



Office of the
Conflict of Interest and
Ethics Commissioner

Commissariat aux
conflits d'intérêts et
à l'éthique

Fox Report

2026

April 2026



Hon. Konrad von Finckenstein,
C.M., K.C.

Conflict of Interest and
Ethics Commissioner

Fox Report

made under the *CONFLICT OF INTEREST ACT*

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042026-125E

PREFACE

The *Conflict of Interest Act (Act)*, S.C. 2006, c. 9, s. 2, came into force on July 9, 2007.

Pursuant to section 68 of the Act, if a matter is referred to the Conflict of Interest and Ethics Commissioner by the Public Sector Integrity Commissioner under subsection 24(2.1) of the *Public Servants Disclosure Protection Act*, the Conflict of Interest and Ethics Commissioner will commence an examination pursuant to subsection 45(1) of the Act if there is a reason to believe that a public office holder may have contravened the Act. Regardless of whether an examination is commenced or not, the Conflict of Interest and Ethics Commissioner must provide a report to the Prime Minister setting out the facts in question as well as the Commissioner's analysis and conclusions in relation to the referral. A copy is provided to the public office holder or former public office holder who is the subject of the report and to the Public Sector Integrity Commissioner. The report is also made public.

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EXECUTIVE SUMMARY

This report presents the findings of an examination under the *Conflict of Interest Act* of the conduct of Christiane Fox while she was Deputy Minister of Immigration, Refugees and Citizenship Canada (IRCC).

In a disclosure referred to me by the Public Sector Integrity Commissioner, it was alleged that Ms. Fox exerted undue influence on IRCC senior management to hire a friend at a level for which he was not qualified.

The examination focused on section 9 of the Act. It prohibits public office holders from using their position to seek to influence another person's decision to further their own private interests or those of their relatives or friends, or to improperly further the private interests of another person.

The evidence showed that in early March 2023, Björn Charles contacted Ms. Fox, whom he knew from when they were both athletes at the same university, about possibly working for IRCC. At Ms. Fox's invitation, he sent her his résumé.

Ms. Fox spoke with her newly appointed Assistant Deputy Minister (ADM) about challenges in IRCC's division responsible for processing requests made under the *Access to Information Act* (the ATIP division). They discussed the need to modernize the ATIP division's client experience and to bring in a fresh perspective by hiring from outside government. Ms. Fox identified Mr. Charles as a candidate for the project manager position responsible for modernizing the ATIP division's client experience. She later sent the ADM his résumé.

The process that led to Mr. Charles' eventual hiring included him meeting with the ADM and then with senior ATIP division officials. Ms. Fox asked Mr. Charles to keep her informed throughout the process and sought updates from departmental officials about his hiring. In one email, she suggested to the ADM that Mr. Charles should be offered a position at a higher level than departmental officials were proposing. Evidence showed they felt pressured to hire him at a level for which he was not qualified.

Ms. Fox also communicated privately with Mr. Charles. To help him prepare for his interview with ATIP division officials, she sent him an internal IRCC briefing document.

In late April 2023, Mr. Charles was hired for a casual position in the ATIP division at the higher level. In September of the same year, he was offered a one-year term position.

In seeking to determine whether there was a contravention of section 9 of the Act, I first had to determine if Ms. Fox and Mr. Charles were friends. I found that, based on the nature and history of their past interactions, they are not friends within the meaning of the Act.

I then had to determine whether Ms. Fox used her position as Deputy Minister to seek to influence departmental officials to hire Mr. Charles, and whether doing so was improper.

Ms. Fox maintained that her involvement in the process was appropriate. She said hiring Mr. Charles would respond to challenges in IRCC's ATIP division and advance the objectives of the *Call to Action on Anti-Racism, Equity, and Inclusion in the Federal Public Service*. I did not find these claims credible.

I concluded that Ms. Fox used her position as Deputy Minister to give Mr. Charles preferential treatment, by ensuring he met with departmental officials quickly, seeking updates about his hiring, giving him internal information, and pushing for a higher job classification.

As the Commissioner's Office has noted in previous examination reports, giving someone preferential treatment is, in itself, improper.

I therefore found that Ms. Fox contravened section 9 of the *Conflict of Interest Act*.

REFERRAL

[1] On May 26, 2025, the Office received from Harriet Solloway, Public Sector Integrity Commissioner, a referral dated April 2, 2025, regarding Christiane Fox, Deputy Clerk of the Privy Council, Associate Secretary to the Cabinet, and Deputy Minister of Intergovernmental Affairs at the time. The referral was made under subsection 24(2.1) of the *Public Servants Disclosure Protection Act*.

[2] Pursuant to section 68 of the *Conflict of Interest Act*, when a matter is referred to this Office by the Public Sector Integrity Commissioner under subsection 24(2.1) of the *Public Servants Disclosure Protection Act*, I must provide a report to the Prime Minister setting out the facts in question as well as my analysis and conclusions in relation to the referral.

[3] Ms. Fox, a reporting public office holder subject to the *Conflict of Interest Act* since June 12, 2017, held the position of Deputy Minister of Immigration, Refugees and Citizenship Canada (IRCC) from July 18, 2022, to January 26, 2024. According to Commissioner Solloway's letter, the discloser alleged that when Ms. Fox was Deputy Minister of IRCC, she exerted undue influence on senior management in her department to hire her friend from school and a manager of the gym her family attends and have him appointed at a level for which he was not qualified.

[4] Details in respect of these allegations were provided in the form of a report on an investigation conducted under the *Public Servants Disclosure Protection Act* by IRCC's Office of Internal Disclosure. One of the matters investigated by IRCC, as set out in that report, related to preferential treatment surrounding the appointment of Ms. Fox's alleged friend at IRCC.

CONCERNS AND PROCESS

[5] On June 10, 2025, I wrote to Ms. Fox informing her of the disclosure of an allegation of conflict of interest made against her in a referral from the Public Sector Integrity Commissioner.

[6] I informed Ms. Fox that I had reason to believe, based on the information contained in the Immigration, Refugees and Citizenship Canada (IRCC) report, that she may have used her position as Deputy Minister of IRCC to influence departmental officials into hiring Mr. Björn Charles, alleged to be her friend, or to improperly further Mr. Charles' private interests by influencing departmental officials to hire him for a position at a level for which he was not qualified, in contravention of section 9 of the *Conflict of Interest Act* (Act). As a result, I informed Ms. Fox that I was commencing an examination into her conduct.

[7] Section 9 of the Act prohibits public office holders from using their position to seek to influence another person's decision to further their own private interests, those of their relatives or friends or to improperly further those of another person. It reads as follows:

9. No public office holder shall use his or her position as a public office holder to seek to influence a decision of another person so as to further the public office holder's private interests or those of the public office holder's relatives or friends or to improperly further another person's private interests.

[8] In response to my letter, Ms. Fox submitted a written Attestation on July 2, 2025. The Office wrote again to Ms. Fox on July 5, 2025, asking that she provide documentation referred to in the Attestation, all of which was submitted on July 10, 2025. An interview was conducted with her on January 27, 2026.

[9] The Office also interviewed four witnesses who, at the time of the events under examination, were employed at IRCC: Marie-Flore Baptiste, Chief Human Resources Officer and Assistant Deputy Minister, Corporate Services; Tracy Perry, Acting Director General, Access to Information and Privacy Management; Vera Azzi, Office Manager, Office of the ADM, Corporate Services; and Mr. Charles.

[10] The Office also obtained written information from one additional witness from IRCC, Nicole Primeau, then Director General of Audit and Investigation and Senior Officer for Internal Disclosure, and received documents from IRCC, including all documents gathered in the context of their investigation into the appointment of Mr. Charles.

[11] In keeping with the Office's practice, I provided Ms. Fox with a copy of the relevant documentary evidence gathered during this examination, as well as a draft copy of the factual portions of the examination report (Referral, Concerns and Process, Facts, Issues and Ms. Fox's Position). Before the report was finalized, Ms. Fox provided comments and additional submissions dated March 13, 2026.

FACTS

Background

The department of Immigration, Refugees and Citizenship Canada (IRCC)

[12] Ms. Fox was Deputy Minister of IRCC from July 2022 to January 2024. In her capacity as Deputy Minister, Ms. Fox oversaw 1 associate deputy minister, 10 assistant deputy ministers, and 13,685 employees.

[13] According to the Privy Council Office's *Guidance for Deputy Ministers*, deputy ministers are the "deputy head[s] of the Department" and have a role in human resources management within the public service. They lead the development of the public service by ensuring merit-based appointments, a representation of linguistic duality and diversity, and by adapting to current and future needs of the department.

Issues with access to information within IRCC

[14] Ms. Fox wrote in her Attestation and testified during her interview that when she was appointed Deputy Minister of IRCC, the Clerk of the Privy Council and the Prime Minister gave her a clear mandate to lead cultural and organizational change. One area that required change was the processing and management of requests made under the *Access to Information Act* (ATIP requests). According to Ms. Fox, the workforce in the division responsible for ATIP requests lacked a focus on client service. She explained that the division was late for the majority of requests and ranked poorly in the Information Commissioner's reports.

[15] According to Ms. Fox, part of her duties was to address the challenges within the ATIP division based on her management team's reported concerns and the direct communications received from frustrated members of the public seeking information on their cases.

Call to Action on Anti-Racism, Equity, and Inclusion

[16] Ms. Fox both testified and wrote in her Attestation that when she was appointed Deputy Minister of IRCC, the department was focused on anti-racism, diversity, and inclusion after grappling at multiple levels with issues of racism. She was mandated by the Clerk of the Privy Council to implement the *Call to Action on Anti-Racism, Equity, and Inclusion in the Federal Public Service* (Call to Action) and to address the challenges faced by Black employees in getting hired, as well as the barriers to recognizing the skills they have acquired both within and outside the federal public service. As a result, she supported diverse hiring practices and recommended candidates who could bring valuable experience and fresh perspectives, in line with these priorities.

Ms. Fox's relationship with Mr. Charles

[17] In her written Attestation, Ms. Fox described Mr. Charles as an old acquaintance from the time she was at Carleton University, where they were both varsity athletes. She wrote that, while he is a few years younger, they share mutual connections through a large community of the university's former varsity athletes. Ms. Fox testified that she has rarely seen Mr. Charles since their younger years.

[18] She wrote that her spouse works at Carleton University as a basketball coach and knows Mr. Charles casually as part of the university's broader basketball community. Ms. Fox testified that Mr. Charles is one of the many athletes her spouse has encountered over his basketball career and that they maintain a relationship in the context of alumni events and as his former coach, but that they are not friends.

[19] Mr. Charles described his relationship with Ms. Fox as one of acquaintances. He confirmed that Ms. Fox's spouse was his assistant basketball coach while he attended university from 2001 to 2004. In the context of IRCC's investigation, Mr. Charles stated that he knew Ms. Fox's spouse very well and that as a member of the varsity team, he spent eight or nine months out of the year with him as his coach. When asked during his interview to describe his current relationship with Ms. Fox's spouse, Mr. Charles testified that he does not know him as well as he once did.

[20] Mr. Charles indicated that he, Ms. Fox and her spouse have friends in common, and that he sees them at a barbecue which takes place every couple of years and at yearly basketball alumni events. Mr. Charles recalled having once gifted Ms. Fox and her spouse a bottle of wine many years ago. Ms. Fox testified that she could not recall having received a bottle of wine or any other gift from Mr. Charles.

[21] According to Mr. Charles, he and Ms. Fox's spouse contact each other two to three times a year, usually by text message, and usually in the summertime when the university alumni events are approaching or after the basketball season has concluded. Mr. Charles stated that he might reach out to the basketball coach to congratulate him on a successful season or to enquire about his family. Mr. Charles said that they also speak when Mr. Charles attends basketball games or alumni events.

[22] Mr. Charles also testified that Ms. Fox's spouse is a third or fourth cousin of his father. During his interview, Mr. Charles said that he found out about the relationship about 10 to 15 years ago, but that was the extent of it. He did not know if Ms. Fox knew about his family ties to her spouse. In this regard, Ms. Fox wrote in her attestation that her spouse was of no relation to Mr. Charles and she testified that she was not aware of the family lineage. Given the remoteness of the relationship and the absence of any reference in the documentation to a possible family connection between Mr. Charles and Ms. Fox's spouse, I did not pursue this further.

Mr. Charles' hiring at IRCC

March 4, 2023: Mr. Charles speaks with Ms. Fox

[23] Mr. Charles testified that after having worked for several years as a GoodLife gym manager, he was ready for a change since it was becoming more challenging for him to meet the requirements for that job because of the birth of his child. He said he reached out to Ms. Fox at his spouse's suggestion. He testified that his spouse is not a friend of Ms. Fox.

[24] Mr. Charles testified that he did not know Ms. Fox's position within IRCC, only that she worked within the department. He could not recall how he came to know that she worked for this department. He said he was interested in working at IRCC since Ms. Fox worked there and thought she could pass along his résumé. Mr. Charles said that he could not recall whether he had applied for any government jobs prior to calling Ms. Fox.

[25] Mr. Charles said that he did not have Ms. Fox's contact information. As a result, he communicated with her spouse, who provided him with her cellphone number. When asked for details of the communication with Ms. Fox's spouse, Mr. Charles testified that he could not recall any details.

[26] Mr. Charles said he then reached out to Ms. Fox, who responded that there may be opportunities for him. They scheduled a date and time to speak. According to email evidence, Ms. Fox and Mr. Charles spoke on Saturday, March 4, 2023.

[27] Mr. Charles testified that during his call with Ms. Fox she asked him details about his job as a GoodLife gym manager, such as his responsibilities and tasks as well as his salary at that time. She also asked him what he was looking for in terms of employment and told him about opportunities within IRCC and possible fits for him. However, he could not recall whether they discussed the length of employment or a potential job category or level. According to Mr. Charles, Ms. Fox told him to send her his résumé and that someone at IRCC would be in touch.

[28] In her Attestation, Ms. Fox wrote that she received an unexpected and unsolicited call from Mr. Charles. She testified that she was not aware that her spouse had provided Mr. Charles with her number but noted that she is always open to speaking with individuals who are interested in joining the federal public service.

[29] Ms. Fox testified that Mr. Charles told her he wanted to make a career change for family reasons. She noted that he worked very long hours, including weekends, and that he was looking for employment with regular work hours.

[30] During their call, she recalled noting that Mr. Charles had good experience, including client service and managerial experience. Ms. Fox testified that she did not recall asking him about his salary, but did recall looking into his level of seniority in his organization. She invited Mr. Charles to send his résumé, which she would forward to the Assistant Deputy Minister

(ADM) responsible for IRCC’s human resources decisions and the department’s ATIP division. Following their call, Mr. Charles emailed Ms. Fox his résumé, thanked her for their chat and wrote that he was “definitely excited for this opportunity.” When asked which opportunity he was referring to, Mr. Charles testified that he was merely excited that Ms. Fox was willing to receive his résumé.

March 6, 2023: Discussions with the ADM about changes within the ATIP division

[31] On March 6, 2023, Ms. Fox appointed Marie-Flore Baptiste as her Chief Human Resources Officer and ADM, Corporate Services.

[32] According to Ms. Baptiste, she and Ms. Fox discussed issues within the department during bilateral meetings, specifically the ATIP division’s inability to deliver on time and its high employee turnover. According to Ms. Fox, discussions on the difficulties with the ATIP division began with Ms. Baptiste’s predecessor and continued after Ms. Baptiste’s appointment, at which time she was mandated to make changes within the ATIP division in her role as ADM.

[33] Both Ms. Fox and Ms. Baptiste testified that the ATIP division required a major transition. They needed to change course by bringing in new technology and recruiting people from outside the federal government who would have a different mindset and change the culture, including in areas related to racism and discrimination. Ms. Baptiste said they also discussed looking for a business analyst to run a project for the ATIP division and that Ms. Fox had told her she knew people. Ms. Fox testified that she could not recall whether her discussions with Ms. Baptiste around needing people from outside the federal public service came before or after her telephone call with Mr. Charles.

[34] Ms. Fox further testified that she did not recall any discussions with Ms. Baptiste about a “business analyst” position. She did, however, recall Ms. Baptiste talking about transforming the ATIP division’s client services into a system that would support a new way of working.

March 15, 2023: Ms. Fox forwards Mr. Charles’ résumé to the ADM

[35] In a March 15, 2023 email, Ms. Fox forwarded Mr. Charles’ résumé to Ms. Baptiste, indicating that Mr. Charles was someone she knew from basketball, that he was not bilingual but had extensive experience in client services at GoodLife. She also indicated that he was very interested in immigration, noting that his parents are first-generation immigrants from the Caribbean. She asked Ms. Baptiste to let her know if Mr. Charles was a good fit. Ms. Fox testified that she sent Mr. Charles’ résumé to Ms. Baptiste because she had asked for résumés of individuals from outside the federal public service, and because she was motivated by the Call to Action to bring on greater diversity into the department. She believed that if Mr. Charles, a diverse candidate who had client service and management experience, was interested in joining the federal public service, he could be an interesting fit for the ATIP division.

[36] Ms. Baptiste testified that it was during a discussion with Ms. Fox that Mr. Charles was identified as the candidate who could fill the position of project manager responsible for modernizing the ATIP division's client experience. Ms. Fox testified that she was constantly forwarding résumés of individuals that came her way. Other than Mr. Charles' résumé, neither Ms. Fox nor Ms. Baptiste could recall Ms. Fox sending any other résumés of external candidates for the ATIP division.

[37] Ms. Fox both wrote in her Attestation and testified that, as far as she was aware, after sending Mr. Charles' résumé, Ms. Baptiste and a hiring team took over from then on.

March 21, 2023: Mr. Charles meets with the ADM

[38] On March 21, 2023, Ms. Baptiste met with Mr. Charles. Ms. Baptiste testified that she initially felt compelled to interview Mr. Charles herself because his résumé had come from Ms. Fox. She said that she wanted to make sure, before forwarding his résumé to departmental officials, that Mr. Charles had the necessary competencies and that he would fit into the new culture they were trying to establish.

[39] Mr. Charles testified that during their meeting, Ms. Baptiste asked about his work history, but that they did not discuss his salary, any specific job opportunities, or the possible duration of employment. Ms. Baptiste testified that they discussed his project management experience and opportunities within the ATIP division. According to Mr. Charles, Ms. Baptiste said she believed he had good client service and project management skills and that someone would contact him, but that it could take a while because "things" tended to move slowly.

[40] According to Ms. Baptiste, following her meeting with Mr. Charles, she informed Ms. Fox that she would not hire Mr. Charles without him having first met with departmental officials.

[41] In her Attestation, Ms. Fox wrote that following his call with the ADM, Mr. Charles emailed her to thank her for sharing his résumé. Both Ms. Fox and Mr. Charles testified that he told her that the meeting had gone well and that things were proceeding. According to Mr. Charles, Ms. Fox asked that she be kept informed. Ms. Fox testified that this request was simply out of courtesy.

March 15, 2023: ATIP senior management are asked to meet with Mr. Charles

[42] On March 15, 2023, Ms. Baptiste forwarded Mr. Charles' résumé to Tracy Perry, Acting Director General, Access to information and Privacy Management, asking if they could discuss Mr. Charles as a potential resource for the ATIP division.

[43] Ms. Perry testified that she initially ignored Ms. Baptiste's email because Mr. Charles' résumé did not look relevant. However, documentary and testimonial evidence shows that by late March, she was having regular discussions with Ms. Baptiste about Mr. Charles. According to Ms. Perry, Ms. Baptiste told her that Mr. Charles' résumé came directly from Ms. Fox and that he would be a great addition to the team due to his outside government experience and perspective.

[44] Again according to Ms. Perry, she told Ms. Baptiste that since Mr. Charles had no French language skills and no experience in government, he could only be offered an entry-level position. However, Ms. Baptiste had said that an entry-level position would not suffice as Ms. Fox expected the department to recognize Mr. Charles' client service experience and be given a salary equivalent to what he was earning from the private sector, which would be from a PM-04 position.

[45] Ms. Fox testified that she did not instruct nor exert any pressure on Ms. Baptiste to appoint Mr. Charles to any specific level or position that would match what he earned as a manager at GoodLife. According to Ms. Fox, it was Ms. Baptiste who thought Mr. Charles would be a good fit for a PM-04 position within the ATIP division.

[46] In an instant message exchange on March 30, 2023, staff in Ms. Baptiste's office followed up with Ms. Perry asking if she would have the chance to touch base with Mr. Charles that day. Ms. Perry forwarded the message to François Jetté, Acting Director, ATIP Innovation and Support, stating that they had to meet with Mr. Charles, to which Mr. Jetté responded: "Holy geez, tell her to lay off with this guy already..."

[47] Ms. Perry testified that while she never spoke directly with Ms. Fox about Mr. Charles, she believed Ms. Baptiste was feeling pressure from Ms. Fox to have the department meet with Mr. Charles, which caused Ms. Baptiste to exert pressure on her and her staff. A meeting was scheduled for April 4, 2023 between Mr. Jetté and Mr. Charles.

[48] In an instant message on April 3, 2023, Mr. Jetté wrote to Ms. Perry that he was meeting with the "DM's best friend" the following day. While asking her to recapitulate what she thought Mr. Charles could do, he suggested potential tasks and responsibilities, such as returning to a client focus for the ATIP division and looking for process improvements. He also wrote that it was to be a one-year term at a PM-04 level to start. Ms. Perry responded that Mr. Charles could also help another ATIP team review their interactions with clients to see if any changes could be made.

[49] Ms. Fox testified that she likely learned about this meeting in an exchange with Mr. Charles. She testified that she invited Mr. Charles to debrief her following his meeting with Mr. Jetté both as a courtesy and because she felt there was resistance to change within the department. She wanted to make sure the meeting had been a positive experience for him. She

said that the integration of racialized individuals into the department, and ensuring their skills were recognized, was top of mind for her. However, she testified that she had not heard of any resistance relating to Mr. Charles from the department at that point.

April 3, 2023: Ms. Fox sends an internal IRCC document to Mr. Charles to help him prepare for his interview before his meeting with IRCC officials

[50] In an April 3, 2023 email, Ms. Fox forwarded to Mr. Charles an internal IRCC briefing document, indicating that it might be useful in providing him with an overview of the department. She wrote that while no one would expect him to know the details, she thought it could be helpful in preparation for his meeting, and that they could chat afterward.

[51] Mr. Charles thanked her for the document indicating that he would review it before his meeting. When asked how Ms. Fox knew about his upcoming meeting with the departmental official, Mr. Charles testified that he did not know. Ms. Fox testified that she believes Mr. Charles had informed her about his upcoming meeting.

[52] Based on the title of the attachment, *Min COS Briefing – Immigration and Citizenship Canada – Departmental Overview – Updated Feb 14*, the briefing document was prepared for the new acting Chief of Staff of the Minister of IRCC. The document provided a snapshot of the department’s mandate and core responsibilities, main programs and initiatives such as settlement programs, Canada’s managed approach to immigration, temporary residents, etc.

[53] Both Ms. Perry and Ms. Baptiste testified that it was an internal document. Ms. Fox described it as a briefing document that is regularly updated and testified that she would have received a version of the same document when she was appointed Deputy Minister of IRCC. She said that she has shared the document with stakeholders, parliamentarians, ministers and ministers’ offices. Ms. Fox said that the content could be found in various reports, such as annual reports and the public disclosure of briefing materials for a new minister.

[54] When asked whether any other candidate would have received the same document, Ms. Fox said that anyone preparing for an interview could call IRCC’s human resources and request background information on the department.

April 4, 2023: Mr. Charles meets with Mr. Jetté

[55] Shortly before his meeting with Mr. Charles, Mr. Jetté informed Ms. Baptiste in an instant message that he was meeting with “the person she’d been asked about several times.” Ms. Baptiste replied stating that they needed someone with Mr. Charles’ type of client service viewpoint and that Ms. Fox was “pushing this from outside thinking and client focus.”

[56] In respect of his April 4, 2023 meeting with Mr. Jetté, Mr. Charles testified that they discussed a job opportunity and that he was asked how he would handle certain situations, workloads and high-stress environments.

[57] In an instant message exchange following the interview, Mr. Jetté informed Ms. Perry that he “quite liked” Mr. Charles. Ms. Perry responded that she needed to speak with IRCC’s human resources about options. She testified that she sought advice because she was not comfortable offering Mr. Charles a term position.

April 12, 2023: Information note to the Deputy Minister includes information on Mr. Charles’ hiring as a PM-04

[58] In preparation for an April 12, 2023 trilateral meeting with Ms. Fox and her Associate Deputy Minister, Ms. Baptiste requested from Ms. Perry that information relating to the anticipated hiring of Mr. Charles be included in a note known as a “DM Weekly” for Ms. Fox’s information.

[59] Ms. Baptiste testified that because Ms. Fox had sent Mr. Charles’ résumé, and because it was the only résumé she had sent, Ms. Baptiste wanted to have the information to update Ms. Fox. Furthermore, Ms. Baptiste added that the hiring in the ATIP division was an overall priority for Ms. Fox and that she had asked for updates “a couple of times.”

[60] Ms. Fox testified that she was not requesting updates on Mr. Charles, but rather she was seeking updates on the transformation of the ATIP division as its performance indicators were a standing item on her bilateral meetings with Ms. Baptiste, who she said regularly solicited and welcomed managerial support on routine matters. She said that the pressure was about improving the ATIP division.

[61] As a result, staff included in the DM Weekly note information relating to interviews that had been held for two positions in the ATIP division: a PM-06, who would lead the software replacement project, and a PM-04. For the PM-04 position, staff added the following information:

The prospective PM-04 will provide advice and ensure a client focus is provided to the project and all ATIP client interactions moving forward. The potential candidate has over 12 years experience in the client service industry and will bring a unique perspective to how we are currently delivering our services to ATIP clients. Conversations are ongoing with HR to identify the quickest path to bringing the two individuals on board.

[62] While reviewing the DM Weekly note before sending it to the Deputy Minister’s office, Vera Azzi, Office Manager, Office of the ADM, Corporate Services, instant messaged Ms. Perry asking her why the hiring of a PM-04 was included in the note and questioned the relevance of including such information in a briefing for a Deputy Minister. Ms. Perry replied that the Deputy Minister would want this information given that she had referred Mr. Charles to the department. Ms. Perry added that staff could not specify in the note that Mr. Charles was a referral from Ms. Fox so as to avoid a paper trail.

[63] When asked about the exchange between Ms. Azzi and Ms. Perry, Ms. Fox testified that the department's hiring was a very minor part of her day-to-day responsibilities. She said she did not convey any pressure to Ms. Baptiste and was upset to read Ms. Perry's message as she does not believe it reflected her motivation or her actions.

[64] During the April 12, 2023 trilateral meeting, Ms. Baptiste recalled that very little was discussed about Mr. Charles.

[65] Following the trilateral meeting, on April 13, 2023, Ms. Azzi sent an email to Ms. Perry, informing her that the DM Weekly had been shared with the Deputy Minister and included a screen shot of the note with Ms. Fox's handwritten comments: "*PM-04 would be great. Allows him to integrate.*" There was no written comment from the Deputy Minister about the PM-06 position. Ms. Perry testified that she understood Ms. Fox's handwritten comment about Mr. Charles to be another indicator that the department needed to continue with his hiring.

[66] Ms. Fox confirmed that it was her handwriting. She testified that her comment reflected on her satisfaction that Mr. Charles, a racialized individual, would have his external experience recognized within the government system, which had been an identified gap in the reporting Ms. Fox had received from the Anti-Racism Secretariat.

[67] She said that her statement that a PM-04 level would allow Mr. Charles to integrate was not about the salary level, but rather about allowing him to use and apply his management and client service skills at an appropriate level within the federal system. She further testified that for racialized individuals, the department tended to offer the lowest level possible.

[68] In the same April 13 email to Ms. Perry, Ms. Azzi also wrote, "*... for the recommended candidate from Good[L]ife, the DM and ADM want to know how long it will take to bring this person in?*" Ms. Azzi did not receive a response to her question.

[69] Documentary evidence shows that following her email, Ms. Azzi followed up with departmental staff on three additional occasions in the three weeks that followed her initial email, regarding the hiring of Mr. Charles. Ms. Azzi testified that if she was following up with the department, it was because Ms. Baptiste had been asked by Ms. Fox for an update, Ms. Fox's staff had enquired with staff in the ADM's office, or Ms. Baptiste had an upcoming meeting with the Deputy Minister where she would be asked to provide an update.

[70] Ms. Azzi testified that it was uncommon for her, in her role as the ADM's Office Manager, to be seeking updates on the hiring of a PM-04 position. She further testified that, in her experience working in an ADM's office, it was uncommon for a Deputy Minister to enquire about a specific résumé, especially for a candidate considered for a low-level position such as a PM-04. Ms. Baptiste confirmed that it was indeed uncommon for a Deputy Minister to enquire about a specific candidate being considered for a low-level position.

[71] Ms. Fox testified that she did not recall ever asking for timing around Mr. Charles' hiring. She also testified that it was not uncommon for her to enquire about a specific candidate at a low-level position. She said that while she was not involved in the day-to-day management and hiring of the department, she would be involved depending on the context.

[72] Ms. Fox further testified that she would describe her discussions with Ms. Baptiste about Mr. Charles as a very minor topic among the countless day-to-day tasks she had as Deputy Minister of IRCC.

Departmental staff have concerns

[73] Documentary evidence in the form of emails between departmental senior staff shows there were concerns with Mr. Charles receiving a PM-04 position. Because of his lack of government and ATIP experience, he did not meet the qualifications in the statement of merit criteria to be appointed to a PM-04 term position. As a result, departmental staff recommended to Ms. Baptiste that they proceed with a casual appointment.

[74] Ms. Perry testified that her concerns were that a PM-04 level within the ATIP division is a supervisory position which requires an individual to be bilingual, have knowledge of laws relating to access to information and privacy, and have knowledge and experience using the related software to manage a team. She said Mr. Charles was being brought in without any of the required experience and knowledge when there was existing staff with years of experience who were deserving of the level, but who had not had an opportunity to participate in a process to compete for the level.

[75] Ms. Baptiste testified that since Mr. Charles was coming from the private sector, she did not expect that he would know legislation relating to ATIP or government policies and practices. As a result, she did not expect that he would meet the merit criteria. Ms. Perry confirmed that the department had recently updated their job descriptions and were now using a generic job description for ATIP positions, which posed a challenge when they were asked to create a unique position specifically for Mr. Charles.

[76] Ms. Fox testified that she was unaware about the department's position that Mr. Charles did not meet the qualifications in the statement of merit criteria for the PM-04 position.

April 24, 2023: Ms. Fox weighs in on Mr. Charles' proposed position level

[77] Mr. Charles testified that during a follow-up meeting, Mr. Jetté told him that he was considering offering him a PM-02 position and that he had to consider available positions within his team and whether Mr. Charles would be a "good fit." The documents provided by IRCC show that Mr. Charles told IRCC investigators that he felt uneasy with a PM-02 position as he was concerned with the level of pay.

[78] Mr. Charles testified that, following this meeting, he informed Ms. Fox about Mr. Jetté's intent to start him at the PM-02 level. According to Mr. Charles, Ms. Fox stated that she hoped the department would value his experience in dealing with clients. Ms. Fox testified being surprised by the news given her previous discussions with Ms. Baptiste about a PM-04-level position.

[79] In an April 24, 2023 email to Ms. Baptiste with the subject line "follow-up," Ms. Fox wrote:

I wanted to touch base on BJ Charles – he has met with your team and is very excited. I had understood the PM4 was an option for him which I think makes sense. I think he is being offered a PM2 which may make it tough to leave current position.... any flex on this to recognize his experience outside the federal system? Sorry to bug you on this in the middle of the strike!

[80] Ms. Baptiste replied to Ms. Fox confirming that they were proceeding with a PM-04-level position and that she had been informed by staff that they had told Mr. Charles that outside recruits were usually offered a PM-02 position. Ms. Baptiste further wrote that given Mr. Charles' experience, she would make sure they would proceed with a PM-04 level.

[81] When asked what she meant when she wrote that a PM-02-level position might make it difficult for Mr. Charles to leave his current employment, Ms. Fox testified that while for him it might have been difficult due to the lower salary, for her it was about ensuring Mr. Charles was not automatically appointed to an entry-level position, as is the case with many racialized individuals entering the federal public service whose experience and skills are not recognized due to racism.

[82] When asked about the email subject line, Ms. Fox testified that "follow-up" was a common way for her to initiate her emails.

[83] Ms. Fox testified that Ms. Baptiste told her that she was receiving pushback from the department because it was resistant to change. Ms. Fox said that it was her view that the department tended not to recognize external skills and had gaps in how it recognized diverse candidates in terms of talent mapping.

[84] Ms. Fox wrote in her Attestation that she used the situation to provide support and mentoring to Ms. Baptiste as a newly promoted ADM. She encouraged Ms. Baptiste to use her judgment with respect to Mr. Charles and not rely without question on the advice from her management team and to challenge hiring practices that had been brought to her attention as obstructing progress on the Call to Action.

[85] Ms. Fox testified that as a new ADM, Ms. Baptiste struggled with some of the human resources decisions. She said that she supported Ms. Baptiste and that their bilateral meetings often centred on helping Ms. Baptiste make decisions relating to human resources that were

required of her as an ADM, such as removing barriers for employees and recruiting racialized individuals. However, she testified not knowing that the department had determined that Mr. Charles did not have the qualifications to meet the statement of merit criteria for a PM-04 position within the ATIP division.

[86] Ms. Fox wrote in her Attestation that she relied on Ms. Baptiste and the hiring team to make human resource decisions and did not seek to become involved. According to Ms. Fox, she had no further involvement in Mr. Charles' hiring process and did not recall any further discussions with Ms. Baptiste about the matter.

[87] Ms. Baptiste testified that when she received Ms. Fox's April 24 email, she was not aware that staff had proposed offering Mr. Charles a lower position. She said that she did not feel that she had any choice but to appoint Mr. Charles to a PM-04 position because not doing so would mean having to depart from her initial conversation with Ms. Fox relating to Mr. Charles. Ms. Baptiste further added that she felt uncomfortable offering Mr. Charles a lower position because Ms. Fox had told her during a bilateral meeting that Mr. Charles had recently had a baby. Ms. Fox testified that she did not recall Mr. Charles bringing up a baby with her and did not think she would have brought that up with Ms. Baptiste.

[88] According to Ms. Azzi, Ms. Baptiste appeared stressed about the PM-04 hiring and that since this was a request of importance to Ms. Fox, she believed Ms. Baptiste felt it needed to get done. Ms. Azzi also testified that, in her view, Ms. Baptiste felt obligated to hire Mr. Charles because she herself had been hired by Ms. Fox.

[89] Documentary evidence shows that departmental staff felt pressured to quickly bring Mr. Charles into the department all the while respecting human resources rules. In an April 24, 2023 instant message to Ms. Baptiste, Ms. Perry wrote: *"Please let the DM know we are working as hard as possible, especially with the limited staff we have right now, to make this a reality as quickly as possible."* Ms. Baptiste testified that there was indeed an urgency to fill the position because Ms. Fox wanted Mr. Charles hired and because of the pressure to improve the ATIP division's performance.

April 27, 2023: Mr. Charles is offered a casual PM-04 position

[90] On April 27, 2023, Mr. Charles was offered a three-month casual PM-04 position, which he accepted. Documentary evidence shows that departmental staff expedited Mr. Charles' letter of offer, security clearance, ID card and access to the necessary office equipment for his first day of work.

June 2023: Departmental staff work on a term position for Mr. Charles

[91] On May 11, 2023, Mr. Charles began working as a Client Experience Advisor on the Innovation and Support team within the ATIP division, which was responsible for the software replacement project, the migration to an ATIP online portal, related training, etc. In an instant message exchange, Ms. Baptiste and Ms. Perry discussed the plan to move Mr. Charles to a term position as soon as possible.

[92] In an instant message on June 22, 2023, Ms. Perry stated to Mr. Jetté that Ms. Baptiste had asked her whether they had begun the paperwork to give Mr. Charles a two-year term at the PM-04 level. She wrote that this was at the request of Ms. Fox.

[93] When asked about her instant message to Mr. Jetté, Ms. Perry testified that she could not recall Ms. Fox weighing in on Mr. Charles' term length. However, she surmised that if she relayed this message to Mr. Jetté, she must have been informed by Ms. Baptiste. Ms. Baptiste stated that she could not recall any discussion with Ms. Fox regarding a desired length of term for Mr. Charles but did recall that after he was appointed to the casual PM-04 position, Ms. Fox continued to occasionally enquire about him.

[94] Ms. Fox testified that she does not recall enquiring about Mr. Charles after he was hired. She stated that she was not aware that Mr. Charles had been offered a casual position, and that she never had any discussions with Ms. Baptiste about his term length.

[95] In an email on July 25, 2023, a staff member in human resources updated their supervisor, informing them that a position was created specifically for Mr. Charles and that a term position would be offered to him.

September 2023: Mr. Charles is offered a one-year term as a PM-04

[96] Instant messages between senior staff in the ATIP division as well as evidence gathered in the course of IRCC's investigation interviews show that Mr. Charles struggled with the tasks given to him. Ms. Perry testified that she was told that Mr. Charles was struggling to understand the subject matter and was underperforming in what was being asked of him.

[97] As a result, Mr. Charles was transferred to a different team within ATIP, which had more of a focus on client services, and was given new tasks. However, evidence shows he continued to struggle to perform. Mr. Charles testified that it was "news to [him]" and said that no one spoke to him about him having any performance issues.

[98] Despite his performance issues, on August 14, 2023, Mr. Charles was offered and accepted an external, non-advertised one-year term at the PM-04 level beginning on September 20, 2023. According to documentary evidence, the statement of merit criteria was modified, allowing Mr. Charles to meet the requirements despite his minimal experience.

[99] Ms. Perry testified that she did not feel the department had any other choice but to offer Mr. Charles a term appointment at the PM-04 level. Ms. Baptiste testified that she believed Mr. Charles should be given the chance to prove himself before being offered a lower position.

[100] According to the articulation of the selection decision documents, departmental staff in human resources consulted the employment equity document and noted that there were indeed gaps within the organization. However, staff also noted that Mr. Charles did not belong to an employment equity group.

[101] Mr. Charles testified that he was not aware that he did not self-declare being part of an employment equity group and did not recall whether he was ever asked. Mr. Charles further testified not recalling Ms. Fox ever discussing with him the public service's Call to Action. Ms. Azzi testified that she recalled the Call to Action being discussed at large within IRCC at the time, however, she could not recall any discussions regarding the Call to Action in relation to Mr. Charles' appointment. Ms. Perry testified that the Call to Action was not mentioned to her regarding Mr. Charles, however, she acknowledged that someone should have asked him whether he had wanted to self-declare.

[102] Ms. Fox testified that when she forwarded Mr. Charles' résumé to Ms. Baptiste, they discussed how his referral and hiring related to the gap they had identified in ATIP client services and to the objectives of the Call to Action by bringing diversity to the workforce.

[103] Evidence shows that staff in the ATIP division were surprised by the sudden arrival of Mr. Charles. Given that he was hired as a casual employee and then appointed to a term position for which no departmental staff considered him to be qualified, many assumed he had been personally brought in by someone who knew him. Evidence also shows that senior staff referred to him as "the DM's friend."

[104] Ms. Perry testified that the hiring of Mr. Charles caused a multitude of challenges within the ATIP division. She said that morale was greatly affected when staff found out that an individual with no French language skills and without any government experience or knowledge had been brought in and appointed to a PM-04 position.

[105] Ms. Perry further testified that, had there not been what she described as a dedicated campaign of pressure from Ms. Fox and her office, the department would not have offered a casual or a term PM-04 position to Mr. Charles.

IRCC investigates Mr. Charles' appointment at the PM-04 level

[106] In August 2023, IRCC began conducting an internal investigation into wrongdoing in respect of several staffing actions. The investigation at that time did not include the hiring of Mr. Charles.

[107] In a written submission to this Office, Nicole Primeau, then Director General of Audit and Investigation and Senior Officer for Internal Disclosure, stated that in the course of a bilateral meeting with Ms. Fox in the early fall of 2023, she provided the Deputy Minister with a high-level summary of a disclosure and recent evidence relating to the hiring practices within the ATIP division and recommended that the investigation be expanded.

[108] According to Ms. Primeau, Ms. Fox told her that she was aware of the hiring of one individual, Mr. Charles specifically. Ms. Fox informed her that she had referred Mr. Charles to the ADM as a possible candidate. Ms. Primeau wrote that Ms. Fox told her there was no reason to expand the investigation to include the ADM because she had simply shared the résumé with the ADM and that she had not directed the ADM to hire Mr. Charles. Ms. Fox told her it was likely a misunderstanding and that she was going to speak to Ms. Baptiste to clarify that when she shares résumés with ADMs, there is no expectation that the individual be hired.

[109] According to Ms. Primeau, she told Ms. Fox that Mr. Charles was hired into a position for which he was not qualified given his background as a manager of a GoodLife gym. Ms. Fox disagreed, telling Ms. Primeau that his experience was transferable to the public sector and that he was hired because of his customer service experience to lead a special project within the division.

[110] Ms. Fox testified that she did not attempt to exclude Mr. Charles' appointment from the investigation. She said that during their discussion, Ms. Primeau mentioned that the investigation centred on individuals in the ATIP division hiring family members and that Ms. Baptiste may have been involved because it was assumed she had hired a relative, Mr. Charles. Ms. Fox said that she sought to clarify with Ms. Primeau that Mr. Charles was not a relative and that it was she who had referred him to Ms. Baptiste. She said that she told Ms. Primeau that while she had shared his résumé, it was always under the premise that people could make their own decisions.

[111] Documentary evidence provided by IRCC shows that the department's investigation into wrongdoing was nonetheless expanded to include the appointment of Mr. Charles at the PM-04 level. On this matter, IRCC's report, completed in January 2025, found that he had no experience related to the proposed position and that human resources had concerns about him not meeting the merit criteria. The report found that he was granted the PM-04 casual and term positions because of his relationship with Ms. Fox, which amounted to preferential treatment. The report further noted that a PM-04 position is not an "entry-level" position within IRCC's ATIP division. As a result, the preferential treatment granted—both in obtaining employment and obtaining a relatively high level within the team—was considered significant.

June 2024: Mr. Charles seeks another job

[112] Documentary and testimonial evidence shows that Mr. Charles was told that due to his ongoing performance issues, his term would not be renewed at the PM-04 level. Ms. Baptiste testified that she was informed by Ms. Perry that Mr. Charles was not meeting expectations at the PM-04 level. Mr. Charles testified that he was informed in the summer of 2024 that his term would not be renewed because the position would no longer exist.

[113] He said he contacted Ms. Fox, aware that she was now Deputy Clerk of the Privy Council and Associate Secretary to the Cabinet, to enquire about job opportunities at the Privy Council Office (PCO). Mr. Charles could not recall the way in which he contacted Ms. Fox. He testified that he believes they would have spoken about IRCC's investigation into his appointment to a PM-04 position, which was ongoing at the time.

[114] In her Attestation, Ms. Fox wrote that, in or around June 2024, Mr. Charles contacted her and told her that he wished to leave IRCC. She testified that he told her that his experience at IRCC had not been positive, that there were poor management practices within the ATIP division, and that he did not feel he was given a fair opportunity. She expressed to Mr. Charles that she was not aware whether there were any openings at the PCO but nonetheless told him to send his résumé to her assistant. She informed the ADM responsible for Human Resources at the PCO that Mr. Charles would be sharing his résumé.

[115] According to email evidence, Ms. Fox's assistant scheduled a meeting between Mr. Charles and the ADM for June 12, 2024.

[116] When asked what she told the ADM about Mr. Charles, Ms. Fox testified that she told the ADM that that his experience at the department had been terrible from a professional standpoint. She also told the ADM that she was unaware whether the PCO's ATIP division had similar needs as IRCC did, but that if he was looking for staff, Mr. Charles was looking for a new opportunity. According to Ms. Fox, the ADM told her that they were always looking to hire, whether it was in the ATIP division or another division, and he told her to send him Mr. Charles' résumé and that they would be happy to meet with him.

[117] Ms. Fox testified that she did not tell the ADM that she had referred Mr. Charles to Ms. Baptiste or that Mr. Charles was an acquaintance of hers from the varsity basketball community.

[118] On June 12, prior to his meeting with the ADM, Mr. Charles first met Ms. Fox at her office. According to Mr. Charles, Ms. Fox told him about the employment opportunities at the PCO. She then walked him down to the office of the ADM and provided introductions to the ADM and a senior director with the ATIP division, who was also present. He said they chatted until Ms. Fox left for another meeting. Mr. Charles said that following his meeting with the ADM, he then met with the senior director in charge of the ATIP division.

[119] According to Ms. Fox, following their meeting with Mr. Charles, the ADM informed her during a bilateral meeting that their discussion had gone well.

[120] According to Mr. Charles, in early September 2024, he received a verbal offer of employment for a PM-04 ATIP Analyst position from the PCO. Mr. Charles testified that he told Ms. Fox about the job offer with the PCO.

[121] On September 13, 2024, Mr. Charles accepted a two-month term extension at the PM-04 level with IRCC. On October 22, 2024, he accepted a demotion to a CR-04 position with IRCC, which was to start once his PM-04 term extension came to an end. According to Mr. Charles, the acceptance of the CR-04 position was a means of staying employed while waiting to receive the Top Secret clearance he required to work at the PCO, a process he was told could take up to six months to complete. Mr. Charles testified that he informed PCO officials of the upcoming demotion.

[122] On October 25, 2024, Mr. Charles signed his written letter of offer for a PM-04 ATIP Analyst position at the PCO. He then received his Top Secret clearance within two months, allowing him to start his new job at the PCO on November 7, 2024, before the end of his PM-04 term extension and planned demotion to CR-04 at IRCC.

ISSUES

[123] The issues to be addressed are as follows:

- A. Did Ms. Fox use her position as Deputy Minister of IRCC to seek to influence departmental officials into hiring an alleged friend, Mr. Charles?
- B. In the absence of any finding of such friendship, did Ms. Fox use her position as Deputy Minister to seek to influence departmental officials to hire Mr. Charles in a manner that would have improperly furthered his private interests?

MS. FOX'S POSITION

[124] In her written Attestation of July 2, 2025, Ms. Fox denied the allegation made against her and stated that Mr. Charles is not a friend and that she did not exert undue influence or pressure on public servants to hire Mr. Charles or otherwise seek to improperly further his private interests in contravention of section 9 of the *Conflict of Interest Act* (Act).

[125] Ms. Fox testified that as a senior public servant, she has a deep respect for, and an understanding of, her obligations under the Act. She submitted that she consistently discharged her duty as a public office holder appropriately and with a view to furthering the Government of Canada's interests.

[126] Ms. Fox submitted that as Deputy Minister of Immigration, Refugees and Citizenship Canada (IRCC), she was given a clear mandate by the then-Clerk of the Privy Council to lead cultural and organizational change at IRCC, which had a reputation as an organization resistant to change and with poor performance in serving clients and ministers. It was a large-scale organizational challenge which she approached with an acute understanding of her responsibility to lead by example.

[127] One area of concern was within the Access to Information and Privacy (ATIP) division. It suffered from a high turnover and chronic lack of ATIP officers, which resulted in challenges in complying with the timelines set out in the *Access to Information Act*.

[128] According to Ms. Fox, at the time of her appointment, IRCC was also grappling with issues of anti-racism, diversity and inclusion. She wrote that the Clerk of the Privy Council had specifically mandated her to implement the *Call to Action on Anti-Racism, Equity, and Inclusion in the Federal Public Service*. She was cognizant of the findings of the Anti-Racism Secretariat that Black employees at IRCC faced challenges in getting hired and barriers to having their skills gained within and from outside the federal public service.

[129] Ms. Fox stated that it is accurate that she brought Mr. Charles' interest in a position at IRCC to the attention of her Assistant Deputy Minister (ADM). She added that the allegations that Mr. Charles is her friend or that she exerted pressure on public servants to hire him are false.

[130] She submitted that her relationship with Mr. Charles meets none of the indicators of friendship for the purposes of the Act, as expressed in various publications and reports issued by this Office. She also submitted that friendship under the Act has been interpreted as requiring a close bond, feeling of affection or special kinship. Sharing an *alma mater* is insufficient to meet this standard.

[131] According to Ms. Fox, Mr. Charles' hiring was routine and took very little of her time. She was involved in a limited way and to an entirely appropriate degree in Mr. Charles being

considered for a position at IRCC: first by directing his résumé to her newly appointed ADM and then, indirectly, by encouraging her new ADM to confidently state her view on Mr. Charles' potential rank to the hiring team.

[132] According to Ms. Fox, her attempts to support Ms. Baptiste in her role as ADM should not be mistaken for pressure and that Ms. Baptiste never conveyed to her that she was feeling pressured. Rather, Ms. Baptiste seemed appreciative of the mentoring and support provided to her. Ms. Fox believes Ms. Baptiste may have lacked confidence in her authority as an ADM and as a result may have invoked her name to manage difficult staff within the ATIP division.

[133] Ms. Fox submitted that her actions in relation to Mr. Charles' hiring were proper, that no additional or improper actions were taken and that she complied with her professional obligations as a Deputy Minister. Ms. Fox added that she took the actions she did because she thought Mr. Charles was a candidate who merited consideration in a time of dire need for acute talent within the ATIP division and in an effort to further the goals of the Call to Action and Corporate Priorities for deputy ministers, and for no other reason.

ANALYSIS AND CONCLUSION

[134] In this examination, I must determine whether Christiane Fox contravened section 9 of the *Conflict of Interest Act* (Act) by using her position as Deputy Minister of Immigration, Refugees and Citizenship Canada (IRCC) to seek to influence departmental officials into hiring an alleged friend, Björn Charles, or in the absence of any such friendship, whether Ms. Fox used her position as Deputy Minister to seek to influence departmental officials to hire Mr. Charles in a manner that would have improperly furthered his private interests.

[135] Section 9 of the Act prohibits public office holders from using their position to seek to influence another person's decision to further their own private interests, those of their relatives or friends or to improperly further those of another person. It reads as follows:

9. No public office holder shall use his or her position as a public office holder to seek to influence a decision of another person so as to further the public office holder's private interests or those of the public office holder's relatives or friends or to improperly further another person's private interests.

The furthering of private interests

[136] One of the questions I must consider in relation to how section 9 of the Act applies to this matter is whether the private interests of Mr. Charles were furthered.

[137] It is an undisputed fact that, after being referred by the Deputy Minister, Mr. Charles was hired by IRCC on a casual basis in May 2023 for a three-month period as a project manager (PM-04) and was subsequently offered, in August 2023, an external non-advertised one-year term contract at that same level, which he accepted.

[138] An employment contract with IRCC, whether on a casual or a term basis, is a private interest within the meaning of the Act notably because of the remuneration and benefits attached to the position.¹

The relationship between Ms. Fox and Mr. Charles

[139] The next matter to be addressed is whether, Ms. Fox and Mr. Charles are friends within the meaning of the Act.

¹ The Office has interpreted the term "private interest" under the Act to refer largely to pecuniary interests. Subsection 2(1) of the Act provides a negative definition of the term, setting out that it "does not include an interest in a decision or matter (a) that is of general application; (b) that affects a public office holder as one of a broad class of persons; or (c) that concerns the remuneration or benefits received by virtue of being a public office holder." None of these exceptions apply in this matter.

[140] The Act does not define “friends” for the purposes of the Act. However, there are several reports by my predecessors where they have interpreted the term to mean individuals “who have a close bond of friendship, a feeling of affection or a special kinship.”²

[141] In October 2021, the Office published an information notice which sets out a number of indicators to assist public office holders in determining whether an individual is a friend.³ These include, among others, the duration of the relationship, the type and frequency of interactions, the sharing of meals, the giving of gifts, and displays of trust or affection.

[142] In respect of the application of these indicators, Ms. Fox’s position is that her relationship with Mr. Charles does not qualify as a friendship for the purposes of the Act. I agree with Ms. Fox’s position.

[143] The evidence gathered in this examination shows that Ms. Fox and Mr. Charles knew each other from both being involved in university basketball. While both described each other as old acquaintances, it appeared to me that the two of them are in fact connected through Ms. Fox’s spouse, who was Mr. Charles’ former assistant basketball coach. Mr. Charles described Ms. Fox’s spouse as someone he had gotten to know very well in past years but more casually in recent years. Mr. Charles testified that he has kept in regular touch with Ms. Fox’s spouse over time, mostly by text messaging when alumni events are approaching or at the end of the basketball season to congratulate him on the season.

[144] Both Ms. Fox and Mr. Charles testified that they neither socialize at each other’s homes nor do they share meals or exchange gifts. Mr. Charles recalled giving a bottle of wine to Ms. Fox’s family on one occasion. The extent of their personal interactions was described as being limited to attending events connected to their alumni status.

[145] The documentary evidence gathered also shows that Ms. Fox, in correspondence with her Assistant Deputy Minister (ADM), described Mr. Charles as “someone she knew from basketball.” While the documents show that Ms. Fox and Mr. Charles communicated in a friendly and informal manner, for example by using first names, the evidence shows that when Mr. Charles first reached out to Ms. Fox, he did so by obtaining her contact information from Ms. Fox’s spouse.

[146] While Ms. Fox and Mr. Charles have known each other for more than two decades, their relationship does not appear to have changed over the years in that any gatherings or social interactions have been through larger social circles connected to their ties to university basketball. I am therefore of the view that the nature of the relationship falls short of a friendship within the meaning of the Act.

² [Morneau II Report](#)

³ [Managing a conflict of interest: Why disclosing a friendship matters](#)

Ms. Fox's use of her position to further the private interests of Mr. Charles

Was there an impropriety?

[147] Since they are not friends within the meaning of the Act, I must next determine whether Ms. Fox used her position as Deputy Minister to seek to influence departmental staff to hire Mr. Charles and if so, whether it amounted to an impropriety.

[148] Using one's position to seek to influence, as the phrase is used in section 9 of the Act, should be understood in its ordinary meaning, which aligns with the definition of "influence" in *Black's Law Dictionary* (10th edition) as the "use of pressure, authority, or power, usu. indirectly, to induce action or change the decisions or acts of another."⁴

[149] In several past examination reports, the Office has interpreted the word "improper" to apply to conduct that could be considered contrary to a rule, a regulation, or a process, or that would constitute a form of preferential treatment.⁵

[150] Ms. Fox's position is that she acted properly at all times, noting that the hiring decision belonged to her ADM and departmental staff. She stated that any intervention on her part was minor and related to her priorities to solve the challenges in the Access to Information and Privacy (ATIP) division and to further the objectives of the *Call to Action on Anti-Racism, Equity, and Inclusion in the Federal Public Service*, as well as supporting her newly appointed ADM.

[151] In *The Finley Report* (2015), then-Commissioner Dawson considered whether a proponent's private interest had been improperly furthered when the Minister gave their proposal preferential treatment. The Minister had singled out the proposal for external evaluation and, ultimately, for funding, despite it not meeting the established funding criteria and not having been recommended by the department. The report concluded that the giving of preferential treatment could, in and of itself, be sufficient to find an impropriety.

[152] In her testimony, Ms. Fox stated that she often passes on the résumés of individuals that come her way. This illustrates what would be standard treatment of requests from people she might know from outside or within the public service and who approach her to discuss their interest in seeking new opportunities. In such cases, a Deputy Minister would not typically get involved any further, especially where the said opportunities are far removed from their level of seniority.

⁴ "Influence" in *Black's Law Dictionary*, 10th ed., at p. 898.

⁵ [Trudeau II Report](#) and [The Finley Report](#)

[153] The evidence establishes that in the case of Mr. Charles, Ms. Fox was approached in her private sphere, as her spouse provided him with her contact information and she took his call over the weekend. Then, throughout the process that resulted in Mr. Charles' hiring, she had several follow-up communications directly with him about how the process was going and asked that she be kept informed. She also provided him with an internal briefing document destined for a high-ranking official to help him prepare for his interview. While the content of this document was largely publicly available, the document was nonetheless internal to IRCC.

[154] In her capacity as Deputy Minister, she and her office sought updates about him specifically, as stated by several witnesses and as corroborated by the documentary evidence. She also intervened on his behalf with her ADM when she learned directly from him that the department was going to offer him a lower position.

[155] There is also evidence that Ms. Fox mentioned to her ADM at a bilateral meeting that Mr. Charles had just had a baby, a fact that Mr. Charles testified had motivated his desire for a career change and that Ms. Baptiste testified made her feel uncomfortable about offering Mr. Charles a lower position. While Ms. Fox did not think she would have done so, I accept Ms. Baptiste's version of the event. This intervention was, in my view, an attempt to influence Ms. Baptiste's decision on Mr. Charles' level and salary. Then, shortly after he accepted a casual appointment, the documentary evidence and testimony of several witnesses show that she made enquiries with departmental staff about his status, though Ms. Fox stated that she did not recall doing so.

[156] In sum, rather than simply passing on Mr. Charles' résumé, Ms. Fox continued to communicate privately with him in respect of a process she was able to influence and followed up several times in her capacity as Deputy Minister with the person whose decisions would be determinative of Mr. Charles' employment.

[157] I consider that Ms. Fox's level of involvement and continued interest in respect of Mr. Charles' employment opportunities at IRCC were directed at influencing her newly appointed ADM to hire Mr. Charles, and to do so at a higher classification than the evidence suggests he would have otherwise received. Her conduct resulted in the giving of preferential treatment to Mr. Charles, which in my view amounts to an impropriety.

[158] I must now address Ms. Fox's position that her involvement was proper because it related, on the one hand, to her priorities to solve the challenges in the ATIP division, and on the other hand, to furthering the objectives of the Call to Action.

Were Ms. Fox's interventions proper because Mr. Charles' hiring was meant to fill the needs of the ATIP division?

[159] According to the evidence, the ATIP division at IRCC suffered from a chronic lack of ATIP officers, which resulted in delays in processing and managing ATIP requests. The division was missing deadlines in a majority of cases and had to deal with communications from frustrated members of the public seeking updates on their requests.

[160] Evidence shows that Ms. Fox referred only one candidate to address the needs of the ATIP division, Mr. Charles, and he was the only candidate considered for this external non-advertised position related to client services. The evidence also shows that senior staff within the ATIP division were at a loss to determine what tasks Mr. Charles, who had no previous government or ATIP experience, would be given, all the while being pressured to quickly interview and hire him in early April 2023.

[161] Information about Mr. Charles' hiring was included in a "DM Weekly" briefing note, along with an update about another position in the ATIP division, at the PM-06 level. Ms. Fox's only handwritten comment on the note related to Mr. Charles' interests, namely that the PM-04 would be great for him.

[162] Following this briefing, the documentary evidence shows that Ms. Fox and Ms. Baptiste wanted to know from departmental staff how long it would take to bring Mr. Charles in. According to Ms. Perry, the department's job descriptions for ATIP positions posed a challenge when they were asked to create a unique position specifically for Mr. Charles, notably due to his lack of ATIP experience.

[163] Then when Mr. Charles informed Ms. Fox that the department was considering him for a lower PM-02 position, Ms. Fox wrote to her ADM, once again, specifically about Mr. Charles and his interests, to see if there was "any flex" in considering him for the PM-04 position, as the lower level would make it difficult for him to leave his current position.

[164] In addition to the departmental hiring team not having clarity on what tasks Mr. Charles was to perform when interviewing him, shortly after he started, Mr. Charles was transferred to another team in the ATIP division. This also leads me to believe that Mr. Charles' hiring was not part of a coordinated plan to address the priority needs of the ATIP division.

[165] Overall, in weighing the evidence gathered, I conclude that Mr. Charles' hiring could not reasonably be foreseen to respond appropriately to a general need to hire qualified staff to address the specific and pressing challenges faced by IRCC's ATIP division. Rather, in my view, the task at hand was to create a position to fit the profile and desired salary range of a specific individual referred by the Deputy Minister. Consequently, I do not accept Ms. Fox's position that her interventions were proper because general ATIP priorities motivated her involvement as Deputy Minister in Mr. Charles' hiring.

Were Ms. Fox's interventions proper because they were motivated by objectives of the Call to Action?

[166] On this point, I saw no mention of the Call to Action in any of the documentation prepared by departmental staff relating to Mr. Charles' hiring. The ADM's Office Manager testified that while the Call to Action was discussed at IRCC at large in 2023, she did not recall any mention of the Call to Action or other diversity, equity, and inclusion considerations in respect of the hiring of Mr. Charles.

[167] According to the evidence, neither Mr. Charles nor the department identified Mr. Charles as belonging to an employment equity group in the decision for his term appointment. Mr. Charles also testified that he could not recall whether he was ever asked about self-declaring as being part of an employment equity group.

[168] While the Call to Action is a specific and meaningful objective and requires actions from those responsible for leadership, in this specific case, I am unable to conclude that the Call to Action motivated Mr. Charles' hiring or Ms. Fox's conduct in the matter.

Conclusion

[169] I consider the sustained interest and involvement by the Deputy Minister in relation to the hiring of Mr. Charles, whom I have determined was not a friend within the meaning of the Act, to constitute preferential treatment amounting to an impropriety.

[170] The evidence shows that Ms. Fox used the weight of her position as Deputy Minister to advance Mr. Charles's private interests by: (1) sending his résumé to her ADM with the expectation that departmental officials would quickly meet with him, (2) seeking updates from him and departmental officials about his hiring, (3) providing him with an internal document, and (4) pushing for a higher classification.

[171] I did not find her justifications relating to her interventions being motivated by the needs of the ATIP division and the Call to Action credible. Clearly, the true intent behind her interventions was to help Mr. Charles find new employment, and this occurred under her watch through the creation of a position in her department to fit Mr. Charles' needs.

[172] Given the above, I find that Ms. Fox contravened section 9 of the Act by using her public office to improperly influence her ADM and other departmental officials into hiring Mr. Charles, whom she had referred, an individual with no government or ATIP experience, at a management level for which departmental officials had advised he was not qualified.



Hon. Konrad von Finckenstein, C.M., K.C.
Conflict of Interest and Ethics Commissioner