



Office of the
Conflict of Interest and
Ethics Commissioner

Commissariat aux
conflits d'intérêts et
à l'éthique

Ratansi Report

2021

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Mario Dion

Conflict of Interest and
Ethics Commissioner

Ratansi Report

made under the *CONFLICT OF INTEREST CODE FOR MEMBERS OF THE HOUSE OF COMMONS*

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PREFACE

Under the *Conflict of Interest Code for Members of the House of Commons* (Code), which constitutes Appendix I of the *Standing Orders of the House of Commons*, an inquiry may be initiated at the request of a Member of the House of Commons, by resolution of the House of Commons, or on the initiative of the Conflict of Interest and Ethics Commissioner.

Where the Commissioner has concerns that a Member of the House of Commons has not complied with their obligations under the Code, the Commissioner is required to give that Member written notice of his concerns and afford that Member 30 days to respond. If, after giving the Member 30 days to respond, the Commissioner has reasonable grounds to believe that the Member has not complied with their obligations under the Code, the Commissioner may conduct an inquiry on his own initiative to determine whether the Member has complied with their obligations under the Code.

Following the completion of an inquiry, a report is to be provided to the Speaker of the House of Commons, who presents it to the House of Commons when it next sits. The report is made available to the public once it is tabled or, if the House is not then sitting, upon its receipt by the Speaker.

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EXECUTIVE SUMMARY

This report presents the findings of my inquiry under the *Conflict of Interest Code for Members of the House of Commons* (Code) into the conduct of Ms. Yasmin Ratansi, Member of Parliament for Don Valley East, in relation to the employment in her constituency office of Ms. Zeenat Khatri, from January 23, 2017, until November 2, 2020. Ms. Ratansi publicly referred to Ms. Khatri as her sister.

The inquiry focussed on section 8 of the Code, which prohibits Members, when performing parliamentary duties and functions, from acting in any way to further their private interests or those of a member of their family, or to improperly further another person's or entity's private interests.

I determined that Ms. Ratansi had furthered Ms. Khatri's private interests within the meaning of the Code by employing Ms. Khatri in her constituency office. As Ms. Khatri was not considered a family member for the purposes of the Code, I had to determine whether those private interests were improperly furthered.

The Code does not set out the circumstances that constitute an impropriety when considering actions that may improperly further another person's private interests. I have determined, however, that an impropriety could include circumstances where a Member acts contrary to a rule.

In this case, I considered the *Members By-law* (By-law) of the House of Commons Board of Internal Economy, which governs the use of the resources provided by the House to Members for the purpose of carrying out their parliamentary functions. The By-law prohibits a Member from hiring members of their immediate family, including a brother or sister.

The evidence gathered during this inquiry shows that while Ms. Ratansi had always considered Ms. Khatri as her sister and publicly referred to her as such, Ms. Khatri is in fact her foster sister. However, the public perception of Ms. Ratansi's family relationship to Ms. Khatri, based on Ms. Ratansi's own public statements and actions, led nonetheless to the strong appearance of an employment relationship that was contrary to the By-law.

I used my discretion under section 3.1 of the Code to take into consideration the purposes and principles of the Code in making a determination as to whether the rules of conduct had been contravened in a particular case. Principles 2(b) and (c) state that Members are expected to avoid real or apparent conflicts of interests and to perform their official duties and functions in a manner that bears the closest public scrutiny, an obligation that may not be fully discharged by simply acting within the law. Taking these principles into account, I found that the appearance that a Member has contravened a rule outside the Code can, in certain circumstances, lead to an impropriety for the purpose of section 8.

Having found that Ms. Ratansi furthered Ms. Khatri's private interest by hiring her in her constituency office, and that she did so improperly because of the appearance of an employment relationship that contravened the By-law, I found that Ms. Ratansi contravened section 8 of the Code.

CONCERNS AND PROCESS

[1] On November 5, 2020, I received a letter from Ms. Yasmin Ratansi, Member of Parliament for Don Valley East, in which she requested my advice as to whether she may have contravened her obligations under the *Conflict of Interest Code for Members of the House of Commons* (Code).

[2] In her letter, Ms. Ratansi explained that she had employed her adopted sister, Ms. Zeenat Khatri, to work in her constituency office from 2017 until November 2, 2020, when she terminated Ms. Khatri's employment immediately upon learning that the *Members By-law* (By-law) of the Board of Internal Economy of the House of Commons prohibits Members from hiring members of their immediate family, including siblings.

[3] Having considered the information contained in Ms. Ratansi's letter of November 5, I wrote back to her on November 10 under subsection 27(4) of the Code to inform her that I had concerns she may have contravened section 8 of the Code, which reads as follows:

8. When performing parliamentary duties and functions, a member shall not act in any way to further his or her private interests or those of a member of the member's family, or to improperly further another person's or entity's private interests.

[4] Ms. Ratansi did not appear to have furthered her own private interests or those of a member of her family since the Code does not include siblings in its definition of "family members." However, the hiring of Ms. Ratansi's sister did appear, on its face, to be contrary to subsection 62(1) of the By-law, which provides that a Member may not hire a member of their "immediate family," including a sibling under the By-law's definition of that term. I was therefore concerned that Ms. Ratansi may have improperly furthered the private interests of another person, namely Ms. Khatri, in contravention of section 8 of the Code.

[5] In accordance with subsection 27(4) of the Code, I asked Ms. Ratansi to respond to my concerns within 30 days, following which I would determine whether to initiate an inquiry into her conduct.

[6] On November 12, I received a letter from Mr. Michael Barrett, Member of Parliament for Leeds–Grenville–Thousand Islands and Rideau Lakes, asking me to conduct an inquiry under the Code into Ms. Ratansi's conduct. Mr. Barrett's allegation against Ms. Ratansi, which he based on information found in recent media reports, reflected the concerns I had previously set out in my letter of November 10 to Ms. Ratansi.

[7] I responded to Mr. Barrett on November 16 to inform him that, because the allegation contained in his letter was already being dealt with under subsection 27(4) of the Code, I would not commence a separate process in respect of the same matter, though I would nonetheless forward his request to Ms. Ratansi and inform him in due course of my decision whether to initiate an inquiry. I forwarded Mr. Barrett's request to Ms. Ratansi on the same day, along with my reasons for not commencing a separate process further to this request.

[8] I received Ms. Ratansi's response to my letter of concern on December 9, 2020. In her letter, Ms. Ratansi provided factual information regarding the circumstances in which she had hired Ms. Khatri. She also set out her view that hiring her adopted sister in her constituency office may not in fact have been contrary to the By-law. Ms. Ratansi also submitted that, should I nonetheless determine that she had contravened the Code, her non-compliance occurred through an error in judgment made in good faith.

[9] On December 18, I wrote to Ms. Ratansi to inform her that, having considered the information before me, I was commencing an inquiry.

[10] I received written representations and documents from Ms. Ratansi and her counsel on December 29, 2020, and on January 11 and 18, 2021, as well as on February 1, 2021.

[11] I held an interview with Ms. Ratansi on February 9, 2021, and received additional documents on March 16, 2021.

[12] Ms. Ratansi was provided with an opportunity to review and comment on the transcript of her interview and a draft of the factual portions of this report (Concerns and Process, Facts, and Ms. Ratansi's Position) before it was finalized.

FACTS

Employment of Ms. Khatri during Ms. Ratansi's first tenure as a Member

[13] Ms. Yasmin Ratansi first served as the Member of Parliament for Don Valley East from June 28, 2004, to May 1, 2011. From 2006 onwards, Ms. Zeenat Khatri worked as a constituency assistant in Ms. Ratansi's constituency office.

[14] In her interview, Ms. Ratansi explained that her office manager, Ms. Helen Flanagan, was responsible for finding staff for her constituency office. In order to find candidates to recommend to the Member, Ms. Flanagan used the services of a human resources consultant. Ms. Ratansi said that she typically approved Ms. Flanagan's recommendations and that she trusted her because she was an experienced office manager who had worked for several Members before her.

[15] Ms. Khatri was one such candidate who had been selected by the human resources consultant and recommended to Ms. Ratansi by Ms. Flanagan. Ms. Ratansi told me she did not approach Ms. Khatri herself about the opportunity or otherwise discuss it with her at the time.

[16] Ms. Ratansi confirmed to me that she had told Ms. Flanagan that Ms. Khatri was her sister, but that this did not raise any problem since she understood from Ms. Flanagan that the rule prohibiting Members from hiring members of their immediate family did not include the brothers or sisters of the Member.

[17] Ms. Khatri continued in her role as a constituency assistant focussing on immigration files until 2011, when her employment ended due to Ms. Ratansi losing her seat in that year's general federal election.

Amendment to the *Members By-law*

[18] The *Members By-law* (By-law) of the Board of Internal Economy of the House of Commons (BOIE) governs the use of the resources provided by the House to Members for the purpose of carrying out their parliamentary functions. With respect to staffing their constituency and parliamentary offices, Members are prohibited by the By-law from employing members of their immediate family.

[19] During Ms. Ratansi's first tenure as a Member, the By-law's definition of a Member's "immediate family" included only the Member's parents, spouse and children, but not their siblings. In 2012, during the four-year period where Ms. Ratansi was not a Member, the BOIE revised the By-law and, among several changes, amended the definition of "immediate family" to include the Member's brothers and sisters.

[20] In her written representations and during her interview, Ms. Ratansi stated that she was not aware of this change to the applicable rules until it was brought to her attention recently.

Staffing in Ms. Ratansi's constituency office after her re-election in 2015

[21] In the 2015 general election, Ms. Ratansi won back the seat she had previously held as the Member for Don Valley East. In several of her written representations and during her interview, she explained that she had difficulty finding and retaining staff that was able to work on the large number of immigration files arising from her constituency.

[22] In early 2017, Ms. Ratansi determined that, because of the growing backlog of files that needed to be dealt with, she would need to reach out to Ms. Khatri and ask her to come work in her office for a period of six months or more. In Ms. Ratansi's opinion, Ms. Khatri was an experienced former employee who already had the required abilities and knowledge required to process case files efficiently. She would have Ms. Khatri focus mainly on training a recently-hired employee on matters relating to immigration files. According to Ms. Ratansi, working in her office was not an ideal situation for Ms. Khatri since it would keep her away from her family business and entailed a long daily commute.

[23] In her written submissions and during her interview, Ms. Ratansi explained that before hiring Ms. Khatri, she checked what rules applied under the Code and determined that since Ms. Khatri was not a member of her family within the meaning of the Code, she was not prohibited from hiring Ms. Khatri. Ms. Ratansi told me during her interview that she knew about the By-law's prohibition regarding the hiring of members of one's immediate family, but she did not consult the By-law at that time. Ms. Ratansi also confirmed that she had not performed a similar verification in the case of any other hire, having only done so in the case of Ms. Khatri given their relationship.

[24] Ms. Khatri's letter of employment, dated and signed by both parties on January 16, 2017, provided for "regular full-time" employment starting on January 23, 2017, and specified no end date. Ms. Ratansi explained during her interview that from a human resources standpoint, employment of six months or more is not considered temporary, but she had discussed the temporary nature of the arrangement verbally with Ms. Khatri.

[25] Ms. Ratansi explained that over the following months, the caseload in her office remained high and the staffing challenges continued as previously, with trained employees ending up leaving for various reasons, including to pursue studies or other opportunities. As a result of this situation, Ms. Khatri agreed to stay on until a replacement could be found.

[26] According to Ms. Ratansi, Ms. Khatri was known among employees in her office as her sister, and no one ever raised this as a possible issue or mentioned the applicable rule under the By-law.

Termination of Ms. Khatri's employment

[27] Ms. Ratansi explained to me during her interview that on November 2, 2020, the Liberal Party had called her to inform her that they had received an anonymous letter stating that she was employing her sister in her office, which she confirmed to be the case. Ms. Ratansi was then told that because she could not employ a member of her immediate family and that this included her sister, she had to terminate her and seek the guidance of the Conflict of Interest and Ethics Commissioner.

[28] Ms. Ratansi told me that she immediately proceeded to take the steps that had been asked of her. That day, she informed Ms. Khatri verbally and by letter that she was terminating her employment, effective that day, for the reasons raised by the Party and, as she wrote in Ms. Khatri's letter of termination, "to ensure that there is no appearance of impropriety."

Steps taken by Ms. Ratansi since November 2, 2020

[29] On November 5, 2020, Ms. Ratansi sent a letter to me in which she stated that she had been employing Ms. Khatri, her adopted sister, as a full-time, salaried employee in her constituency office since 2017, that she had only learned on November 2 that Ms. Khatri should not be working for her as a member of her immediate family, and that immediately upon learning this, she had terminated her employment. In concluding this letter, Ms. Ratansi asked me to advise her as to whether, by hiring her adopted sister, she may have violated the Code in any way.

[30] Ms. Ratansi's letter of November 5, 2020 contained the information upon which I initiated the process leading to this inquiry.

[31] On November 9, 2020, Ms. Ratansi posted on the Facebook account @MPYasminRatansi, which she uses in the context of her parliamentary duties and functions, a statement in which she announced she had left the Liberal caucus and would continue to sit as an independent Member. Ms. Ratansi also wrote that she had made an error in judgment in employing her sister in her constituency office and apologized to her constituents for having done so, adding that she had since remedied the situation.

[32] Ms. Ratansi posted a new statement on her Facebook account on November 19, 2020, in which she wrote that she "erred in having [her] sister as a paid member of [her] staff for the past few years" and reiterated her apology for her "lapse in judgement" in relation to this.

Further information provided by Ms. Ratansi about her relationship with Ms. Khatri

[33] During the inquiry, Ms. Ratansi provided evidence showing that Ms. Khatri is not her biological sister, nor her adopted sister.

[34] Ms. Ratansi testified that her father had taken in Ms. Khatri at a very young age as a foster child while the family lived in Tanganyika (now Tanzania) in the 1950s. Ms. Ratansi's father had never formally adopted Ms. Khatri before he passed away in 1972; he was named as a "person in charge" and not as the "father" on the child's birth certificate, a copy of which Ms. Ratansi provided. Had an adoption taken place, this original birth certificate would have been surrendered and a new one would have been issued showing the adopting parents as mother and father.

[35] In her written submissions and her interview, Ms. Ratansi stated that she had always publicly referred to Ms. Khatri as her sister and that she did this in keeping with Islamic cultural practices and her father's personal wishes.

MS. RATANSI'S POSITION

[36] Ms. Ratansi's position is that she did not contravene section 8 of the Code by hiring Ms. Khatri to work in her constituency office.

[37] She submits that the documentary evidence provided shows that there is no legal bond between her and Ms. Khatri, including for the purposes of the By-law. Ms. Khatri was a foster child of Ms. Ratansi's father, and such a relationship falls outside the applicable definitions in the Code and the By-law as presently worded.

[38] Ms. Ratansi submits that there is no applicable reference to an "adopted" or "foster" sibling in the Code or By-law. If Parliament had intended the By-law's definition of "immediate family" to include a foster sister, then it could have done so by providing an expanded definition of the relationship, just as it did for the word "dependant."¹

[39] Furthermore, Parliament recently clarified and expanded the By-law's definition of "immediate family" to include a nephew or niece of a Member or their spouse, as well as in-law relationships.² Ms. Ratansi submits that even this new, expanded definition would not include her relationship to Ms. Khatri. Therefore, she could not interpret the By-law to include an expanded definition of "sister" beyond its natural meaning as a blood relative.

[40] Additionally, since a finding of a contravention could result in punitive measures, Ms. Ratansi submits that, as a principle of natural justice, the applicable provisions should be given their narrow meaning. Accordingly, she submits that if the provisions defining "immediate family" are not clear and unequivocal, then any ambiguity should be resolved in favour of the person who is the subject of the inquiry.

¹ The *Members By-law's* definition of "dependant" reads as follows:

dependant means a child of a Member, including a stepchild, an adopted child, a foster child, a child in respect of whom the Member is the legal guardian, or a child of his or her spouse who is financially dependent on the Member for necessary maintenance or the necessities of life such as food, lodging, medical care, clothing and cost of education and who is

- (a) under 21 years of age;
- (b) 21 or older, but not more than 25 years of age, and in full-time attendance at a recognized educational institution; or
- (c) regardless of age, wholly dependent upon the Member by reason of physical or mental disability.

² The *Members By-law's* revised definition of "immediate family," which took effect on January 29, 2021, reads as follows:

immediate family means

- (a) a Member's spouse;
- (b) a child, grandchild, parent, grandparent, brother or sister of a Member or of a Member's spouse;
- (c) a nephew or niece of a Member or of a Member's spouse; or
- (d) the spouse of a person referred to in paragraph (b).

[41] Finally, Ms. Ratansi submits that not only did she not contravene section 8 of the Code, to the contrary, the public benefited from Ms. Khatri's employment due to her ability to handle the vast number of immigration files that came to the constituency office.

ANALYSIS AND CONCLUSION

Analysis

[42] The purpose of this inquiry was to determine whether Ms. Yasmin Ratansi, Member of Parliament for Don Valley East, contravened section 8 of the *Conflict of Interest Code for Members of the House of Commons* (Code) by improperly furthering the private interests of another person, namely Ms. Zeenat Khatri, when she employed her in her constituency office in 2017. Section 8 reads as follows:

8. When performing parliamentary duties and functions, a member shall not act in any way to further his or her private interests or those of a member of the member's family, or to improperly further another person's or entity's private interests.

[43] This inquiry did not concern Ms. Ratansi's own private interests nor those of a family member within the meaning of the Code, since Ms. Khatri does not fall within the description of a "family member" set out in subsection 3(4) of the Code, which includes a Member's spouse or common-law partner and a minor or dependent child.

Parliamentary duties and functions

[44] The Code does not define a Member's parliamentary duties and functions for the purposes of section 8. However, subsection 1(1) of the *Members By-law* (By-law) provides the following definition of parliamentary functions:

parliamentary functions, in relation to a Member, means the duties and activities that relate to the position of Member, wherever performed and whether or not performed in a partisan manner, namely, participation in activities relating to the proceedings and work of the House of Commons and activities undertaken in representing his or her constituency or constituents.

[45] The By-law also provides that part of a Member's parliamentary duties and functions include their responsibilities as an employer.

[46] A Member's hiring of constituency staff therefore falls within the performance of their parliamentary duties and functions as contemplated by section 8 of the Code.

Furthering of private interests

[47] Subsection 3(2) of the Code identifies the circumstances in which a Member's actions are considered to further a person's private interests for the purposes of the Code. Among the enumerated circumstances, at paragraph (d), is an increase in the person's income from one of several types of sources, including an employer.

[48] As I wrote in the *Vandenbeld Report*, the relevant consideration when making a determination for the purpose of paragraph 3(2)(d) is the person's existing and potential entitlement to income from the particular source at issue. Thus, a new entitlement resulting from being hired into a position constitutes an increase in income from that source.

[49] By employing Ms. Khatri in her constituency office, Ms. Ratansi therefore furthered Ms. Khatri's private interests within the meaning of the Code. What remains to be determined is whether these private interests were improperly furthered.

Determination of impropriety

[50] The Code does not set out the circumstances that constitute an impropriety when considering actions that further another person's private interests.

[51] I have had to consider what constitutes an impropriety in the context of furthering private interests for the purpose of the provisions of the *Conflict of Interest Act*. In the *Trudeau II Report*, I found that an impropriety includes circumstances where a public office holder acts outside the scope of their statutory authority, or contrary to a rule, a convention or an established process.

[52] I am of the view that these types of considerations are also relevant in the context of determining an impropriety for the purposes of the Code. Specifically, Ms. Ratansi's employment of Ms. Khatri, which furthered her private interests, would be improper if I viewed it as running afoul of an existing rule outside the Code.

[53] The relevant outside rule in the matter under inquiry is subsection 62(1) of the By-law, which prohibits Members from hiring a member of their immediate family, as defined in subsection 1(1) of the By-law. While it was amended recently to expand its scope, the provision has, since 2012, included a Member's sister.

[54] At the material time for the purpose of this inquiry, the relevant provisions of the By-law read as follows:

1. (1) The definitions in this section apply in this By-law, unless otherwise provided.

[...]

immediate family means a Member's father, mother, brother, sister, spouse and children, as well as the spouses and children of the Member's children.

[...]

62. (1) A Member may not hire a member of his or her immediate family, his or her designated traveller or a political party executive as an employee under this By-law.

[55] Over the course of this inquiry, Ms. Ratansi has indicated to me that she has always considered Ms. Khatri as her sister and referred to her as such in her interactions with others. In several of her communications to me, she also emphasized how important it is to her that Ms. Khatri be referred to as her sister.

[56] Ms. Ratansi also appears to have consistently acted in accordance with the notion that Ms. Khatri is her sister. According to her testimony, when Ms. Ratansi was presented with the option to hire Ms. Khatri in 2006, she sought confirmation that no rule prohibited her from hiring her sister. She also told me that, in 2017, having checked the Code and noted that siblings were not considered members of a Member's family under the Code, she had determined that she could hire Ms. Khatri again, as she had done during her previous tenure.

[57] These statements by Ms. Ratansi suggest that if the By-law—as it read in 2006—or the Code had included sisters in their respective definitions of a Member's family, then she would have refrained from hiring Ms. Khatri because of their relationship. Further to this, as soon as she was made aware of the By-law's amended rule on November 4, 2020, Ms. Ratansi immediately terminated Ms. Khatri's employment.

[58] As this matter emerged on the public record on November 9, 2020, Ms. Ratansi continued to refer to Ms. Khatri as her sister in the statements she posted on her public social media account and expressed regret for what she characterized as a "lapse in judgement."

[59] A reasonable person looking at the matter with an understanding of the applicable rules and relying on the information above could only conclude that Ms. Khatri's employment was contrary to subsection 62(1) of the By-law. On this basis, an impropriety for the purposes of the Code would naturally follow.

[60] As the inquiry progressed, however, Ms. Ratansi submitted substantially different facts to me. Having first referred to Ms. Khatri as her adopted sister, she then explained that Ms. Khatri was in fact never legally adopted and provided supporting documentary evidence to that effect. I accept Ms. Ratansi's latter claim, as well as her argument that Ms. Khatri, as her foster sister, may not legally be considered as her sister or, by the same token, qualify as a member of her "immediate family" within the meaning of the By-law. The purpose of this inquiry, however, is to make a determination with respect to the Code, not the By-law.

[61] In assessing whether an impropriety has occurred for the purpose of a contravention of section 8 of the Code, I must have regard to all the circumstances of the case. The prohibition set out in subsection 62(1) of the By-law is the source of a potential impropriety in this case, but my conclusion does not depend entirely on whether this outside rule was, in the end, contravened. Ms. Ratansi's public statements and actions, as well as the resulting public perception of what transpired, are also part of the circumstances I must consider.

[62] Section 3.1 of the Code provides me with the discretion to take into consideration the purposes and principles of the Code in making a determination as to whether the rules of conduct have been contravened in a particular case. The provision reads as follows:

3.1 In interpreting and applying members' obligations under this code, the commissioner may have regard to the purposes and principles in sections 1 and 2.

[63] The principles of the Code most relevant to the present case read as follows:

2. Given that service in Parliament is a public trust, the House of Commons recognizes and declares that members are expected

[...]

(b) to fulfill their public duties with honesty and uphold the highest standards so as to avoid real or apparent conflicts of interests, and maintain and enhance public confidence and trust in the integrity of each member and in the House of Commons;

(c) to perform their official duties and functions and arrange their private affairs in a manner that bears the closest public scrutiny, an obligation that may not be fully discharged by simply acting within the law;

[...]

[64] Section 3.1 was added to the Code in 2007 following the recommendation contained in the Standing Committee on Procedure and House Affairs' 54th Report to the House of Commons that it be clarified that these purposes and principles are not intended to stand alone as rules or obligations, but instead serve as aids to the interpretation of the rest of the Code.

[65] Having regard to principles 2(b) and (c), which set out that Members are expected to avoid real or apparent conflicts of interests and to perform their official duties and functions in a manner that bears the closest public scrutiny, an obligation that may not be fully discharged by simply acting within the law, I find that the appearance that a Member has contravened a rule outside the Code can, in certain circumstances, lead to an impropriety for the purpose of section 8.

[66] In the matter under inquiry, I must take into account the public perception of Ms. Ratansi's family relationship to Ms. Khatri, based on Ms. Ratansi's own public statements and actions, which led to the strong appearance of an employment relationship contrary to subsection 62(1) of the By-law. While the additional facts that emerged over the course of the inquiry may have revealed the true nature of the family relationship between Ms. Khatri and Ms. Ratansi, the employment relationship nonetheless retained its improper character for the purposes of the Code.

Conclusion

[67] Having found that Ms. Ratansi furthered Ms. Khatri's private interest by hiring her in her constituency office, and that she did so improperly because of the appearance of an employment relationship that contravened the By-law, I find that Ms. Ratansi contravened section 8 of the Code.

SANCTION

[68] Having concluded that a Member has not complied with an obligation under the Code, I must consider whether the contravention is mitigated as per subsection 28(5) of the Code, which reads as follows:

28. (5) If the commissioner concludes that a member has not complied with an obligation under this code but that the member took all reasonable measures to prevent the non-compliance, or that the non-compliance was trivial or occurred through inadvertence or an error in judgment made in good faith, the commissioner shall so state in the report and may recommend that no sanction be imposed.

[69] When Ms. Ratansi hired Ms. Khatri in 2017, she relied on the advice given to her by her office manager back in 2006, at a time when no rule prevented her from doing so. She did not take a fresh look at the By-law and therefore did not take note of the change that had occurred in the meantime.

[70] The Board of Internal Economy's *Members' Allowances and Services Manual*, which Ms. Ratansi acknowledged in her letter to me of November 5, 2020, specifies that "Members are responsible for knowing, understanding and following the Board of Internal Economy's policies, as outlined in the *Members By-law* and in this manual." Ms. Ratansi submitted to me that she had checked the Code before hiring Ms. Khatri during her second tenure, but the By-law would have been the primary instrument to consult with regard to an employment matter, and Ms. Ratansi should have known this to be the case. Therefore, I cannot conclude that she took all reasonable measures to prevent the non-compliance.

[71] The rules that govern the stewardship of public resources provided to Members for the fulfillment of their parliamentary duties do much to foster the public's trust in Canada's governing institutions. It is therefore essential for all Members to adhere—and be seen to adhere—to these rules. Consequently, I also cannot conclude that Ms. Ratansi's contravention of the Code, which involved one such rule, was trivial.

[72] What is left for me to consider is whether Ms. Ratansi's contravention occurred through inadvertence or an error in judgment made in good faith.

[73] I accept Ms. Ratansi's submission that from January 2017 to November 2020, she believed no rule would have prevented her from employing Ms. Khatri, who was listed as her constituency assistant on the publicly-available directory of government employees. Furthermore, upon becoming aware that she may have contravened the By-law, Ms. Ratansi quickly took steps to terminate Ms. Khatri's employment and issue a public apology. She also contacted this Office to disclose her problematic actions and to obtain advice regarding any potential implications with respect to the Code. In my view, this demonstrated a good-faith desire to remedy the situation.

[74] I therefore conclude that while Ms. Ratansi did not comply with her obligations under section 8 of the Code in relation to the matter under inquiry, the non-compliance occurred through inadvertence or an error in judgment made in good faith and, accordingly, I recommend that no sanction be imposed.

A handwritten signature in black ink that reads "Mario Dion". The signature is written in a cursive, flowing style.

Mario Dion
Conflict of Interest and Ethics Commissioner

June 15, 2021