Executive decision-making during the COVID-19 emergency period

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Abstract
Beginning in March of 2020, the unprecedented circumstances of the COVID-19 pandemic caused a shift in the ways in which governments, and all organizations, performed many of their functions, including the ways in which they make decisions. In Westminster parliamentary democracies, the executive branch—with the support of the public service—has the capacity to respond quickly and decisively to matters at hand, which can make the system particularly well suited to deal with emergencies. However, the expedited approach can come at some cost in the sense that a higher tolerance for risk earlier in the process can create an increased need for problem-solving later on. This article explores how the Canadian government approached decision-making during the COVID-19 period, specifically within the period between March and August of 2020. Decision-making processes were truncated and modified to meet the challenges of the time, and the federal public service was widely praised for its nimbleness and responsiveness.

Sommaire
Dès mars 2020, les circonstances sans précédent de la pandémie de COVID-19 ont provoqué un changement dans la manière dont les gouvernements, et toutes les organisations, ont exercé bon nombre de leurs fonctions, y compris la prise de décisions. Dans les démocraties parlementaires s’inspirant du modèle de Westminster, le pouvoir exécutif —
avec le soutien de la fonction publique — est capable de réagir rapidement et fermement aux problèmes qui se présentent, ce qui rend ce système particulièrement bien adapté pour répondre aux urgences. Cependant, l’approche accélérée peut avoir un certain coût en ce sens qu’une plus grande tolérance au risque plus tôt dans le processus peut créer un besoin accru de résolution de problèmes plus tard.

Cet article étudie la façon dont le gouvernement canadien a géré la prise de décision pendant la période de la COVID-19, en particulier entre mars et août 2020. Les processus décisionnels ont été tronqués et modifiés pour relever les défis du moment, et la fonction publique fédérale a été largement acclamée pour son agilité et sa réactivité.

Beginning in March of 2020, the unprecedented circumstances of the COVID-19 pandemic brought about significant changes in the ways in which governments, and all organizations, performed many of their functions. The purpose of this article is to shed some light on how the federal government made decisions during the COVID-19 period. Our research and results focus specifically on the timeframe between March and August of 2020, which covers the initial response to the developing public health crisis and the creation of the initial suite of federal benefit programs designed to provide relief against the economic strain caused by pandemic-related interruptions to commerce and various sectors of work.

In Westminster parliamentary democracies, the power and responsibility to make decisions tends be centralized in the hands of senior cabinet ministers and their advisors. While the “concentration of power” scenario is often criticized for lacking transparency and inclusivity, the fact that powerful people can make decisions quickly, in response to evolving and urgent situations, is particularly useful in times of emergency. The power of decision-makers is counterbalanced by processes and institutions that hold them to account, including the House of Commons, the Senate, the media, and the public itself but in emergency situations the accountability regime can be altered or truncated so that time-sensitive decisions are not unduly obstructed by process-based checks and balances.

Many of the decisions that proved necessary to manage the public health crisis of COVID-19 were taken at the provincial level in Canada. However, given the broad fiscal capacity of the federal government, there was significant pressure on the Government of Canada to respond to the economic crisis that was precipitated by COVID-19. The federal response to the economic crisis is the focus of this article, with specific attention to the challenges posed by the first phase of the COVID-19 period. The business disruptions, job losses, layoffs, and reductions in hours worked created an indefinite period of economic uncertainty for businesses, individuals, and families. In response to this uncertainty, relief programs, including the Canada Emergency Response Benefit and the Canada Emergency Wage Subsidy, were rolled out rapidly at the federal level, in tandem with provincial lockdowns, closures, and other restrictions.

Though bureaucracies are often accused of moving too slowly, with not enough responsiveness to the urgent and important needs of citizens, public servants across Canada were championed and celebrated for the speed and effectiveness of their responses during the
COVID-19 emergency period. It should be noted that this was not the case everywhere on earth. Many jurisdictions saw significant space between public health advice and political decisions. Further, governments around the world varied in terms of the degree to which they prioritized the public health crisis over the economic consequences of shutdowns (Ahuja, 2020). However, as John Ivison wrote in 2020, reviews of the performance of the Canadian federal public service during the first phase of the pandemic period have been largely positive: “This column and this newspaper have often been critical of the federal bureaucracy when it has failed Canadians. In this case, it appears that many public servants have gone above and beyond the call of duty to ensure their fellow citizens can afford food and shelter. Ladies and gentlemen, we salute you” (Ivison, 2020).

Part of the reason for the positive reviews was that both the public service and political leadership changed their approach to doing business during COVID-19. The pandemic posed a severe challenge to typical protocol-based approaches to government decision-making. Normal procedures were too time-consuming to be effective in an emergency period and therefore needed to be altered, shortened, or bypassed altogether. Politicians, as well as the public, were focused on results rather than process, and decisions were made rapidly with limited evidence and information in response to an ever-evolving situation. Public service advice and support needed to conform to these realities. Given the severity and complexity of the circumstances, students of governance need to ask questions about how decisions were made during the emergency period.

We acknowledge that there are limitations to what we can know about decisions taken during the COVID-19 emergency period. As scholars, we are not on “the inside” and cannot be aware of every decision point. Also, the reality of cabinet confidence means that much of what happened in terms of who decided what, when, and how cannot be shared with researchers, much less revealed publicly. For these reasons, the focus of the article is on the system and its operations overall rather than on any specific decisions. Nevertheless, the management of the crisis offers an opportunity to reconsider what is essential and what is not in the decision-making processes of the Canadian government.

This essay was written as part of a project undertaken by the Canada School of Public Service in partnership with the Canadian Association of Programs in Public Administration. Our specific task was to study and report on how the federal government approached decision-making during the COVID-19 period. To gather information and evidence in support of this article, the authors consulted media reports and scholarly work on decisions taken by the federal government in response to the challenges posed by the COVID-19 pandemic. We also convened two roundtable discussions with federal public servants, many of whom are employed at the Privy Council Office, the Department of Finance, or the Treasury Board Secretariat. Also, we are grateful to a select number of federal public servants who participated in individual conversations with us so that we could understand some of the specifics of emergency decision-making more fully.

The article has limitations and parameters that we acknowledge here. First, the roundtables and interviews were conducted in the summer and fall of 2020, which means that the main scope of the article is limited to March to August 2020. This means that some of the most important and impactful decisions that were taken by the federal government, including its approach to the procurement of vaccines, are not covered by this article. Second, the focus of the article is the federal government response rather than the various provincial responses. Provincial governments’ approaches to managing COVID-19 are complex and varied and will need in-depth analysis in the coming months and years. Our goal was to focus on how the federal government's response to decision-making was affected during the COVID-19 period.
Third, our interview sample is drawn from central agencies rather than the full suite of government departments. This is due to the nature of the working groups that were struck for the project and the limited amount of time we had in which to work. Therefore, primary data representing line department perspectives are absent from this analysis. This article was not written to be the definitive study on the topic but to gather evidence and reflections and to suggest paths for future research. Fourth, due to the fact that our interviews were conducted mainly with public servants from central agencies, we focus on the federal government’s role in managing the economic challenges presented by COVID-19. This was not the full extent of the federal government’s response to the pandemic. Decisions were made by the federal government with respect to the procurement of vaccines, as was mentioned earlier, travel restrictions and requirements, and the flow of people and goods across Canada’s borders. It is not our intent to minimize the importance and impact of these decisions but, given the nature of our interviews and the focus of public discourse at the time of writing, our work tends to focus on the federal role in managing the economy.

This article is organized around the following themes and topics: i) the capacity of Westminster systems of government to respond to crises effectively; ii) costs and unintended consequences with respect to how decisions were made and communicated; iii) the dynamic between central agencies and line departments, and iv) lessons for the future.

A NOTE ON THE WESTMINSTER TRADITION IN CANADA

Brock and Turnbull (2020) make the following observation about the suitability of the Westminster system to respond to crises and emergencies:

Westminster parliamentary systems work by striking a well-calibrated balance between a powerful executive branch that can take decisions and actions effectively and a functional legislative branch that holds the government to account. In times of emergency, the balance between decisiveness and accountability tends to lean more heavily towards an even more powerful, effective executive.

Some of the defining features of the Westminster system, including the Crown prerogative powers, the centralization of power in the prime minister and cabinet, the horizontal coordination between departments, and ministerial accountability and responsibility, are criticized for concentrating power too heavily in one place. However, these features proved to be highly effective in responding to the challenges of the COVID-19 emergency period by facilitating decisions that were expeditious and sound.

Donald Savoie, Jeffrey Simpson, Peter Aucoin, Jacques Bourgault, and others have written extensively about the power of the Prime Minister’s Office and the dearth of effective and meaningful accountability around the political executive in Canada. The levers at a prime minister’s disposal, including the ability to make appointments to the cabinet, the Senate, and the courts, render the prime minister the ultimate decision-maker in the Westminster system. Even in a minority government situation, the Prime Minister’s will prevails.

The narrative around the power of the Prime Minister tends to be a critical one for good reason. An overly powerful executive raises questions around whether the legislative branch has enough tools at its disposal to hold the executive to account. The key is for decisiveness and accountability to exist simultaneously. The Westminster model does not set up a false dichotomy between a powerful
executive and powerful legislature; both branches must be robust, resourced, and legitimate for the system to work properly. Even during critical emergency periods, when the emphasis is placed on action and decision-making rather than accountability, decision-makers are always aware that they will be held to account by the legislature.

The powers of the executive were key to the federal government’s response to COVID-19. In March of 2020, once the crisis hit in earnest, Parliament was forced to close because of the need for physical distancing. Given that Parliament was not able to approve spending right away, the government relied on Governor General’s Special Warrants so that money could flow quickly. Normally, Governor General’s Special Warrants are used during periods of dissolution, when there is no Parliament to approve spending that becomes necessary during a writ period. However, during the COVID-19 crisis, the Financial Accountability Act was changed so that the executive could access Special Warrants even though Parliament had not been dissolved.

Also at that time, Prime Minister Justin Trudeau created a new cabinet committee on the federal response to the Coronavirus disease (COVID-19). This committee was chaired by Deputy Prime Minister and then Intergovernmental Affairs Minister Chrystia Freeland. For months, this was the central cabinet committee and the only one that was receiving pitches from departments and transacting business. The reason for this was obvious: the government’s priority was COVID-19, and all other matters could wait. All issues that were defined as being related to COVID-19 came to this committee and the others did not advance, at least for the time being. Decisions were ratified by the full cabinet. The ad hoc committee on COVID-19 ended up being a type of “priorities and planning committee,” which speaks to the flexibility of the Westminster model and the salience of the Crown prerogative powers in that the Prime Minister can make changes to the design of the cabinet committee structure as circumstances warrant. The list of committees that is currently much longer than under past governments is already an indication of flexibility. Overall, items were not dropped from the priorities list, but only a small number of priorities were handled to make decision-making possible.

Expectations around memoranda to cabinet (MCs) were adjusted so that ideas could come forward quickly and in the format that the sponsoring minister was the most able to work with, whether it was a short MC or a PowerPoint deck. Page counts for cabinet papers were reduced significantly; what would normally be documents ranging between 50 and 100 pages became two pagers. Also, the fact that ministers and their advisors were working remotely meant that secret documents could no longer be shared on paper. Communication was either digital or verbal, and secure technology made information-sharing and decision-making possible. The Prime Minister’s cabinet briefings were often done orally, and the notes he received were much reduced compared to what is normal practice. Usually, a Prime Minister receives multiple thick binders to review before a cabinet meeting, with a specific note for each agenda item. During the emergency period, he would receive a single note before a cabinet meeting that spoke to all of the issues briefly.

COSTS AND UNINTENDED CONSEQUENCES

The general approach to decision-making during the COVID-19 period was to focus on delivering outputs and outcomes instead of on adhering to standard and procedures. This approach was essential for the public service to respond to the crisis effectively, but there were bound to be some hiccups. For example, the Canada Emergency Response Benefit (CERB) was created to give financial support to employed and self-employed Canadians whose income was affected by COVID-19.
The process for receiving funds was made to be quick and easy so that people who needed the funds could get access to them as soon as possible. Procedures for verifying eligibility came after the fact, which led to some ineligible CERB payments having to be paid back (Bellavance, 2021a). As of October 2020, 830,000 CERB payments had been repaid (Harris, 2021). In December of 2020, the Canada Revenue Agency (CRA) issued 441,000 educational letters to Canadians who might need to send back CERB payments (Cousens, 2020).

The CERB eligibility issue came to a head when some small business owners who believed themselves to be eligible for CERB were, in fact, not eligible. The original application did not specify whether the income threshold for qualifying ($5000 in 2019) was referring to net income or gross income. CRA clarified later that it the threshold referred to net income, which meant that some people were asked to return all of their payments. CRA admitted the mistake, eventually, and the government backed down from expecting repayment over the holidays and moved instead to a more flexible repayment schedule (Lim, 2021). However, this example shows the cost of transacting business quickly. Mistakes and omissions can go undetected for a period of time. However, reform efforts aimed at improving the agility of the federal government were underway prior to COVID-19 and accelerated during it (Bernier & Mitchell, 2021).

In at least one case, it appears that the loss of process came at a significant political cost and led to the cancellation of a program that was meant to help students get through the COVID-19 crisis. The decision to bring in the WE Charity to administer a multi million-dollar student summer grant program, as opposed to the public service itself, was a complex and problematic one both for the public service and the elected government. As soon as the decision was announced, suspicions were raised around the closeness of the relationship between the WE Charity and its founders, Marc and Craig Kielburger, and Prime Minister Trudeau and his family. Senior public servants, including the Clerk of the Privy Council, as well as Prime Minister Trudeau, then Minister of Finance Bill Morneau, and others were brought before parliamentary committee to determine what process, if any, led to the decision to grant such a significant piece of work to an organization with ties to the Prime Minister. Both the politicians and the public servants who testified on the matter confirmed that the public service recommended that the WE Charity be given the responsibility to administer the program. In the end, the program was canceled, Minister Morneau had resigned, and the WE Charity has closed its operations in Canada. In a parliamentary committee appearance on the matter, Employment Minister Carla Qualtrough admitted: “It was a pandemic and things were crazy and we were going at break-neck speed. But we should not have dropped the ball on this” (Harris, 2020).

Public servants spoke of a desire to return to “normal” when it comes to process, to engage in longer and more detailed briefings, as well as more robust MCs, so that there is enough time and space for advice to be given in full and with appropriate time to weigh the options. While there is a strong consensus that the system and the people in it worked extremely well, there is very little interest or energy to continue at the pace that was kept during the emergency period. One of the results of the pandemic is that the introduction and use of technology has accelerated; this might be one of the positive impacts of the crisis.

**DYNAMICS BETWEEN CENTRAL AGENCIES AND LINE DEPARTMENTS**

Central agencies play a coordinating role within government; they work with and across line departments to ensure coherence in advice, objectives, and strategy (Smith, 2009). There can be tension between the two types of entities, particularly if departments come to resent
encroachment and overstepping from central agencies on items that belong in the jurisdictions of line departments. If this tension had been too tight during the COVID-19 emergency period, it could have undermined the effectiveness of the government's response. However, by all accounts, central agency functions regarding approvals and coordination worked as they should by becoming more flexible. Central agencies pledged to stay out of the way to give more autonomy to departments to get things done. For example, early on in the pandemic, deputies were told to put the emphasis on speed when it came to implementing programs and “to use sound judgment in using maximum flexibility when applying Treasury Board administrative policies and exercising their authorities.” Treasury Board recognized the need for flexibility, but “always within the context of ongoing (m)inisterial accountability.” Though procedures around Treasury Board submissions were made more flexible when possible, all COVID-19 items seeking funding through the Estimates process went through the Treasury Board to be put into the Estimates that went to Parliament for approval.

For months into the emergency period, when the cabinet committee on the federal government’s response to COVID-19 was the “super committee” and the only one doing business, some departments became frustrated that their items were being shelved for so long because they were not directly related to the crisis. However, meetings at the deputy minister level throughout the crisis ensured awareness of the issues that all departments were facing, even if they did not come to cabinet committee. As the crisis wore on through the summer and into the fall of 2020, it became clear that the COVID-19 committee was dealing with issues that could no longer be classified singularly as “emergency issues” but, instead, was also dealing with more complex policy issues that were social or economic in nature. In the fall, the Prime Minister made the COVID-19 committee a regular committee of cabinet rather than an ad hoc one, and other cabinet committees began to meet and do business. This opened up opportunities for non-COVID-19 issues to come to the fore and for decisions to be made on a wider range of issues.

One of the lessons of the crisis might be a consideration of a lighter coordination of departments, as it was done decades ago in Canada (Bernier et al., 2005). Under Louis St-Laurent, for example, ministers were more autonomous (Juillet & Bernier, 2020). The realities of politics today, including an omnipresent media and an expectation for flawless consistency in government messaging, make it difficult to go back to a time when ministers and departments could speak for themselves without circling back with the centre. On the other hand, some public servants have developed more entrepreneurial habits and it could be difficult for many of them to go back to the pre-COVID system (Bernier & Mitchell, 2021).

LESSONS LEARNED, FUTURE RESEARCH

The Westminster system worked as it was designed to during the crisis. It has the flexibility to take decisions, to act, and to make corrections as situations evolve. The risk of failure was heightened in the crisis but, overall, the system performed as it ought to have. The management of the COVID-19 crisis has illustrated that sound decisions can be made even with limited information and shortened time frames. There can be a healthy trade off between decisiveness and accountability.

In the longer run, we can expect a return to the more traditional processes of decision-making. But lessons can remain form the management of the pandemic. For example, a lot of effort was made in preparing MCs to make this a more efficient process without losing the space for advice. As long as the proper information is presented, can a simplified approach to preparation last after the crisis?
Mintzberg (2006, 1973) wrote that, very often, managers do not have more than nine minutes to make decisions. This is valuable context when thinking about how lessons from the emergency period can carry over to ordinary time.

The system proved to be flexible and capable of rapid adaptation. For example, the COVID-19 committee of Cabinet is an interesting illustration of this flexibility. It was certainly central to decision-making during the early months of the crisis but, according to the interviews we did, the regular committees took back their usual space in the second half of the year.

Perhaps the same can be said for the work of the Treasury Board Secretariat. All of the rules and procedures that are normally required are highly onerous and time consuming. In an era where it will be difficult to recruit and retain top talent to government, it could be easier to integrate newcomers in the public service if they feel that their time is well spent doing what they are supposed to do and rather than abiding by rules. Some interviewees estimate that 20% of their time is spent answering various controls.

On the management of the public service, it could be noted that public servants have worked hard over the last year. A more careful analysis should be done but our interviews indicate that both managers and other public servants were exhausted by the pandemic and suffered a real sense of burnout. The level of work was not sustainable and during the summer of 2022, some difficulties with passports, airports, and unemployment, among other files, might indicate that decision-making in more normal times has to be improved (Marquis, 2022).

Other decisions will have to be made on policies coming from managing the crisis. A first one is on linguistic policy. Official documents were not translated as usual during the crisis, which raises questions about how official languages policy will be followed if there is a more permanent shift to remote and/or hybrid work (Bellavance, 2021b). And on that point, how many workers will continue to work from home or only go to the office a few days a week? Offices might need to be reinvented physically, and approaches to onboarding, performance management, and promotion will need to be rethought. Thirdly, given the possibility of a continuation of remote and/or hybrid work, is there an appetite to hire more federal public servants from outside the National Capital Region? This could have enormous consequences, both intended and unintended. For example, a more robust engagement of remote work would expand the recruitment pool for the public service, which would help to build a more inclusive workforce. However, as alluded to earlier, it would be necessary to develop appropriate performance management practices for those working from home so that non-place-based work is equally valued and recognized.

From the interviews we conducted, we learned that impressions of federal-provincial relations were excellent over the management of the crisis. The sense of emergency and the distribution of roles between the federal and the provincial governments were clear. Some officials told us that the management of the pandemic was executive federalism at its best. The Prime Minister was regularly online, and over 200 conference calls took place during the year to discuss, for example, the safe restart agreement. The importance of the issue made cooperation essential. This could be seen as a difference with other issues such as infrastructure, immigration, climate change or health where the provinces are consulted less. Time will tell if the improved links during the pandemics will remain.

It appears that the pandemic has pushed toward more nimbleness. A big take-away from the experience is that the pandemic illustrated the capacity of the public service to turn around quickly, to deliver results under stressful circumstances and to make the right decisions with limited information. We do not know yet what will remain of those innovations, but there is no question that change has been accelerated because of the pandemic. This means that public
entrepreneurs are necessary in the public service to take decisions rapidly knowing the risks but also seeing the crisis as an opportunity to act or the necessity to do so. The cabinet system as we know it was temporarily simplified with a new coordination committee that gradually became less central to decision-making. The centralization of power at the centre allowed to make decisions quickly. The horizontal management was temporarily more limited, and ministerial responsibility remained an effective principle of government. The system works until a future crisis proves us wrong. The built-in flexibility should allow decisions to be made with agility, and hopefully some of this agility will remain.

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