts of interest are usually the exception. When there is a **perceived** conflict of interest, the focus shifts to the integrity of the institutions or practices affected in addition to the persons directly involved. In the case of the Legislative Assembly and those who are elected to office, the responsibility is to maintain the public confidence in the operations of the institution as well as the character and integrity of the officers and members of that institution.

This is reflected in the Purpose and Principals set out in the Integrity Act:

### Purpose

1. The purpose of this Act is

- (a) to affirm in law the commitment of the members of the Legislative Assembly to serve always the common good

in keeping with traditional Nunavummiut values and democratic ideals; and

(b) to establish a system of standards and accountability for fulfilling that commitment.

## Principles

2. This Act is founded on the following principles:

(a) integrity is the first and highest duty of elected office;

(b) the people of Nunavut are entitled to expect those they choose to govern them to perform their public duties and arrange their private affairs in a way that promotes public confidence in each member's integrity, that maintains the Legislative Assembly's dignity and that justifies the respect in which society holds the Legislative Assembly and its members;

(c) the members of the Legislative Assembly are committed, in reconciling their public duties and private interests, to honour that expectation with openness, objectivity and impartiality, and to be accountable for so doing;

(d) the Legislative Assembly can serve the people of Nunavut most effectively if its members come from a spectrum of occupations and continue to participate actively in the economic and social life of the community.

This is also reflected in the provisions of the Ministerial Procedures Manual:

### **1.3 Conflict of Interest**

#### **Guidelines:**

1. The Conflict of Interest provisions of the Integrity Act applies to all Members of the Legislative Assembly including Ministers.

2. Ministers must uphold the highest ethical standards so that public confidence and trust in the integrity and impartiality of government are maintained and enhanced.

3. Ministers have an obligation to perform their official duties and arrange their private affairs in a manner that will bear the closest public scrutiny. This obligation is not fully discharged merely by acting within the law.

4. Ministers must avoid conflicts of interest, the appearance of conflicts of interest, situations that have the potential to involve conflicts of interest, and Ministers must declare a conflict of interest at the point and time it becomes apparent

5. Ministers shall not:

- a. engage in any other employment or in the practice of a profession;
- b. engage in the management of a business carried on by a corporation;
- c. carry on business through a partnership or sole proprietorship; or
- d. hold office or directorship, unless holding the office or directorship is one of the Minister's duties as a Minister, or the office or directorship is in a social club, religious organization or political party.

6. Ministers must declare and take the necessary steps to avoid conflict of interest, if any member of their immediate family is a senior manager in any government department, public agency or statutory body for which the Minister is responsible. Acting appointments are to be reviewed on a case by case basis.

7. Ministers are reminded of the potential conflict of interest that may occur if a spouse or dependent child of the Minister holds or enters into a contract, including a contract of employment, with any department or agency of the Government of Nunavut for which the Minister is responsible. In the event that such a situation occurs, the

Minister may utilize the method outlined in section 19 of the Integrity Act to get a ruling from the Integrity Commissioner on the conditions under which such a relationship would not represent a conflict of interest.

No advice was sought from my office with respect to this arrangement or the appointment of the acting Deputy Minister.

Minister Lightstone and the senior staff within the Department of Human Resources were of the view that the obligations set out in these documents were met by the insertion of a separate communication protocol that avoided direct contact between the spouse as Acting Deputy Minister and the Minister. In other words, that this alternate reporting and communication regime was the “necessary step(s) to avoid a conflict of interest”. With respect, I disagree. This protocol, or ones similar to it may be sufficient in situations where there are several reporting layers between a Minister and a family member, and where the position of the family member is not as significant as the position of Deputy Minister. Indeed, the instances of elected Members and Cabinet Ministers having a relative or spouse working at some level in the GN is not uncommon.

While the protocol adopted in this instance may have addressed problems of actual conflict (and there may in fact be reservations as to whether it even did that given the spousal relationship), it does not address the equally important problem of perceived or apparent conflict of interest. The ordinary person on the street is not privy to such arrangements. The ordinary person on the street would not assume that arrangements were in place to protect the public interest respecting conflict of interest, or that steps were taken to ensure objective and detached communication, advice and influence between the Minister and his spouse acting as Deputy Minister. That is not to say that there were inappropriate communications, but rather that the public, in the circumstances, could not have confidence that this was the case. From outside the Department, this acting appointment did not meet what is often referred to colloquially as “the smell test”.

Accordingly, while there is no evidence of any benefit or advancement of the private interests of either the Minister or the spouse, the arrangement does not satisfy the obligation of the Minister set out in section 4 (a) of the Act, namely, to perform his or her duties of office and arrange his or her private affairs in such a manner as to maintain public confidence and trust in the integrity, objectivity and impartiality of the member. The difficult staffing shortages in the Department, the brevity of the appointment and the pending resignation of the

Minister's spouse do not affect or alleviate the resulting apparent conflict of interest.

It is the responsibility of the Minister, not exclusively senior staff, or employees, to identify situations of actual or perceived conflict of interest and to address such situations appropriately. Often conflict of interest situations can be complex and confusing to the most experienced of elected Members, or indeed officials in all lines of work. It is for this very reason that there is an option to obtain advice from the Integrity Commissioner set out in both the Integrity Act and the Ministerial Procedures Manual. The Act further provides that if advice is sought and followed, there can be no complaint sustained against a member having sought advice, nor can any sanction be imposed.

There were a number of junctures at which Minister Lightstone should have sought advice. These include the initial meeting after the Integrity Act orientation in November 2021; at the point when Minister Lightstone identified for himself his interest in leading the Department of Human Resources if elected to Cabinet; after his election to Cabinet and the assignment of the Human Resources portfolio; at the point when his spouse was suggested as the person to be appointed Acting Deputy Minister during the absence of the Deputy Minister. It has been emphasized many times that proactive steps are beneficial and immeasurably preferred to circumstances such as the ones we now find in this matter.

For the reasons set out above, I find that Minister Lightstone, in approving the appointment of his spouse as acting Deputy Minister in the department over which he had oversight, breached his obligations under section 4(a) of the Integrity Act in that he did not perform his duties of office in such a manner as to maintain public confidence and trust in the integrity, objectivity and impartiality of the member.

#### 4. RECOMMENDATIONS TO THE ASSEMBLY

Section 46 of the Integrity Act obliges me to make recommendations as to sanction of the Member to the Legislative Assembly. The relevant portions of the Act are as follows:

## SANCTIONS

### Recommendations after review

46. (1) If, after a review, the Integrity Commissioner finds that the member has contravened this Act, the Integrity Commissioner shall, in his or her report, recommend one or more of the following:

- (a) that no sanction be imposed;
- (b) that the member be reprimanded;
- (c) that the member publicly acknowledge his or her conduct;
- (d) that the member undertake such remedial action as may be directed, including paying compensation to any person or paying, to the government, the amount of any gain realized by the member or any other person;
- (e) that the member pay a fine not exceeding \$10,000;
- (f) that the member's right to sit and vote in the Legislative Assembly be suspended, with or without indemnity or allowance, for a specified period or until a specified condition is fulfilled;
- (g) that the member's seat be declared vacant; or
- (h) any other sanction the Integrity Commissioner considers appropriate.

### Costs

(2) The Integrity Commissioner may also, in his or her report, recommend that costs, in an amount determined by the Integrity Commissioner, be paid by or to, any of the following:

- (a) the member;
- (b) the person who made the request for a review;
- (c) the Government.

S.Nu. 2010,c.9,s.10; S.Nu. 2011,c.16,s.1(2).

The Legislative Assembly is obliged to either accept all of the recommendations of the Integrity Commissioner contained in the Review

report or reject all of the recommendations of the Integrity Commissioner (Integrity Act, section 49). The decision of the Assembly in this regard is final and conclusive and there can be no further inquiry into the matter. (Integrity Act sections 48(3) and 49).

The recommendation of sanction in this matter is a difficult issue. As noted, the range of sanctions is from no sanction imposed to the member losing his or her seat in the Assembly.

In order to impose no sanction the Integrity Act requires:

Where no sanction shall be recommended

47. (1) The Integrity Commissioner shall recommend that no sanction be imposed if the Integrity Commissioner finds that there has been no contravention of this Act or that there has been a contravention of this Act but

- (a) the member took all reasonable measures to prevent the contravention;
- (b) the contravention was trivial, committed through inadvertence or an error of judgment made in good faith; or
- (c) the member was acting in accordance with the Integrity Commissioner's advice and had, before receiving that advice, disclosed all material facts known to the member.

Statement of reasons

- (2) If the Integrity Commissioner recommends that no sanction be imposed, the Integrity Commissioner shall state, in his or her report, the findings that upon which that recommendation was based. S.Nu. 2010,c.9,s.10.

For the reasons outlined above, I am unable to find that Minister Lightstone took all reasonable measures to prevent the contravention. He did not give thoughtful and timely consideration of the possible conflicts of interest associated with his spouse being employed in the Department over which he had oversight, nor with respect to the acting appointment of his spouse as Deputy Minister. In addition, although I am able to find that Minister Lightstone made an error in judgment made in good faith, and on the basis of advice

received at the time, the contravention was not trivial. Both of these conditions must be present for me to not impose a sanction.

With respect to sanction, I am also taking account the following:

- The Minister had a number of opportunities to seek advice concerning conflict of interest generally and with respect to this situation in particular and failed to do so;
- At the time, the Minister had only been recently appointed to his Cabinet position and had not previously held any ministerial responsibility;
- The Minister relied on the advice provided by his most senior staff member who has considerable experience as a civil servant;
- The Minister's spouse had, prior to all events herein, tendered her resignation from the Department, although that resignation was not yet in effect;
- The period during which the Minister's spouse held the acting appointment was brief, even if that appointment had not been amended by the Premier;
- The overall circumstances of staffing in the department made the selection of an acting deputy minister difficult;
- Clear conflict detection protocols were not in place in Executive and Intergovernmental Affairs which could have identified and clarified the situation for all concerned;
- The acting appointment was not at the suggestion of the Minister, nor was there any material or private interest benefit derived. In fact, the review in this matter has been a significant burden to the Minister and his spouse.

For all of the reasons set out above, it is my recommendation that:

1. the Legislative Assembly reprimand Minister Lightstone, and
2. Minister Lightstone publicly acknowledge his conduct.

ALL OF WHICH IS RESPECTFULLY SUBMITTED



Katherine R. Peterson, Q.C.  
Integrity Commissioner

List of Persons providing information for the purposes of this Report

Premier P.J. Akeeagok

Minister Adam Lightstone

Deputy Minister Sheila Kolola

Member George Hickey

Member Joe Savikataaq

Former Deputy Minister Executive and Governmental Affairs Virginia  
Mearns

Nunavut Information and Privacy Commissioner Graham Steele

Lorraine Madore Analyst, Parliamentary and External Relations,  
Communications, Outreach and Planning  
Office of the Conflict of Interest and Ethics Commissioner

### List of Appendices

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Appendix	5	Position Description Director, Employee Relations and Job Evaluation
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as well as the Municipal Training Organization. I would like to bring that forward at that time and thank the member for her question.

**Speaker:** Thank you. Oral Questions. Member for Iqaluit-Tasiluk, Mr. Hickes.

**Question 005 – 6(1): Appointment of Deputy Ministers**

**Mr. Hickes:** Thank you, Mr. Speaker. I welcome everyone back here to Iqaluit.

Mr. Speaker, I have a question today for the Premier.

Mr. Speaker, deputy ministers are appointed by the Premier and his office, and most people are aware of that, but one thing that seems to be a little vague in some circumstances is how acting deputy ministers are appointed to relieve deputy ministers during types of leave. I was wondering if the Premier would be able to update this House and the public on that practice. Thank you, Mr. Speaker.

**Speaker:** Thank you. Premier of Nunavut, Mr. Pauloosie Akeeagok.

**Hon. P.J. Akeeagok (interpretation):** Thank you, Mr. Speaker. I would like to thank my colleague for asking that good question. The Premier identifies who is going to be a deputy minister. When there needs to be an acting deputy minister, it goes through my office and we work with our deputy ministers on the list of candidates who are capable and qualified. We keep an ongoing list of who is qualified. Thank you, Mr. Speaker.

**Speaker:** Your first supplementary, Mr. Hickes.

**Mr. Hickes:** Thank you, Mr. Speaker. I thank the Premier for that response. Human resource policies are very clear on reporting practices to avoid conflict of interest liabilities.

Mr. Speaker, I was shocked to recently learn that a member of the household of the responsible minister was appointed as an acting deputy minister. Mr. Speaker, I was floored. I have never heard of that happening in any other jurisdiction and was quite taken aback on that practice being practised here in Nunavut.

Mr. Speaker, what faith do we have that this will not occur again? Thank you, Mr. Speaker.

**Speaker:** Premier of Nunavut, Mr. Akeeagok.

**Hon. P.J. Akeeagok (interpretation):** Thank you, Mr. Speaker. I thank my colleague. We're always based on policies and we always base our decisions when we're appointing deputy ministers and we will always be following that. I can point that out and in the future, if there needs to be an acting person, we will always be following the policies. We haven't broken any policies or regulations. Thank you, Mr. Speaker.

**Speaker:** Your second and final supplementary, Mr. Hickes.

**Mr. Hickes:** Thank you, Mr. Speaker. I thank the Premier for that assurance. Mr. Speaker, when we look at the civil service and the policies and rules that are in place within the Human Resources Manual, there is very clear direction on conflict of interest, and I was quite surprised that a minister would be so exposed to a very obvious direct conflict of interest. I just want to leave it at that, Mr. Speaker. I do appreciate the Premier's assurance that this will never happen again and it is something that I will continue to follow. Thank you, Mr. Speaker.

**Speaker:** That just being a comment. Oral Questions. Member for Arviat South, Mr. Savikataaq.

### **Question 006 – 6(1): Appointment of Deputy Ministers**

**Mr. Savikataaq:** Thank you, Mr. Speaker. (interpretation) To the people of Arviat, I say "good day" to you.

(interpretation ends) Mr. Speaker, I'll just follow up with MLA Hickes' question.

Mr. Speaker, the Premier said that he is going to follow the guidelines. Just for clarity, can the minister confirm to the House that he appointed an acting deputy minister that was in the same household as the minister responsible for the department? Thank you, Mr. Speaker.

**Speaker:** Premier of Nunavut, Mr. Pauloosie Akeeagok.

**Hon. P.J. Akeeagok** (interpretation): Thank you, Mr. Speaker. I also thank my colleague for the question. Yes, it's true and you're quite aware that there is a policy on appointments because they hold very important positions. I would like to point out that we haven't broken any policies and we will always be following them. I would like to reiterate that we're always looking at whether there might be problems with these higher positions. When we're going to be appointing deputy ministers, it's not only us that look at them; we always have to ask the people involved and we will always be tolerant to ensure there are no problems. Thank you, Mr. Speaker.

**Speaker:** Your first supplementary, Mr. Savikataaq.

**Mr. Savikataaq** (interpretation): Thank you, Mr. Speaker. (interpretation ends) The Premier talked about going to follow the policies again. I'll ask again: did the Premier appoint an acting deputy minister to a department which lived in the same household as the minister responsible for the department? It's a simple yes or no question. Thank you, Mr. Speaker.

**Speaker:** Premier of Nunavut, Mr. Akeeagok.

**Hon. P.J. Akeegok** (interpretation): Thank you, Mr. Speaker. I also thank the member. No. To my understanding, we're always looking at policies to see whether there are any problems. We haven't broken any policies and I have always looked and I will look further into it, Mr. Speaker. Thank you.

**Speaker:** Your second and final supplementary, Mr. Savikataaq.

**Mr. Savikataaq:** Thank you, Mr. Speaker. I'm having a tough time getting a straight answer out of the Premier. This is a simple question. Mr. Speaker, did the Premier appoint an acting deputy minister to a household member of the minister responsible for that department? It is a straightforward, simple question.

Mr. Speaker, as an MLA, we cannot hire a constituency worker that lives in the same household for reasons of nepotism and for transparency. It's just a simple, straightforward question: did the minister appoint an acting deputy minister to a member that was in the same household as the minister responsible for that department? Thank you, Mr. Speaker.

**Speaker:** Premier of Nunavut, Mr. Akeegok.

**Hon. P.J. Akeegok** (interpretation): Thank you, Mr. Speaker. I again thank my colleague for that question. I will look further into his concern. When we're going to make appointments, we're always looking at the policies to ensure there are no problems. Yes, I fully agree that the policies are there to protect us and we have to base our decisions around them. Thank you, Mr. Speaker.

**Speaker:** Thank you. Oral Questions. Member for Tununiq, Ms. Nutarak.

#### **Question 007 – 6(1): Housing Needs in Pond Inlet**

**Ms. Nutarak** (interpretation): Thank you, Mr. Speaker. I send my regards to the residents of Pond Inlet. My question is for the Minister responsible for the Housing Corporation.

As the minister is aware, all communities in Nunavut are suffering from severe shortages of housing, and Pond Inlet is no exception.

During the previous Legislative Assembly's sitting of June 2, 2021, MLAs were informed that although some of the housing corporation's construction of new units would be postponed as a result of supply chain and cost issues, the planned units for Pond Inlet would be going ahead.

(interpretation ends) On March 4, 2022 the federal Canada Mortgage and Housing Corporation announced that a number of new affordable housing units are planned for a number of Nunavut communities, including Pond Inlet. The announcement indicated that 50 percent of the units will be "dedicated to women and their children."



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Legislative Assembly of Nunavut  
Assemblée législative du Nunavut

## Return to Oral Question

**Asked by:** George Hickes, MLA Iqaluit Tassiluk  
Joe Savikataaq, MLA Arviat South

**Asked of:** P.J. Akeeagok, Premier

**Number:** 5-6(1)  
6-6(1)

**Date:** March 8, 2022

**Subject:** Appointment of Deputy Ministers

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Mr. Speaker, thank you for the opportunity to supplement my response to oral questions from MLA Hickes and MLA Savikataaq. It is now my understanding that the members were referring to a situation that occurred over five days in December of 2021. Due to privacy issues, we cannot discuss the specific individuals involved.

The process for assigning an acting assignment while a Deputy Minister is on leave usually begins with the Deputy Minister. The Deputy will usually

recommend a qualified person to act in their place and in some cases, this acting position is considered and signed off by the relevant Minister. In some cases, this is a matter that is handled within the Department, but the Minister is always made aware of the acting assignment.

Mr. Speaker, I would like to make it clear that the Premier does not usually sign off on acting Deputy Minister positions unless it involves their portfolio. This practice has been in place in previous governments.

In reviewing the situation in question, I would like to share with members that the acting position took place from December 16th to 20<sup>th</sup>, 2021- a Thursday to a Monday.

I would like to confirm that I did not endorse the acting assignment in question. When I learned of potential appearance of conflict of interest, I took steps to ensure that the acting assignment was retracted, and another staff member assumed day-to-day responsibilities on Tuesday, December 21, 2021.

Mr. Speaker, I would like to inform my colleagues that I will be bringing this matter forward to the Integrity Commissioner for their review and will seek advice on further action.

In addition, Mr. Speaker, we will take immediate steps to eliminate any gaps in the policies around Deputy Minister acting assignments that may have been in place. We have had this ambiguity for many years, and I am very

thankful for the work of my colleagues to bring this to this Legislative Assembly's attention.

Mr. Speaker, I am proud of the work that this government has undertaken to date and of this House's intention to provide positive transformative change to Nunavummiut. We will conduct this work with openness and transparency, and I look forward to working with each of you to make a real difference in the lives of our people.

Thank you, Mr. Speaker.



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**Legislative Assembly of Nunavut**  
**Assemblée législative du Nunavut**

***RELEASE***

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### **MLAs announce date and format of Nunavut Leadership Forum**

**IQALUIT, Nunavut (November 15, 2021)** - The Legislative Assembly's Caucus today announced the date and format for the 2021 Nunavut Leadership Forum. The Forum consists of all MLAs.

The Forum will be held in the Chamber of the Legislative Assembly, beginning at 10:00am (EST) on Wednesday, November 17, 2021. The selection of the Speaker, Premier and members of the Executive Council (Cabinet) will be made by secret ballot. The first item of business will be the election of the Speaker. The Speaker-Elect will preside over the proceedings of the Forum.

The second item of business will be the election of the Premier. Each nominated candidate will be permitted to deliver a formal speech. MLAs not standing for the position of Premier will be permitted to ask questions of candidates. Detailed procedures concerning the selection process will be issued at the beginning of the Forum's proceedings.

Caucus has agreed that Cabinet will consist of nine members (Premier and eight Ministers). The *Legislative Assembly and Executive Council Act* provides that the Premier has the prerogative to assign Ministerial portfolios.

Public access to the foyer and visitors' gallery continues to be restricted as a consequence of the ongoing COVID-19 pandemic and state of public health emergency. The proceedings of the Nunavut Leadership Forum will be televised on local community cable stations where available and on the direct-to-home satellite service on the Bell (channel 513) and Shaw (channel 289 - classic / channel 489 - new lineup) networks. Sittings are live-streamed at: <http://video.isilive.ca/nunavut/>. Residents of Iqaluit may also listen to the live radio broadcast of the proceedings on the following FM channels: Floor: 92.5 / Inuktitut: 94.7 / English: 102.1.

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For more information:  
John Quirke, Clerk of the Legislative Assembly  
Email: [LegInfo@assembly.nu.ca](mailto:LegInfo@assembly.nu.ca)



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**Assemblée législative du Nunavut**

**RELEASE**

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## **Nunavut Leadership Forum elects Speaker, Premier and Cabinet Ministers**

**IQALUIT, Nunavut (November 17, 2021)** - Nunavut's Speaker, Premier and Members of the Executive Council were chosen today by the Nunavut Leadership Forum. The Forum consists of all MLAs.

Tony Akoak, MLA for Gjoa Haven, was acclaimed as Speaker.

Three Members accepted nominations to serve as Premier. P.J. Akeeagok, MLA for Iqaluit-Niaqunngu, was elected as Premier.

Sixteen Members accepted nominations to serve on the Executive Council. The following Members were elected: David Akeeagok, Pamela Hakongak Gross, David Joanasi, Lorne Kusugak, Adam Arreak Lightstone, John Main, Margaret Nakashuk and Joanna Quassa. The *Legislative Assembly and Executive Council Act* provides that the Premier has the prerogative to assign Ministerial portfolios.

The swearing-in ceremony for Members of the 6<sup>th</sup> Legislative Assembly will take place at 10:00am (EST) on Friday, November 19, 2021, in the Chamber of the Legislative Assembly. Formal motions to confirm the appointments of the Speaker, Premier and Cabinet will be made on the first sitting day of the 6<sup>th</sup> Legislative Assembly, which will take place on Friday, November 19, 2021, at 1:30pm (EST).

Public access to the foyer and visitors' gallery continues to be restricted as a consequence of the ongoing COVID-19 pandemic and state of public health emergency. The swearing-in ceremony and first sitting of the 6<sup>th</sup> Legislative Assembly will be televised on local community cable stations where available and direct-to-home satellite service on the Bell (channel 513) and Shaw (channel 289 - classic / channel 489 - new lineup) networks. Sittings are live-streamed at: <http://video.isilive.ca/nunavut/>. Residents of Iqaluit may also listen to the live radio broadcast of the proceedings on the following FM channels: Floor: 92.5 / Inuktitut: 94.7 / English: 102.1.

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**GOVERNMENT OF NUNAVUT  
POSITION DESCRIPTION**

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**Date:** November 26, 2020

**Position Number:** 04-00079

**Position:** Director, Employee Relations and Job Evaluation

**Incumbent:**

**Reports to:** Assistant Deputy Minister, Operations

**Location:** Iqaluit

**Effective:** November 26, 2020

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Deputy Minister  
Department of Human Resources

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Date

**General Accountability**

Reporting to the Assistant Deputy Minister, Operations, the Director, Employee Relations and Job Evaluation (Director) is responsible for strategic leadership of all facets of the collective bargaining process including the provision of a chief negotiator; providing advice and support to all Government of Nunavut (GN) departments, boards and agencies on human resource policies, directives and legislation for the management of the GN; development, delivery and monitoring of a workplace health and safety program; conducting research, planning, developing and implementing policies and directives pertaining to compensation programs and providing advice and guidance to the Director of Compensation and Benefits in the administration of GN compensation; developing and communicating rules and providing services which govern the employment relationship between the GN and Its employees and providing advice in dealing with issues that arise in the employment relationship; developing and communicating rules and providing job evaluation services to GN departments, boards and agencies.

**Organizational Structure**

The Director, Employee Relations and Job Evaluation is one of five staff members reporting directly to the Assistant Deputy Minister, Operations. The other four members are:

1. Director, Staffing
2. Director, Regional Staffing
3. Director of Wellness
4. Executive Secretary, Operations

**Subordinates:**

There is a total of 23 staff in the Employee Relations & Job Evaluation Division. A total of five (5) staff report directly to the Director. They Include:

1. Manager, Workplace Health;
2. Manager, Employee Relations;
3. Manager, Job Evaluation;
4. Labour Research Consultant;
5. Administrative Support Officer.

**Nature and Scope**

The Director is responsible for strategically planning, developing and delivering programs throughout the GN to foster harmonious employee/employer relations. The incumbent is responsible for developing legislation, policies and programs; negotiating collective agreements consistent with Inuit Societal Values while meeting the diverse operational needs of GN departments, boards and agencies and within collective agreements, laws and legislation in a fiscally responsible manner. The Director is responsible for developing procedures for communication and delivering training in employee/employer relations and promoting of a respectful workplace that allows for the effective delivery of programs in a decentralized environment.

The Director must demonstrate advanced human relations skills in dealing with Deputy Ministers and senior managers, union representatives and the media. The incumbent will provide directly or through subordinates, guidance in collaborative conflict resolution, mediation, resolving conflict in the workplace or directly facilitate and assist in conflict resolutions when requested by a Deputy Head of a department, board or agency. The Director will have frequent contact with the executive of the two bargaining units to negotiate resolutions to collective bargaining matters, consult in the development of new policy, legislation amendments, mediate essential service agreements or the resolution of grievances and human rights complaints or other employee/employer issues.

The Director is responsible for the pre- and post-planning for collective bargaining for the three GN bargaining teams and is responsible for the provision of a chief negotiator for all bargaining teams as well as a strategic plan that results in successful negotiations. In conjunction with departmental finance officials, the Director is responsible for preparing cost analysis; present findings and recommendations to the Assistant Deputy Minister, Deputy Minister (DM) and Minister responsible for the Public Service Act. On behalf of the Minister, the Director will make presentations to the Financial Management Board and Cabinet and will prepare the documentation necessary to seek a mandate for negotiations. The Director works with communications officials from the Department of Executive and Intergovernmental Affairs and the Premier's Office to prepare communications on bargaining.

The Director is frequently called upon to advise the Assistant Deputy Minister and DM on the resolution of complex employee/employer issues; The Director works closely with the Department of Justice on items such as amendments to legislation and complex discipline and dismissal cases.

A major challenge of this position is to deliver effective programs throughout Nunavut without direct managerial control over those who deliver the programs in the field. This necessitates the delivery of effective training programs for managers, human resources officials and timely and effective communications with departmental managers.

The Director participates in major government programs and initiatives such as decentralization and reorganization of departments. This involves providing counsel to the Assistant Deputy Minister, DM and departments on employee/employer relations issues, negotiating terms of transfer with employee associations and where necessary advising on amendments to the respective legislation.

The Director is called upon to address a diverse array of issues in a given day. These range from advising on labour legislation appropriate for the public service, instructing legal counsel on strategy and technical matters under judicial review such as amendments to the Public Service Act; transitional issues dealing with organizational change; performance management issues including attendance management; delivery of training programs; review and presentation of arbitrations and human rights complaints; provision of mediation services, conflict resolution, essential services, job evaluation and organizational design; develop, deliver and evaluate a workplace health and safety program; plan and direct collective bargaining, conduct research and network with stake holders and other jurisdictions to determine issues and resolutions. The Director is responsible to review, analyze and implement new programs and policies for relocation, northern allowance; and advise on the resolution of human rights complaints; grievances, dismissals and lay-off.

**Dimensions:**

O&M Budget	\$3.54 million
Person Years	23
Capital Budget	\$N/A

**Specific Accountabilities**

- Direct collect bargaining activities as per the Public Service Act including the provision of a chief negotiator for all GN bargaining teams.
- Ensure collective agreements and the Excluded and Senior Managers' Handbooks are updated in a timely fashion.
- Direct employee/employer relations activities that add to the efficiency and quality in delivery of labour relations services throughout the GN.
- Respond to grievances, human rights complaints and direct handling of arbitrations.

- Direct workplace health and safety that meet legislative requirements and support a healthy and respectful workplace.
- Advise and contribute to directives, policies and legislation that provide for effective management of the public service and adhere to GN policy, labour laws and human rights legislation.
- Provide direction in the development of compensation philosophy and total compensation package for the GN.
- Develop communication procedures for the interpretation and administration of collective agreements, directives and policies.
- Direct the development of human resource policies, directives and procedures relating to worker compensation, claims management and occupational health and safety.
- Direct, monitor and evaluate an efficient, quality job evaluation system for the GN.
- Evaluate or cause to be evaluated the performance of staff and ensures that all staff have a training plan to develop their professional capacity.
- Provide secretariat support for the Joint Consultation Committee with the Nunavut Employees Union.
- Participate as a member of the department's Senior Management Committee.
- Represent the department on other committees as assigned by the Assistant Deputy Minister.
- Establish priorities for subordinate staff. Ensure that all priorities are documented and monitored on work plans and that priorities are moving forward in agreed timelines and formats.
- Control the financial and personnel resources assigned to the division in order to ensure that its mandate is carried out.

### **Knowledge, Skills and Abilities**

The field of employee/employer relations is dynamic, volatile and ever changing. Employee/employer relations requires an in-depth understanding of law for arbitrators and mediators and the law of tort, contract, labour, common administrative, evidence, legal concepts, policy formulation, labour economics and financial management, human resource management in support of the well-being of the employee. There continues to be major challenges as evident by equal pay for work of equal value, expanding human rights, the ability to attract and retain human resources that are in great demand both locally, nationally and promotion of a respectful workplace. Greater demands for individual rights while maintaining collective interests create contradictions in the field and require creative and innovative program solving approaches including quantitative and analytical reasoning. National trends and economic factors must be analyzed and factored into collective bargaining human resource policies, management and excluded handbook and the total labour compensation structure of the public service.

To support these challenges the position requires:

- Knowledge of job evaluation systems and compensation mechanisms;
- Knowledge of collective bargaining and administration of collective agreements, policies and legislation;
- Theories, principles and practices of human resources and financial administration management
- Strong communication and partnership building experience;
- Ability to analyze and evaluate problems, proposals and submissions;
- Excellent interpersonal skills - ability to lead, influence, facilitate and reach consensus;
- Strong organizational skills and the ability to handle a high volume of information;
- Ability to build trust and credibility among a diverse range of clients;
- Ability to work in a fast-paced environment with conflicting priorities;
- Ability to create and sustain an environment in which professionals work at their best.

Qualification requirements:

- A relevant university degree in labour law, industrial relations, business administration or related field. A professional designation as a Certified Human Resource Professional is desirable
- The incumbent must be an experienced manager with at least six years' of progressive managerial experience in a related human resource field. Experience in collective bargaining and administration of collective agreements, policies and legislation is required;

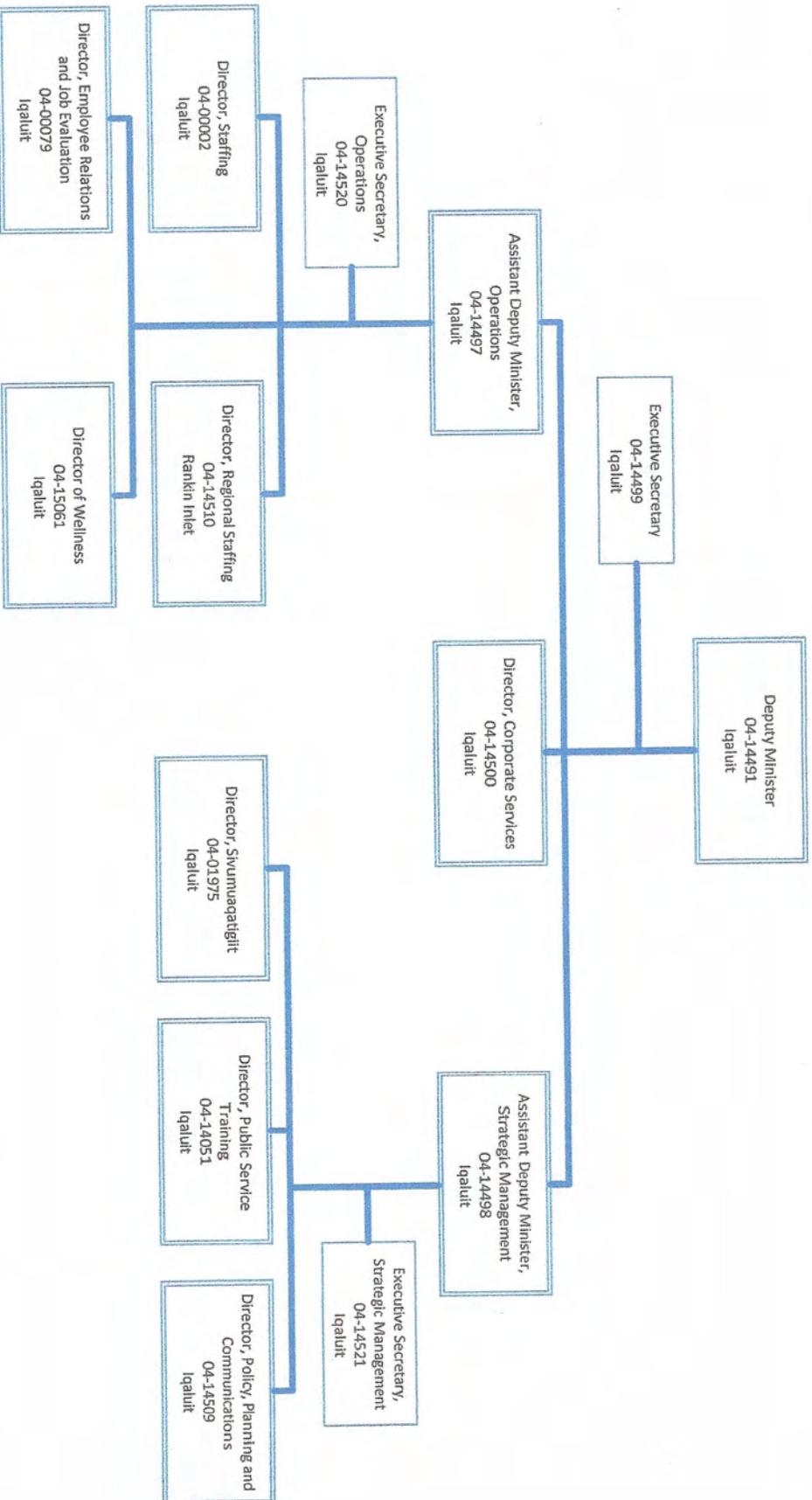
Equivalencies that consist of a combination of education and experience may be considered.

Additional requirements:

**Position of Trust**

# Department of Human Resources

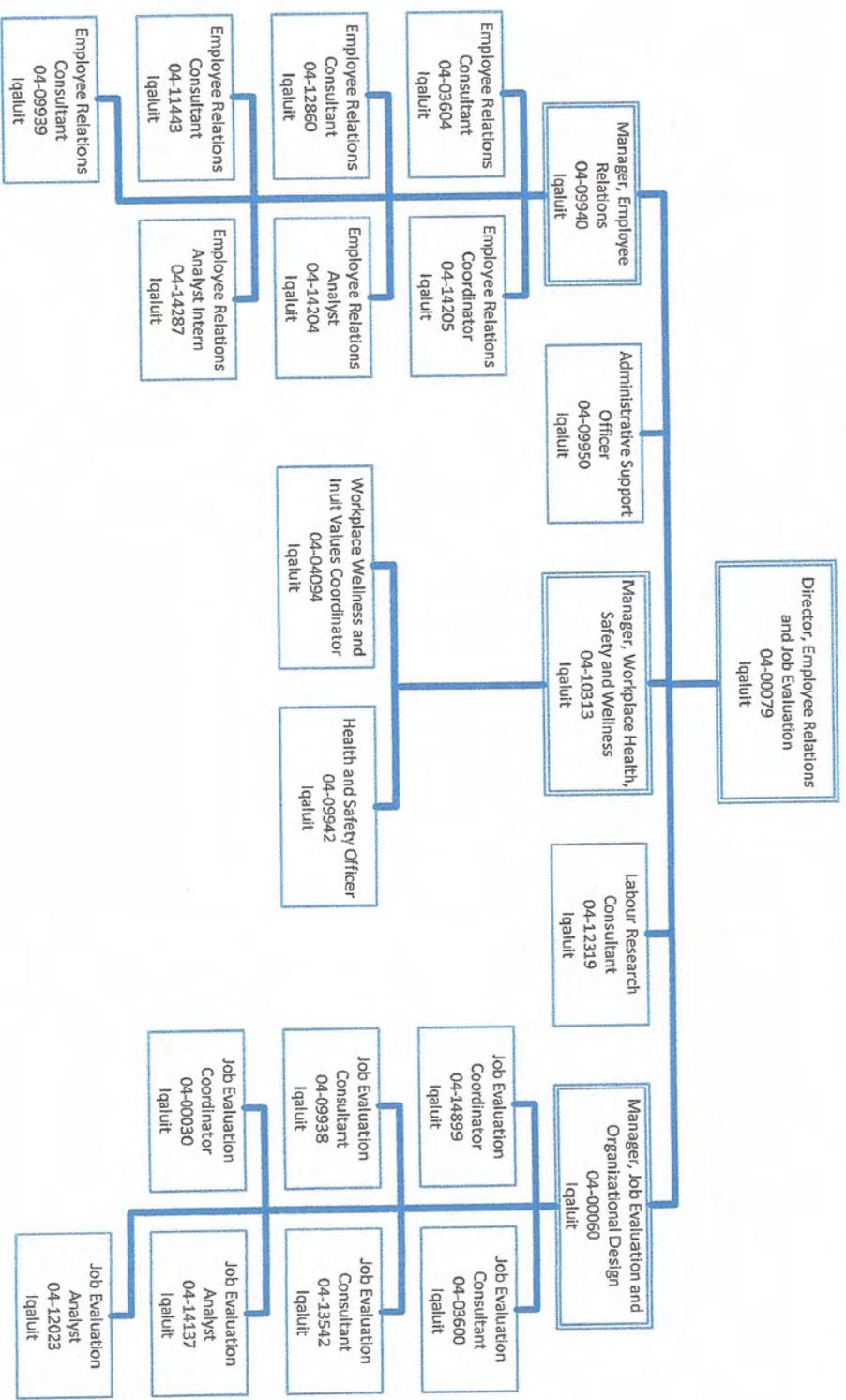
Directorate



Approved By:   
Deputy Minister, Human Resources

Date: May 18 2021

# Department of Human Resources Employee Relations and Job Evaluation



Approved By:   
Deputy Minister, Human Resources

Date: NOV 02 2021





**AMENDED**

**Deputy Minister Leave Application**

Printed On  
**JAN 17 2022**

Family Name <b>KOLOLA</b>	First Name <b>SHEILA</b>	Initial <b>D</b>	Person Code <b>100400</b>
Department <b>HUMAN RESOURCES</b>	Section/Division <b>DIRECTORATE</b>	Region <b>HEADQUARTERS</b>	Community <b>IQALUIT</b>

Leave Requested (The fields below are to be completed by the employee, except for AMOL, which must be completed by the employee's supervisor)

Leave Type	Leave Reason	Leave Code	Requested From	Hour HH:MM	Requested To	Hour HH:MM	Number of Hours	Leave Credits Available On Date of Application
Annual Leave			16-Dec-2021	08:30	20-Dec-2021	17:00	30.00	

Credit Verification

Total Requested Hours:

**30**

Verified By

*[Signature]*

I hereby request that leave be granted to me for the reason indicated. In requesting leave due to sickness, I hereby certify, on my honour, that I was unable to perform the duties of my position during the requested period of absence.

*[Signature]*

Comments:

*could back to work*

The above leave is:

Approved  
 Not Approved

Premier/Minister's Signature:

*[Signature]*

Date:

*Sun 17/22*