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Chair

Mr. Ed Komarnicki

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•(0850)

[English]

The Chair (Mr. Ed Komarnicki (Souris—Moose Mountain, CPC)): Good morning, everyone. I'd like to call the meeting to order.

I have a couple of preliminary comments.

First, we're pleased to see both ministers appearing here this morning with respect to Bill C-44.

On the bill itself, we'll have witnesses called, and of course we'll have technical issues when we deal with the clause-by-clause. The bill provides for an amendment to the Canada Labour Code to provide an employee with the right to take leave when the child of the employee is critically ill, or dies, or disappears as a probable result of a crime. It also makes some technical amendments to the act.

The bill also amends the Employment Insurance Act to provide benefits to claimants who are providing care or support to their critically ill child and to facilitate access to sickness benefits for claimants who are in receipt of parental benefits. There are then amendments to the Income Tax Act and the income tax regulations.

We'll be hearing this morning from both ministers with respect to the bill. There will be opening statements from the ministers, and then we'll have alternating questions from each of the parties.

Having said that, I'll invite Honourable Minister Diane Finley to commence with her opening statement.

Hon. Diane Finley (Minister of Human Resources and Skills Development): Thank you very much, Mr. Chair.

Thanks for inviting me to talk about Bill C-44, which is our government's latest initiative to help Canadian workers and their families.

[Translation]

Our government is very proud of the Helping Families in Need Act. It delivers on our 2011 election commitment to provide income support for Canadian families when they need it most.

[English]

We can all sympathize with a mother or a father who is stricken with illness while taking care of a baby. And we can only imagine what it's like to watch over a child who is critically ill or to cope with the anguish of a child who is missing or murdered.

Our hearts go out to all of these people.

No matter what jobs we hold or what titles we may have, when tragedy strikes, our highest priority is always to take care of our families. Everything else comes second. That's why our government makes the well-being of families a priority.

Our proposed legislation, Bill C-44, will amend the Employment Insurance Act to facilitate access to sickness benefits for parents should they fall ill while receiving employment insurance parental benefits.

[Translation]

Currently, in order to receive EI sickness benefits, a claimant would have to be available for work, if not for his or her illness or injury. As a result, a claimant would not be able to receive sickness benefits during a claim for parental benefits as he or she is not available for work.

[English]

With Bill C-44, our government is proposing to waive this requirement for claimants receiving parental benefits. This new measure, which would come into effect in early 2013, would benefit approximately 6,000 Canadians per year and would be available to insured workers and self-employed workers who have opted into the EI program.

Let me speak to you now of terrible circumstances that no parent should ever have to face, one in which a child becomes critically injured or ill. For many Canadian families, this is a terrible reality. But our government is taking action to make life just a little bit easier in such a challenging time. We've stepped up to support the families of children with life-threatening diseases or injuries to ensure that parents in that situation don't suffer undue financial hardship while caring for a critically ill or injured child.

[Translation]

This new EI benefit will be available for up to 35 weeks and can be shared between parents. The benefit is in addition to the 6 weeks of compassionate care benefits for which parents may also be eligible should their child face a significant risk of death within 26 weeks.

[English]

The Helping Families in Need Act will also amend the Canada Labour Code to provide job protection for parents who take a leave of absence from their work while they care for their critically ill child. Children with life-threatening conditions need more than just round-the-clock medical care to get better. They need the comfort of their parents. This new benefit will help to reduce some of the financial pressure that parents experience, as they take time away from work to focus on their family.

The third component of this legislation involves providing support to parents of missing or murdered children—indeed one of the most terrifying experiences a parent could ever possibly endure. In April 2012, the Prime Minister announced a new grant to provide these parents with 35 weeks of income support. Parents who must cope with the death or disappearance of their child as a result of a suspected criminal act are also dealing with unimaginable stressful situations, including dealing with the judiciary system.

Amendments are also being made to the Canada Labour Code for these parents, to provide job protection for those under federal jurisdiction.

• (0855)

[Translation]

My honourable colleague Lisa Raitt will speak to those measures in greater detail.

[English]

All of these measures, unfortunately, will be providing assistance during some of the most trying or tragic times that a family could ever endure, yet they also represent our government's steadfast commitment to fulfilling our promises, listening to Canadians, and making life better for hard-working families in this country.

As Dan Demers of the Canadian Cancer Society said:

I think it's critically important that we acknowledge that in the last election, this government made a commitment to parents and families who are caring for children in the most difficult situations we can imagine. And today, we're not only seeing the government take action to fulfill that commitment, but they're moving in this town at lightning speed...and they're exceeding our expectations.

He also said:

These programs will strengthen Canadian families and provide them the flexibility and the security they need to help keep their lives as normal as possible through a very, very difficult time.

I'd now like to turn to my honourable colleague, the Minister of Labour, who will speak to you about job protection for these parents through the Canada Labour Code.

Hon. Lisa Raitt (Minister of Labour): Thank you very much.

Mr. Chair, thank you. Thank you, committee, for inviting me here today.

I echo Minister Finley's comments. As she has already stated, there are few things that matter more in this life than making sure our government supports and serves Canadians when they need our help the most.

There's no doubt that Bill C-44 fulfills the need. Few people are in greater need of assistance than the families with children facing

catastrophic illness or the parents whose daughter or son has disappeared or has been murdered. There can also be no doubt about our government's determination to help Canadian families who have the misfortune of finding themselves in these circumstances.

Now, while our government focuses on strengthening the economy and creating jobs—our overarching objective—we also recognize that there are times when Canadian families need support to deal with exceptional circumstances. Families coping with stress and grief over the illness or loss of a child don't need to add worrying about their work to their list of woes.

Supporting working families is a priority for our government, which is clear from the many progressive measures we have introduced in Bill C-44.

In addition to the latest improvements to the EI program and the new income support grant, which has been outlined by Minister Finley, we're making significant changes as well to the Canada Labour Code to further assist families in crisis.

As a reminder, the federal jurisdiction within the Government of Canada's labour program serves about 128,000 workplaces and about a million people across the country. It's the federally regulated sectors of the economy: transportation, communications, banking, and crown corporations.

The Helping Families in Need Act amends part III of the code to give these federally regulated workers the right to take unpaid leave if they find themselves in one of these tragic situations. In sum, the jobs of parents of a critically ill child will be protected for up to 37 weeks. The parents of a missing child can count on 52 weeks of job protection. And for parents of murdered children, the amendments will provide job protection for up to 104 weeks, which is two years.

Of course, employees are not required to take this kind of leave, and indeed they're not expected to take the maximum time allowed, but they will know that it will be there if they need it.

For other employees not covered by this legislation, labour code protection varies from one jurisdiction to another. The Province of Quebec already provides generous support, and that enables parents to be absent from work in the event of a child being murdered or missing.

I'm optimistic that other provincial and territorial governments will follow our lead and that they will amend their respective labour laws to protect the jobs of parents of murdered or missing children or of children who are critically ill, because that ensures that the affected parents' jobs are protected in their specific jurisdiction. The parents could also benefit, then, from the new Government of Canada income support measures while on unpaid leave, knowing their jobs are protected in their specific jurisdiction.

Mr. Chair, enlightened employers understand that employees may very well need to take time off work to cope with psychological pressure and relentless demands associated with a critically ill, missing, or murdered child. They do recognize that workers who are simply exhausted from this, or who are under extreme stress, are less likely to be attentive, and certainly less productive.

Quite frankly, compassion is never a bad investment. Invariably it will work to the employer's benefit as well, because workers who can get the time they need to recover from a crisis are more likely to eventually return to work and to return in a better state of mind.

I'm proud to say that the Government of Canada and the federal industries that we regulate are offering this support to their employees. As we promised during election 2011, we'll be there to help Canadian parents through some of the most difficult days that they are likely to ever encounter. They look to us for leadership, and that is what it's all about.

Thank you very much. I'm happy to answer any questions the committee may have.

● (0900)

The Chair: Ministers, thank you very much for those presentations.

I'd also like to acknowledge the presence today of Madame Mounier, Madame Laroche, and of course Mr. Giles.

Members, we will move to seven-minute rounds. I'll be watching your time on that.

We'll start with Madame Boutin-Sweet.

[*Translation*]

Ms. Marjolaine Boutin-Sweet (Hochelaga, NDP): Thank you, Mr. Chair.

Madam Ministers, thank you for being here.

I supported the bill at second reading. I think it's a piece of legislation that we need. In fact, I have met parents who wish they could have benefited from such a measure in the past. That being said, I did support the bill, and part of the reason was that I wanted it referred to this committee so we could make some amendments I consider important.

Minister Finley, you said that this measure delivers on your 2011 campaign promise to help the parents of missing, murdered or sick children. You also promised that the money for this benefit would come from the government's general revenues, not the EI fund. Yet here we see that the EI fund will be used to cover the cost of providing these benefits to the parents of critically ill children.

As we all know, the fund is currently in deficit because money was taken out to prop up the government's main budget. But that money was put there by employers and workers to build the social safety net people need when they are unemployed. By the way, I believe the program should still be referred to as the "unemployment insurance" system, instead of the "employment insurance" system, since the very reason it was created was to help unemployed workers.

You promised that the money would not come from the EI fund. And yet a huge chunk of money is being pulled out. Why the about-face?

Hon. Diane Finley: That's a good question.

We looked at the best way to make these changes. After examining the situation, we came to the conclusion that it would be much easier for claimants if we offered these benefits to the parents of critically ill children through the EI system. That makes it easier to combine other types of benefits, stacking, as we call it. This approach makes it possible to stack two types of benefits, where applicable. Not including this measure in the EI program would make stacking a lot more difficult.

What's more, the EI program includes special benefits to help people when they are unable to work. For those two reasons, we offered these benefits for the parents of critically ill children under the EI umbrella.

Ms. Marjolaine Boutin-Sweet: I have to press the matter. We have a financial problem here. The fund is intended for unemployed workers. And here it is being used for anything and everything.

Cuts were made at Service Canada. Generally speaking, staff are already struggling to process EI claims. Adding some 6,000 claims by parents with critically ill children to the yearly pile will only make the situation worse. If you break it down daily, it comes out to 15 to 20 additional cases a day. Staff will have heavier workloads.

How many people do you intend to hire at Service Canada to deal with these special cases?

● (0905)

Hon. Diane Finley: Forgive me, but I don't have the exact numbers. Allow me to put the problem in context.

Every year, approximately 1.5 million people apply for EI and special benefits. We anticipate that 6,000 families will apply for parental benefits as a result of critically ill children.

So we should not need a lot more people to swiftly process 6,000 claims out of 1.5 million.

Ms. Marjolaine Boutin-Sweet: When you say you "should not need a lot more people", does that mean you intend to do some hiring or none at all?

Hon. Diane Finley: The number of staff hired always varies because the number of claims varies from month to month. So the system is flexible enough to accommodate the fluctuation in claims. We're talking about 6,000 claims out of 1.5 million. That doesn't increase the case load by very much. I am confident that Service Canada staff will be able to process the claims of parents in need efficiently.

Ms. Marjolaine Boutin-Sweet: I am not quite as confident as you.

Staff members processing the claims of parents with critically ill children will be speaking to individuals in serious distress. The situation is not the same as that of someone who has lost their job. Losing a job is also difficult, of course. But when someone's child is critically ill, the parent is dealing with stress and all kinds of other issues. Will the staff processing these cases receive any special training, and if so, what type?

Hon. Diane Finley: We already handle claims for compassionate care benefits, which are intended for families going through a very difficult time. Service Canada staff are well-trained and accustomed to dealing with claimants in difficult circumstances.

Ms. Marjolaine Boutin-Sweet: Could you elaborate a bit more on the kind of training they receive?

Hon. Diane Finley: The kind of training they receive?

Ms. Marjolaine Boutin-Sweet: Yes.

Hon. Diane Finley: Ms. Laroche, could you speak to that question, please?

Ms. Mireille Laroche (Director General, Employment Insurance Policy, Department of Human Resources and Skills Development): As the minister mentioned, our public servants receive ongoing training on how to deal with the public in a variety of situations. Some people are traumatized by the loss of a job and have a terrible time. So staff receive training on an ongoing basis. They are taught how to interact with these individuals appropriately, compassionately and carefully.

[English]

The Chair: Thank you, Madame Boutin-Sweet. Your time is up.

We'll now move to Mr. Shory.

Mr. Devinder Shory (Calgary Northeast, CPC): Thank you, Mr. Chair.

Ministers, both of you, thank you very much on behalf of Canadians and of my constituents specifically. Thank you so much for working so hard with great passion in your respective departments.

As time has shown, this chair will not extend my time, so I will focus my questions on Bill C-44 specifically for Minister Finley.

Minister, I remember working on this file with you initially, when we were talking about how we determine this, how it will be determined and how to define critical illness, etc., and I believe there was some talk about consultation within the medical profession to figure out how to define it. Was there any consultation? If there was, what were the outcomes?

Hon. Diane Finley: Well, there was a great deal of consultation. There are, within the medical community, different definitions of different conditions. As you may recall, the terms for compassionate care leave require that someone being taken care of—a friend or a family member—is expected to die within 26 weeks. That is a very dire circumstance, but what we wanted to do with this particular bill was make sure that parents could have access even if their child wasn't expected to die within 26 weeks.

We wanted to make sure that whatever criteria we put in place for eligibility encompassed those children who are facing critically ill diseases, where they need their parents present but where they may

not be facing imminent death. There are young children with cancer, for example, who may be going through treatment, but fortunately their life expectancy is more than 26 weeks. We wanted to provide assistance to those parents, so we consulted the medical community.

There's a very long list of stakeholders, and I'd like to thank my parliamentary secretary for her expertise in this area. She raised several issues, and she consulted with the industry, along with others, to make sure that the terms we used, both in English and in French, which are very different, were appropriate to the circumstances and would provide the benefits to those parents we were trying to reach. Now, as a result, we've made sure that...a medical certificate is required for parents of critically ill children, and the terms of that are very specific. That was done in consultation with the medical community.

● (0910)

Mr. Devinder Shory: Thank you, Minister.

I'm sure you know that my time is very short.

Do we have any figures on how many parents we expect would or could benefit from these measures?

Hon. Diane Finley: Yes. In fact, we expect that approximately a thousand families will apply for the benefits for murdered and missing children. We also expect approximately 6,000 for the critically ill; the number varies from 6,000 to 7,000 per year. In terms of the EI sickness benefits and being able to stack that with parental leave, we expect that another 6,000 families could benefit from that each year.

Mr. Devinder Shory: I have a question on your third component in the legislation, where the benefits will be available for the parents of missing or murdered children. Minister, we all know that sometimes it's so unfortunate that the parents are involved in those crimes. Will this legislation benefit those parents as well, or are they out of the list?

Hon. Diane Finley: Absolutely not. To qualify, parents will have to receive written confirmation from a police authority that the situation is probably as a result of a criminal act, in the case of missing children. If at some point a parent is found to be culpable, then the benefits will have to be repaid by that parent.

Mr. Devinder Shory: Minister, from the last four years I can see that our government is very, very good at consultations before we table any legislation. After tabling this legislation specifically, did you have any feedback from Canadians on this legislation and whether they like it or dislike it?

Where do we stand on that?

Hon. Diane Finley: Actually, at the launch of the bill we had tremendous feedback from a number of sources. As mentioned in my speaking notes, Dan Demers from the Canadian Cancer Society, applauded us, saying that not only did we keep our promise, but by the standards of the federal government we did it in record time. It was more than what they were expecting.

We were very fortunate to have people like Senator Boisvenu, who has been championing the cause for parents of murdered or missing children for a long time, as well as several of his colleagues. Sharon Ruth spoke; she is the mother of a daughter who was diagnosed suddenly with cancer at the age of six. I'm pleased to say that her daughter Colleen is now doing exceptionally well and is very active in school.

They all spoke with high praise for this program.

Mr. Devinder Shory: Both ministers can answer this next question.

I know that our focus is on job creation and long-term prosperity, but at the same time, both of you have been bringing up measures to help families, to help workers.

Why do you passionately think it is so important to help the parents of critically ill, murdered, or missing children? Why do you believe it is so important?

• (0915)

Hon. Diane Finley: Parents face all sorts of challenges in raising children, but when the child is critically ill, they really need their parents with them. In fact, many hospitals encourage overnight stays by the parents. It's not just medical care they need; they need comfort and assistance, the security of knowing their parents are with them as they face all sorts of things, such as testing with these big machines that can scare children. We also know that having parental support often helps their recovery significantly because the child is more secure.

We wanted to make sure that children have that advantage, and that the parents, in providing that care, are able to do so without having to worry about true financial hardship to support them through these difficult times.

It's the same with parents of murdered or missing children. This can be so very time-consuming, apart from being terribly traumatic for them. We wanted to make sure that, again, they could focus on the needs of their families and holding the rest of their family together.

Too often these kinds of stresses rip apart a family. We wanted to make sure they have one less thing to worry about, as they deal with these terrible circumstances.

The Chair: Thank you, Mr. Shory.

Thank you, Minister.

Mr. Devinder Shory: Could Minister Raitt make a quick comment?

The Chair: We will let Minister Raitt make her comments as well, but your time is well up.

Hon. Lisa Raitt: Thank you, Mr. Chair.

He is tough on you, isn't he? He's keeping you to a timeline.

I've never had the experience in my family where we've had a child go missing or a child murdered or somebody who was critically ill. I will tell you that my boys are 8 and 11, and last weekend they were playing hockey—one of them was on the ice—and my eight-year-old went into the boards kind of hard. He was down for a bit,

and I was scared. You feel that emotion right away. I know that if something ever happened to one of my kids, I absolutely would have to be there because that's how I see my role. I don't see myself as any different than any other Canadian mom or dad in the country who would want to be there for their kid. It's an emotional and instant reaction.

This is the right thing to do. To not have to worry about whether you're answering e-mails from the hospital room, or you have to step out to take a conference call or to make sure a file gets moved, is going to be a load off a lot of people's minds. They should be focusing on what they need to focus on, which is their kids.

The Chair: Thank you, Minister Raitt.

We'll move to Mr. Cleary.

Mr. Ryan Cleary (St. John's South—Mount Pearl, NDP): Thank you, Mr. Chair.

Thank you to the witnesses, the ministers.

Minister Finley, you threw out a couple of numbers that I found just shocking in terms of the numbers of parents who would be eligible for these kinds of benefits. You mentioned as many as a thousand for murdered or missing children and as many as 6,000 for parents of critically ill children, but for me, coming from a place like Newfoundland and Labrador, that number of a thousand for murdered or missing children is just shocking. On the 6,000 for those who are critically ill, I can relate more to that, because everywhere, unfortunately, we have critically ill children.

The whole time you were speaking, I was thinking about adults with elderly parents, adults whose parents are critically ill. I know that this bill, the Helping Families in Need Act, is specifically for parents of critically ill children. When you talk about families, I also think about adults with critically ill parents.

Will there come a time when we can extend this? Or is it possible to extend this type of benefit for an adult with a critically ill parent?

Hon. Diane Finley: We do have a benefit called compassionate care. It's another special benefit under the employment insurance suite. That provides six weeks of leave—

Mr. Ryan Cleary: But this is 37 weeks.

Hon. Diane Finley: Thirty-five.

Mr. Ryan Cleary: Thirty-five?

Hon. Diane Finley: Yes, 35, but the six weeks for compassionate care is there for just that purpose: so that family members can support a parent or a near relative. Also, what we did as the government is we expanded the eligibility for who can provide care, particularly for a senior who's critically ill. A simple example of that would be that there now are many seniors who don't live near their families but do have a close friend within their own community. That close friend could be designated to provide the emotional support for this individual while they are critically ill.

• (0920)

Mr. Ryan Cleary: But there's a big difference, Minister, between six weeks and 35 weeks, and the impact on a worker of a critically ill child versus a critically ill parent would be the same, wouldn't you think?

Hon. Diane Finley: Well, there is a difference in the needs of the patient. Children, we know, are much more vulnerable emotionally. They need more support from their parents than an adult would in similar circumstances. Most adults have been through some medical care. They understand the process better. It's not as terrifying for them and—

Mr. Ryan Cleary: I would disagree there.

Hon. Diane Finley: Compared to a three-year-old or a five-year-old.... The studies have shown that the children really do need to have their parents there while they're going through their treatment, their diagnosis, the testing, and all of these different things; the needs of the patient here are, from a medical perspective and an emotional perspective, generally recognized to be much more significant than they are for adults. But we recognize that the adults have needs as well, and that's why the compassionate care benefit is there.

Mr. Ryan Cleary: I have another quick question in terms of encouraging private sector companies to top up benefits: would you do that as well?

Hon. Diane Finley: Well, that's up to the individual company—

Mr. Ryan Cleary: No—would you encourage them to do that?

Hon. Diane Finley: Well, they have to make their own decisions. It's the same with any kind of labour benefit. It's a very, very competitive world in the labour market these days. Many companies are choosing to offer a wide range of benefits that they feel will be attractive for attracting, recruiting, and retaining employees. I encourage them to be as innovative as they can, because they're going to need to be in the tight labour market situation that we're facing in the future.

Mr. Ryan Cleary: Minister, I introduced a—

The Chair: I'll extend your time. I think Minister Raitt wishes to make a comment.

Hon. Lisa Raitt: Just to help you, in the federal jurisdiction, as you know, it's pretty heavily unionized, so I would expect that there would be collective bargaining for exactly that. The workers would bargain for a top-up, just like they bargain for top-ups of maternity and parental leave.

The Chair: Go ahead.

Mr. Ryan Cleary: Minister Finley, are you aware of a notice of motion that I introduced before this committee last week for the striking of a subcommittee to study the changes to employment insurance that have been introduced?

Ms. Kellie Leitch (Simcoe—Grey, CPC): I'd like to raise a point of order.

The Chair: I will deal with the point of order.

I'll take some time to deal with the point of order, and then I would expect, as we go forward, to respect that.

When we deal with things like estimates and so on, of course the questions can be wide-ranging, and the comments as well, because there are a lot of issues there. But when we're dealing with this particular act—and I have set it out initially, and I'll maybe just go over parts of it as to what it deals with—I don't want this to go into areas that are extraneous to that.

An hon. member: Can I elaborate?

The Chair: Well, no, I'll finish my reasoning. I'll give you a bit of time, because we won't debate the point of order, but I just want to give you my thoughts on it.

The questions, and I suppose the comments to some extent that lead into the questions, have a little more leeway, but the questions directed to the minister should deal with the particular subject matter that we have before us, and that's—

An hon. member: A point of order, Mr. Chair.

The Chair: I am the chair, so I'll finish my reasoning. I'll rule on the point of order, so you'll have an opportunity to comment on that.

We're talking about amendments to the EI Act specifically to give parents who receive parental benefits access to sickness benefits and to implement the new EI benefits for parents of critically ill children. There are also new federal support benefits for parents of murdered or missing children, and of course amendments to the Canada Labour Code to protect the jobs of parents who take a leave of absence to care for the critically ill or injured child and of parents of children who are missing or murdered as a result of a suspected criminal offence. Of course, these are obviously tragic kinds of events and people are quite emotional. That's the area we're dealing with.

Your motion talks about an entirely different area and is the subject of debate in another realm. I won't allow you to get into your motion or other areas. This is the area we're dealing with. Your questions and comments have to be related to that or they will be out of order.

With that in mind, continue.

Mr. Ryan Cleary: What I was going to say was that the changes that have been introduced to employment insurance are far-reaching, are going to impact every nook and cranny of this country. All I was wondering was whether or not the changes that have been introduced will impact the people who are going to be affected by Bill C-44, the Helping Families in Need Act.

Will any of these changes that have been announced to EI affect any of these people who would be eligible for benefits under Bill C-44?

● (0925)

Hon. Diane Finley: The eligibility requirements for these conditions described under Bill C-44 are very clear: they are not tied to other EI programs, except insofar as they are stackable in many cases. That's a good thing. That's something that has been fought for, for a long time. In designing these programs, we included stackability because that would be for the benefit of all Canadians.

But in terms of other changes to other parts of the EI system, there's no direct connection with these eligibility requirements. For each of these programs it is very clear and independent of the rest of the EI system.

Mr. Ryan Cleary: Do you think a study of the EI changes is warranted, Minister? Can you answer that question?

The Chair: That question is out of order. You understand what I've said. Tie that together, deal with this area or your questions will be ruled out of order. That question is out of order.

Carry on, if you wish.

Mr. Ryan Cleary: I'm done.

Thank you.

The Chair: We'll move to Mr. Butt.

Mr. Brad Butt (Mississauga—Streetsville, CPC): Thank you very much, Mr. Chair.

Good morning ministers, deputy ministers, directors general. Thank you all for being here today.

I'm delighted with this legislation, and I want to tell you why.

One of the first meetings I had in my constituency office as a newly elected MP in Streetsville was with the father of a young child who had been diagnosed with a critical illness. He knew about the election campaign commitment we had made and was delighted that we had obviously formed a government that could implement those changes. I'm just thrilled. He's contacted me and he's delighted. His daughter is well now, but they had a very difficult time in their life, and the ability for his wife to have taken EI benefits to be able to be with the child would have made a huge difference to their family. So I'm just thrilled that we are dealing with this piece of legislation today.

I'll start with Minister Raitt.

Minister, I've noticed the legislation does outline different maximum durations for each of the three different unpaid leaves: in the case of murdered children, 104 weeks; missing children, 52 weeks; and critically ill children, 37 weeks.

Can you elaborate, Minister, for the committee why these different durations were established and what the methodology was behind those three different qualification periods?

Hon. Lisa Raitt: Thank you very much.

The first kind of leave you mentioned, for murdered children and for missing children—104 weeks and 52 weeks—is modelled after the Quebec legislation. Simply put, we wanted to make sure we had as generous a program as was there. We wanted to make sure that we weren't any less generous than the province that offered the best provincial leave in Canada.

The policy rationale for 104 weeks is based upon the notion that it will take 104 weeks for a parent to grieve, for a parent to go through the process if there is a criminal case, if they have to go to trial, if they have to go to court. Senator Boisvenu has spoken very eloquently about the struggles he had during the time when he went through something like this. Parents also, as I indicated, may need time to attend judicial proceedings, and those can take a considerable period of time. So that's for the murdered children.

In the case of the 52 weeks' unpaid leave for missing children, that gives people time to search for their child and to deal with the

psychological shock as well, which I would imagine is quite devastating.

Leave for parents of critically ill children is 37 weeks, to match up with the benefit of 35 weeks available in the program.

A voice: That's plus a two-week leave.

Hon. Lisa Raitt: Yes.

Mr. Brad Butt: Obviously within our realm at the federal level we have jurisdiction only over federally regulated sectors of the economy, and obviously many workers in this country will be regulated by various provincial pieces of legislation. I guess in the case of the province of Ontario, where I'm from, there would be the Employment Standards Act.

Have you had conversations with your provincial counterparts? I think you mentioned in your opening comments that Quebec, for example, is one province that perhaps has companion legislation or is willing to adopt or has already adopted a similar provision for employees who would be covered under the provincial jurisdiction. Have you had conversations with your provincial counterparts? Is it likely we're going to see provinces get on board with this measure to ensure that their companion provincial pieces of labour legislation mirror the changes to the Canada Labour Code that you're proposing?

• (0930)

Hon. Lisa Raitt: I would hope so, because the program is available through income support and employment insurance benefits.

At the latest federal-provincial-territorial meeting I spoke with my colleagues just very casually about the concept, and it's really up to their own legislatures to put in place what they can in the timeframes that are there.

I will tell you that in Saskatchewan right now they provide 12 weeks of leave per year for employees in case of a serious family illness or injury. That can be extended to 16 weeks in certain circumstances.

We already talked about Quebec. In fact all provinces except Alberta provide some kind of short-term family responsibility leave, ranging from about three to 10 days.

This one is a significant leave. This one is our commitment to Canadian families, and we've illustrated that through the legislation we've introduced. I would hope that Canadian families who are not federally regulated will be able to take advantage of it as well when provinces put in place the leave provision so they may be able to collect and not worry about whether or not they have a job.

Mr. Brad Butt: Can you—either minister or both—briefly explain how parents who would wish to could share the benefits? Maybe the mother wants to take a few weeks to be with the child initially and then the father would like to take time. Is there some way they can share those benefits in whole or in part, obviously up to the maximum qualification period? Is that part of what families will be eligible to do under these changes?

Hon. Diane Finley: Absolutely. It would be set up similar to parental leave so that the parents can share the benefits, but there's only one waiting period attached. If they decide to share, there aren't two separate waiting periods. There's just one application and then both parents can take advantage of it as meets their needs. They may have career commitments or limitations that they need to address, so this allows for one parent at a time, at the convenience of the family.

Mr. Brad Butt: Thank you.

Am I done, Mr. Chair?

The Chair: Your time has expired, but if—

Mr. Brad Butt: No, that's good. Thank you very much, Mr. Chair.

The Chair: Thank you.

We'll move to Mr. Cuzner.

Mr. Rodger Cuzner (Cape Breton—Canso, Lib.): Thank you, Mr. Chair.

Ministers, thanks so much for being here today.

I believe the legislation is well intended, but there are a couple of things. I was going to pursue the question that Mr. Butt posed with regard to why one goes to 52 weeks with an extension to 104 weeks and the other is 37 weeks. The answer given was, "That's when the money runs out". Is that the right justification for ending it at 37 weeks?

Minister Raitt, you're saying that you decided to go with the 37 weeks because that's when EI runs out. Is that the proper justification for finishing it at that?

Hon. Lisa Raitt: Well, the decision for how long the benefits would be available was made as a policy rationale, and it matches up with other kinds of programming we have. I think Minister Finley can speak to that.

The leave provisions are there to match up to what is available in terms of income support, but an employee can always have any kind of discussion or conversation with their employer for more unpaid leave, if that's what they'd like to have.

Hon. Diane Finley: Yes.

This was done in consultation, in cooperation if you like, to make sure that the 35 weeks of EI benefits for the parents, plus the two-week waiting period, matched up with the labour code. We wanted to make sure that we were consistent in our application. It was estimated—again, after consultation—that this was an appropriate period of time.

If you take a look at our EI sickness benefits, which are up to 15 weeks, the majority of claimants actually use less than 10 weeks. Now, we know that there are people who go over, but to meet the needs of the majority, this was determined, after consultation, to be a reasonable level to provide the support while still maintaining fiscal responsibility.

Mr. Rodger Cuzner: I also share the concern about doing one under the EI system and the other as an income support. When people receive EI benefits, some can receive up to \$485 a week, and others—low wage earners—may be receiving \$220 a week on EI.

Again, low wage earners might not be able to take the time off. If this were done through income support, then it would sort of level the field. Currently, under this system, you might not be able to afford to take the time off if the benefit for which you qualify is only a couple of hundred bucks a week.

● (0935)

Hon. Diane Finley: This is a fixed benefit. It's determined in the program how much the parents will receive. It's not a function of insurable earnings for parents of the murdered or missing. It's a fixed amount with the grant.

Mr. Rodger Cuzner: But on the other one, on the—

Hon. Diane Finley: On the other one, it is a function of that, but so are regular benefits. This is meant as a supplement to support Canadian families. That's what it is. And it's within rules that would be consistent with other income support circumstances.

Mr. Rodger Cuzner: But by it not being an income support, Minister, by it being based solely on income and what they're eligible for through an EI benefit, it disparages against low wage earners. Somebody who is working in a minimum wage job might not be able to afford to take that time off. Because it's an EI benefit, or it's based on their EI benefit, they may not be able to take the time off to care for their child, as opposed to somebody who is in a higher income bracket, who is eligible for a higher EI benefit.

Hon. Diane Finley: As I said, it is an income support. It is consistent with other income supports that are provided through the EI program.

We've tried to make sure that this is fair. We believe that's the most rational way of doing it, because if that is the level that's determined already for EI regular benefits, then this should be consistent.

Mr. Rodger Cuzner: Tell me, what do you think will be the average benefit that will be received by an EI recipient? Do you have that kind of number?

Ms. Mireille Laroche: We don't have that number, because the benefit is not in place—

Mr. Rodger Cuzner: But you may have charted it out.

Ms. Mireille Laroche: Yes. In our estimation, it would be around the average amount that people receive, which is about \$350, \$360 a week.

Mr. Rodger Cuzner: That would be the average amount.

Ms. Mireille Laroche: Yes.

Mr. Rodger Cuzner: Are we fearful, with the other changes that have been made—for example, working while on claim—where those low wage earners, again, combined with receiving that low wage benefit, and combined with the clawback for those low wage earners under the working while on support claim...? Do you see where they would be further penalized or placed in greater hardship under this particular system not being an income support but rather being an EI benefit?

Hon. Diane Finley: Quite frankly, this is an income support. It is consistent with what they would get on regular EI benefits. That seemed to be the most rational way to come up with a number, to ask how we would compare it.

The issue here is providing support where they otherwise may have to take leave without pay, or, indeed, as many parents have had to do in the past, quit their job entirely to deal with this family crisis.

What we're trying to do is to say, no, you don't have to quit your job and give up all of your income—because if they quit their job voluntarily, they would not be eligible for EI.

So what we're trying to do is to say, yes, we recognize the difficulty that your family is facing, and that you may not be able to work, but rather than quit your job and have zero income, here is something that you would get if you were on EI, a comparable level, that will help you and your family cope in these difficult times.

Mr. Rodger Cuzner: Minister, this is going to impact 6,000 families, and you believe the staffing level you have now can accommodate the influx of applicants, so it isn't of any great concern.

You're here to speak on this, and it has received the unanimous support of the House. We're going to study this for five days with the unanimous support of the House.

Yet, there is something you indicated that a million and a half people will be impacted by, those other changes in EI. Would you be able to make some time—

• (0940)

Ms. Kellie Leitch: A point of order.

Mr. Rodger Cuzner: —in your busy schedule to come back to talk to us about those changes?

The Chair: Hold on. Your time is up.

Minister, if you wish to comment, you're certainly welcome to, and then we'll move on to the next questioner.

Hon. Diane Finley: Which part of the question would you prefer, Mr. Cuzner? There were several in there.

These are changes to EI. I believe they're important changes. They fulfill a commitment that we made to Canadian families.

Mr. Rodger Cuzner: But if you could make time in your busy schedule to come back to talk about the others, then I think that would be well appreciated.

The Chair: Mr. Cuzner, your point has been made.

Do you wish to add anything further?

Hon. Diane Finley: No, Mr. Chair. You've said it all.

Thank you.

The Chair: All right. We'll move to Mr. Daniel.

Mr. Joe Daniel (Don Valley East, CPC): Thank you, Mr. Chair.

Thank you, ministers and staff, for attending.

Again, I think it is great that our government is delivering on our commitment to support Canadian families and helping them to balance their work and family responsibilities. I've had that feedback from a number of people in my riding as well.

Our government has taken several measures to support Canadian families. We've expanded access to foster parents for the adoption of foster children so they can have earlier access to parental benefits.

For the first time ever, we have allowed self-employed persons to opt into EI programs and receive maternity, parental, sickness, and compassionate care benefits.

Our military families can now have greater access to EI parental benefits so they can bond with their new children after they return from duty that has kept them away from their families.

We've increased the eligibility for compassionate care benefits to include additional family members, and others considered as family by the person who is gravely ill.

We've provided choice in child care for parents through the Canada child tax benefit and the universal child care benefit.

This bill was introduced and expands the access to sickness benefits for parents on parental leave, but it has received little notice. Could you expand on how this measure could help new parents face very difficult times?

Hon. Diane Finley: You've exhausted me going through that list. It's amazing how much we've been able to get done in the last several years, and it's all in support of Canadian families. That makes me feel really good. Canadian families are in a much better position now than they were seven years ago, and that's quite gratifying.

The really gratifying thing is when we hear from parents like Sharon Ruth, like another mother with whom I spoke, whose daughter was suffering from extreme anorexia. The woman had to leave her job on many occasions to look after her child. She's a single mother, and she was telling me that she really could have used this kind of support over the last few years. It would have made a huge difference for her. Because of her inability to focus solely on her work or solely on her child, her work performance was affected and she felt bad about that.

This is the sort of situation we're dealing with: parents who have had to go through some pretty trying things, trying to balance their number one priority, which is of course looking after their sick child, with the requirement to earn money to pay the mortgage, to pay the bills, and feed the rest of the family.

These are trade-offs that we don't think Canadian families should have to be confronting to the same degree that they have had to in the past. That's why we're offering this program, as we promised, to support Canadian families, recognizing that while work is important, family is the most important institution in our country. That's why we have to provide every form of support to families that we possibly can.

Mr. Joe Daniel: Thank you, Minister.

This question is for the Minister of Labour. In the event that both parents of a child wish to take leave and would like to share the leave between the two of them, can the Minister of Labour explain whether leave can be shared between the parents?

Further to that question, in the case of critically ill children, are parents able to divide the leave into smaller periods, depending on the child's health circumstances, or do they have to take all the leave in one consecutive period?

Hon. Lisa Raitt: If we have two parents in the federal jurisdiction, they can both share the leave, just as Minister Finley pointed out, in terms of the benefit as well, but they can't go beyond the total amount of leave that's available under the Canada Labour Code. Now, they can take the leave at the same time, or they can do it consecutively—one takes leave first and one takes leave second.

In terms of the second question, with respect to.... I guess I've answered both questions. Can you take them together? Yes, you can, and you can split them up if you'd like to.

• (0945)

Mr. Joe Daniel: Okay. That's very good.

Are there any penalties should the critically ill child actually survive and become healthy?

Hon. Diane Finley: That would be the best outcome of all, absolutely the best outcome, and the family remains intact.

Mr. Joe Daniel: So there's no penalty or clawback of any of the benefits they received during that period?

Hon. Diane Finley: No, not at all. We're not going to punish somebody for surviving.

Hon. Lisa Raitt: That's a good question, because the policy rationale for why we want to provide this is that studies have shown that where parents are involved in the hospital program the child is going through—if the child is going through a hospital program—it aids in the child's development and their ability to grow and prosper. It's really important for the parents to be there. Indeed, hospitals encourage 24-hour access; they want the parents in the hospital with the child while the child is going through treatment. That's exactly why we're providing that kind of leave: so they can do it.

Mr. Joe Daniel: Thank you very much.

Do I have much time?

The Chair: You have a couple of minutes, but if you're done, we'll move on.

Mr. Joe Daniel: Does anyone else want to take it?

Go ahead, Colin.

The Chair: Okay. Go ahead.

Mr. Colin Mayes (Okanagan—Shuswap, CPC): Something that interests me—and it's a tragedy of society today—is suicide. A lot of the suicides are actually of younger people. Will this bill also cover parents who have lost a child because of suicide?

There's a second question I have. This is a very compassionate bill that I think our government has shown towards parents, in supporting parents. What were the complications with this type of initiative such that other governments didn't move this forward previously? It just seems logical to me.

Hon. Diane Finley: Well, in fact, we've been trying to bring various components of this bill forward for about five or six years now. Many times it was brought forward—maybe as a private member's bill or we were drafting it ourselves—and it fell off the order paper because we kept going into elections. This bill is one of the benefits of having a stable majority government. We're finally able to put it through.

In fact, I've worked on this with people in other parties over the years and certainly with some of my own caucus colleagues. I'm really pleased that we're finally able to bring this forward and get it through. In particular, my colleague Gord Brown tabled a private member's bill a few years ago. I was working with him on it then. Senator Boisvenu has been promoting the portion on the murdered or missing for quite some time. I want to thank them for their contributions.

In terms of suicide, no, that is not covered. While it is a terrible tragedy, there are other benefits available to parents who have to go through that terrible ordeal—for example, EI sickness benefits of up to 15 weeks. That can be not just for physical sickness, but also for mental and emotional illness. That leave is there to support them, to give them the time to grieve, and to deal with the situation. It's quite different from the judicial requirements of the murdered or missing children and quite different from the ongoing critical care of a child who's critically ill, but there are 15 weeks of sickness benefits there to help the parents get through that difficult time.

The Chair: Thank you, Mr. Mayes.

We'll now move to Monsieur Lapointe.

Mr. François Lapointe (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, NDP): Thank you, Mr. Chair.

Thanks to both of you, Ministers, for being with us this morning.

[*Translation*]

Ms. Finley, you express yourself well in French, and I appreciate the effort.

Hon. Diane Finley: Thank you.

Mr. François Lapointe: Your ability to express yourself in French this morning has been more than adequate.

Few of your government's reforms are in line with the NDP's thinking or, in many cases, that of Quebecers. This measure, however, is the exception. Despite the fact that it is less than comprehensive or perfect, we see it as a step in the right direction. I want to stress how happy that makes me, as it has seldom been the case over the past year. That said, I want to take some time to consider certain aspects that seem a bit fuzzy or not quite as rounded out.

Let me begin by making one thing clear. In no way does my asking questions about the reform mean that I don't support parents with children who are ill or those with children who have died or disappeared. That point doesn't always seem to register with your government. Calling a reform into question does not mean you don't support those it is meant to help. As far as this measure is concerned, it is imperative that we do things right. I have three children of my own under the age of 14.

As I see it, the 35-week allowance for parents should their child "face a significant risk of death within 26 weeks" is a good thing. What I would like to know, however, is how did you arrive at 26 weeks.

How will Service Canada employees go about trying to determine whether the sick child is really facing a significant risk of death within 26 weeks? Even some oncologists can't answer that question. I would like to hear how that step will work to ensure a consistent approach is taken.

• (0950)

Hon. Diane Finley: That is precisely the reason we introduced this bill. The current compassionate care benefits are inadequate: they do not meet the needs of parents whose child is critically ill and, thankfully, is not expected to die in the next 26 weeks. There was a major flaw in the legislation, and we included the measure to correct that flaw.

Mr. François Lapointe: Everyone supports this feature. We like what it is trying to do. But I would like to know what procedure Service Canada employees will use to determine whether parents qualify for the benefit because their child has 26 weeks or less to live. How will Service Canada employees address this aspect? How will they proceed?

Ms. Mireille Laroche: As with sickness or compassionate care benefits, claimants will have to provide a medical certificate to receive the new benefit. The medical specialist will indicate whether the child is critically ill and needs ongoing parental support, as well as how long that support is necessary.

Public servants will not be the ones deciding whether parents qualify or not. The decision will be based on a medical assessment conducted by a specialist and provided to Service Canada.

Mr. François Lapointe: What happens in a case where the oncologist cannot confirm whether the suffering child has 20 or 45 weeks to live? If the child does not die and continues to suffer into the 27th, 28th or 29th week, the parents will not receive benefits. Is that right? The period is set at 26 weeks.

Ms. Mireille Laroche: The new benefit covers up to 35 weeks. If those 35 weeks are up and the parents are able to requalify for EI, they will be eligible to make a new claim one year after their first claim began.

Mr. François Lapointe: But there will be a gap of a few weeks.

Ms. Mireille Laroche: Correct.

Mr. François Lapointe: How do you explain the duality...

Hon. Diane Finley: May I add something?

The benefit lasts 35 weeks, but the parents can split that period up. In other words, one parent can work during the year and will need only 600 hours that year in order to requalify the following year for the 35 weeks of benefits.

Mr. François Lapointe: Let's use an actual example. Say a father is entitled to 35 weeks of benefits, but the child continues to suffer in week 36. Mom worked during the first 35 weeks. Could mom, at that point, go on leave and receive another 35 weeks' worth of benefits, or would there be a 20-week gap?

Ms. Mireille Laroche: If it involves a child, up to 35 weeks will be granted in a year. As the minister mentioned, if the couple is able to accumulate the necessary number of hours once those benefits end, they can once again access benefits.

• (0955)

Mr. François Lapointe: If the child had just another three or four weeks left, which would unfortunately be among the toughest to deal with because death was imminent, the parents could not receive benefits. Is that correct?

Ms. Mireille Laroche: It is also important to understand that if, after the 35 weeks, the child died, the parents could qualify for compassionate care benefits, covering another 6 weeks. So they can be stacked.

Mr. François Lapointe: Those benefits are automatically granted as soon as the person stops working, are they not?

Ms. Mireille Laroche: I don't know what you mean.

Mr. François Lapointe: I was under the impression that if I had to stop working because my child was seriously ill, I would apply first for the six weeks of benefits and then for my 35 weeks of EI benefits.

Ms. Mireille Laroche: The six weeks of benefits are for the end of a life. The doctor must certify that the child will very likely die within 26 weeks. In that case, the parents would be eligible for the 35 weeks, if the child were critically ill. Then, if the child's condition were to deteriorate during those 35 weeks, the parents could possibly qualify for another 6 weeks of benefits in order to continue caring for the child.

Mr. François Lapointe: When you say stacking....

[English]

The Chair: Thank you.

Monsieur Lapointe, your time.... Okay, go ahead.

[Translation]

Mr. François Lapointe: What is stacking, Madam Minister?

Hon. Diane Finley: It occurs when a claimant receives benefits, and right after that, receives another type of benefit.

Mr. François Lapointe: That's what you are referring to when you talk about stacking. It's those two types.

Hon. Diane Finley: The same applies to the changes in sickness benefits included in this bill. It is for parents whose child has been diagnosed with cancer, for example, while they are receiving parental benefits. Before, someone could not receive sickness benefits if they had not accumulated enough hours after their parental benefits stopped. Now, they will be able to access one right after the other. That is what we mean by stacking.

Mr. François Lapointe: That is what you call stacking.

Hon. Diane Finley: It's another improvement included in the bill.

Mr. François Lapointe: Thank you.

[*English*]

The Chair: Thank you, Monsieur Lapointe.

We'll now move to Ms. Leitch.

Ms. Kellie Leitch: Thank you very much, Mr. Chairman, and thank you very much, Ministers, for attending today, as well the officials. We really appreciate your time.

My first question will be for Minister Raitt, just so there are no surprises.

This piece of legislation, Bill C-44, is obviously something quite important to my other health care professional colleagues. One thing we would continually hear is the challenges that parents would have trying to balance what things they needed to prioritize. So not only was it a responsibility of myself or my colleagues as trauma physicians, but also our social workers, to see how we could create that right balance.

To the point you made before, Minister, as a parent as well as someone looking at this legislation, the focus absolutely becomes the child. No parent wants to be placed in a circumstance where they're having to choose, and the intent behind this legislation is that a parent does not have to make that choice. The choice is very clear and very easy for them: they can spend the time with their child. They can not just balance work and responsibilities for family, but family comes first.

My question stems from one from a parent who came into my office, very similar to Mr. Butt, right at the beginning when I was elected last year. Their child had an osteosarcoma, a rare bone cancer. We're in a rural riding. They actually had to travel a long way to get to Sick Kids to get their care. The travel back and forth was challenging enough for the parent, let alone wanting to be with their child.

One of the items that has been raised in this legislation is obviously the Canada Labour Code and the protection of jobs and taking leaves of absence. I wanted to ask you: what consultations were done in your constituency with respect to the recommended changes that have been put forward for this legislation? Also, your thoughts with respect to the legislation: what items would you like to see emphasized going forward with respect to this piece of legislation?

Hon. Lisa Raitt: Thank you very much.

You would know more than anyone else exactly what happens when you have a critically ill child and what happens with respect to parents trying to balance out the needs, and the importance of the parent in the ongoing care for the child. Even being an advocate for the child in the hospital is so very important. That's part of the policy rationale for making sure we are focused on the child. That's why the leave matches with the child and the leave matches with the benefits.

In terms of talking to stakeholders, the officials talked to the stakeholders in 2009, around the spring and the summer. We always do public consultations when we're thinking about modernization of part III of the code, which is what we're seeking to amend today.

I'll be very frank. You always receive the same response from employers, which is, well, we can take care of that without it being regulated, we'll provide the leave, and we'll make sure people are fine. On the other side, labour unions consistently express support for the introduction of these kinds of measures to ensure that the worker is protected, that they have that leave, and that they don't have to worry about whether or not their company has that kind of policy in place.

Having said all that, the reality of the situation is that when a similar type of leave for murdered or missing children was introduced to Quebec in 2007, there was absolutely no opposition whatsoever to it. It just falls back to the general notion that the private sector does not want to be regulated by government, but we made the choice in this case that you have to protect the family and you need to support the family. That's why we're seeking leave to amend.

The other aspect too, though, is that in the federal jurisdiction the numbers are higher when Minister Finley talks about the EI program because it's across the country, presuming that the other jurisdictions will allow for the leave. In the federal jurisdiction, we're only looking at numbers of approximately 75 for murdered or missing children—75 employers across the country—and that's it. In terms of critically ill children, it's only 425.

It's not a great hit on the federal-private jurisdiction in terms of extra costs to companies, so they have, I would submit, no ability to criticize this kind of proper support to families that we're providing today. I'm very comfortable with the response of the stakeholders.

• (1000)

Ms. Kellie Leitch: That's great.

My second question focuses more on that jurisdictional issue as well.

I guess there's one other item I would like to raise—and we are sometimes negligent in this—and that is to actually thank our opposition colleagues for their support of this bill. I think we are unanimous with respect to this, and it's pleasing to see. I recognize that we will have conversations about some of the technical details, but I do appreciate the support of all of the opposition parties with respect to this legislation.

With respect to the jurisdictional issues, as was raised a little earlier, many of the provinces are also looking at changes to their labour legislation and how it will impact their provincial employees. How do you see this having an impact on driving them to make the right decisions as well? Obviously, each province has different labour legislation. They implement it in a different way and there are different component parts compared to our federal legislation, but do you see this as a driving force in pushing those provincial legislative bodies to making their right decisions, quite frankly, to support families?

Hon. Lisa Raitt: The provision of the program, of course, benefits many across the country in terms of income support or EI support. Amending the federal jurisdiction leave, as I've pointed out, isn't going to have a big effect on the number of people across Canada, because we only have a million workers within the federal jurisdiction.

The important part, too, is that the federal government has a role to play in being progressive. That's exactly what we're doing in this case. We are taking an issue that has been brought to the attention of a lot of us in terms of being members of Parliament, and we've provided a solution. That includes both: the support in terms of income support on either side, either EI or the grants, and making sure they know they have a job to go back to. I would expect that the provinces will amend legislation, as they've done in the past when we've introduced a progressive program, to match up, to make sure their workers are able to take advantage of these very timely and very appropriate support programs.

The Chair: Thank you, Minister.

Your time is up.

We'll now move to Ms. Charlton. You have up to seven minutes.

Ms. Chris Charlton (Hamilton Mountain, NDP): Thank you very much, Chair.

Thank you both for spending some time with us today.

As the parliamentary secretary said, I'm happy to support this bill and will be supporting it in the House. I have a couple of questions, and I'm hoping that, in the same spirit of cooperation, these might actually be issues you would pursue a bit further.

First of all, when I saw the bill, I was surprised at the definition of children. It's a categorical definition of anyone under 18 years old, but it's not the traditional definition of dependants. For example, in other pieces of legislation we would include children who are still going to school and therefore still dependent on their parents, or people with disabilities who have a dependency relationship with their parents. Why in this bill are we defining children only as those who are under 18?

Maybe I can ask two questions at once. I'll just ask the other question as well.

With respect to the threshold for the grants to parents of murdered and missing children, it is set at \$6,500, presumably to show some kind of attachment to the labour force. Why is it \$6,500 as opposed to hours worked? It seems to me that somebody who is making minimum wage, for example, has to work many more hours than somebody who is potentially making \$150 an hour. Why would we

make that distinction when certainly people at the lower end of the wage scale would perhaps need the financial support even more so than those at the higher end? I wonder whether you might want to think about how we prove attachment to the labour force. I understand why we need to do it, but why is it in dollar terms? Why not in terms of hours worked?

I have a couple of other questions, but I'll leave those two first.

• (1005)

Hon. Diane Finley: Okay. Well, if I might, I will address the second part first.

You're absolutely right: we are trying to establish an attachment to the labour force, because this is to be income replacement to a degree. If we were to go just with hours, that would not be compatible with the eligibility of self-employed workers who have opted into the EI system. Their eligibility for EI special benefits is based on financial figures, on dollars earned, because we cannot measure their hours. There's no way to validate that. To make sure that self-employed workers would also be able to participate in this program, we had to use the only number that is used in their calculation of eligibility. We basically translated the hours required into dollars. It works out to about \$6,300 in round numbers. So we have one standard of entry, one threshold for the employed and the self-employed. We had to make sure that everyone who is eligible for special benefits could have the same threshold.

In terms of the grant for the murdered and missing, that was pegged as being close to...but the difference is that the grant is fixed, whereas the dollar figure for the critically ill and sickness benefits is determined on a common threshold that is indexed. There's a difference there, but that's why—so that we could include the self-employed in that as well.

In terms of the age requirement, we had a lot of discussion around this with a wide range of stakeholders. The conclusion was—especially after our discussions with the medical community—that the normal definition of child is up to 18. After that you're considered an adult. It was the dependency factor in terms of emotional dependency and emotional maturity. I know with some disabled there is a difference there, but a lot of these cases tend to involve very young children, and the emotional needs are much greater there than they are with someone who is still in school but maybe in their mid-twenties. The emotional dependency, the need for the security and comfort of having a parent there 24 hours a day, is quite different than it is for an adult. As we discussed earlier, the needs of a parent one is caring for, the emotional need and the emotional dependency on the person providing care, are not the same as those of a child. That was the main determinant. There was a lot of discussion around this.

One of the options was to put it at 16, which the medical community usually considers to be the limit of being a child. But we decided there were many circumstances in which, because of the emotional maturity or the dependency, we should go up to 18. So we decided that we wanted to take maximum benefit. After 18 in most jurisdictions you're considered an adult. Therefore, that was the deciding line.

Ms. Chris Charlton: I want to follow up on something. I take your point about the self-employed and hours worked being a difficult calculation. I go back to the original point. Let's just say you're making \$10. I know the minimum wage is higher in Ontario right now, but for ease of calculation, you'd have to work 650 hours before you qualify. If you're making \$65 an hour, you only have to work 100. When you're looking at the circumstances these families find themselves in, that's a huge discrepancy.

I wonder whether there's not another way that we could explore dealing with your concern about the self-employed. For folks who were wage earners, go back and see if there isn't a way to try to work an hourly attachment to the labour force into the system. We've certainly made exceptions before, but this is a huge double standard, and the people who are again being hit the hardest are those who are the lowest income earners.

● (1010)

Hon. Diane Finley: I think it's important to remember that if this person as you described is making \$65 an hour, there's a cap on maximum insurable earnings. They still can only receive 55% of that. That is a great leveller, so that people who are in the high earnings range, from some perspectives, would actually be hardest hit. They're going to get a dramatically lesser percentage of their regular take-home pay. If they're making more money, they're probably going to have bigger bills as well.

Ms. Chris Charlton: I'm going to leave that one aside and just move on to a couple of others, because clearly we're not going to end up agreeing.

I'll ask my questions really quickly.

I want to draw your attention to two cases that you'll probably both remember. The first one was Mariam—I'm going to pronounce the name wrong, and apologies to the family—Makhniashvili in Toronto. She went missing in September 2009 and was missing until March 2012. Then it was discovered that it had actually been a suicide, that she'd tragically jumped from a bridge over the 401. The second case is Brandon Crisp. He was missing for three weeks, and again, it was a misadventure. He had fallen out of a tree at that point.

For families like that, where after a three-year-period you discover that it was something like a suicide, is your legislation contemplating clawing money back, which was provided to those families for support? I don't understand the threshold.

The Chair: We'll maybe conclude with a response from the minister.

Hon. Diane Finley: This is why there's specific phrasing here. There's a probability. The police believe there is a probability of a criminal act involved because that's where the parents get hung up with the legal system, with prosecution—all those sorts of things. There are so many runaways. We know that, but sometimes there are abductions. When the police start getting involved, when the

policing authority believes there is a probability of a criminal act, that's where the benefit for the murdered or missing children comes in. If it's found out afterwards that it was not the circumstance, the parents will not be required to pay it back. As I mentioned earlier, if one of the parents is found to be culpable of the criminal act, then the parent who receives the benefit will definitely be required to pay back the benefit.

The Chair: Thank you, Minister.

We'll now move to Mr. Toet. You have seven minutes. You don't need to use them up, but we'll conclude after you're done.

Mr. Lawrence Toet (Elmwood—Transcona, CPC): Thank you, Mr. Chair.

Thank you to the ministers for taking time to be with us.

I'm really excited about this bill. I think it's really appropriate that we're talking about it today during small business week. It is huge for small and medium businesses that this is available now. In my former life, before I was here, I was a small business owner. We had a family owned company with about 120 employees between our two locations, one in Manitoba and one in Ontario. Not only was it a family owned company, but our company was a family. Everybody who was there was part of my family, as far as I saw it. They weren't employees. We worked side by side. They were technically employees, but we always saw ourselves as working side by side with them. We worked together to accomplish things for the greater good of all. In fact, we even got accused sometimes of being ridiculous.

Just as an example, when we set up our profit-sharing plan with our employees, the third party who ran it just couldn't believe that we said we didn't want any matching through employees. They were allowed to do it, but it wasn't going to be based on that. We wanted to truly share our profits, not based on what they did, but only on what they'd done for the company, and there was a return for that.

With that kind of attitude and atmosphere in our company, we also ran into situations where we had employees with ill children. There was nothing to support them during that time. As a company, we were fortunate enough that, because of our approach and attitude—yes, the bottom line was important, but it wasn't always about that—we were able to support employees through that. It made it tough for us at times when we had an employee who would be gone, over a 25- to 30-week period, for 75% or 80% of the time. We did our best to get through that. It's a financial burden, but it's also the burden of uncertainty for us. You know, what days were they going to be there? What days were they not going to be there?

With this sort of plan, that's going to really take a lot of—I just shared this story because I think it's a story that a lot of small and medium businesses would have. This will give us and those small businesses the ability to have some certainty, to be able to say, "I know there's a plan, there is an EI benefit available for you as parents." We will be able to help them work through the EI process, to make sure they get all they're eligible for. We also have a certainty, then, as a business, to know what this person's absence is going to cost. We can bring in some temporary help to fill that gap. Especially when you're missing somebody, it's hard to hire somebody else. You're paying their wage, and then to hire somebody else temporarily is a real strain on a small company.

So I'm really excited about this. As I said, I think it's very appropriate that it's during small business week.

I just wanted to share that story, but it leads to this question. I've seen a lot of things as we've gone down this path as a government that have really brought a focus on family. I think this is really another step in that direction. I just want to give the ministers an opportunity to maybe walk us through some of the other things that have brought us to this stage as a government, some of the other things we've done for families over the last number of years to bring us to this stage of putting families first, and the need for families to be kept together and strengthened, both in a financial way, but also in a very emotional way, which is very important.

●(1015)

Hon. Diane Finley: First of all, I must congratulate you and your family on the way you ran your business. Your employees were very, very fortunate. Most Canadians aren't so lucky to have employers who are sympathetic, understanding, and supportive, as you were. That's a commendation to you and your family.

Mr. Lawrence Toet: Well, thank you, but that's not what it's about. I just wanted to share the story to illustrate—

Hon. Diane Finley: But you know what? As you said, that is what it's about. It's about our most important social institution, and that's family. You recognize that, and that's exactly what we're trying to do as a government, because not all employers are, shall we say, as enlightened as you and your family are.

The family is so important, and that's why, as a government, we've made it such a focus.

One of the very first things we did was bring in the universal child care benefit. In fact, we did it at what was described as warp speed, because it was done within five months. We made sure that families with children under the age of six were getting \$100 a month per child in support of their choice of child care, whether it was formalized day care or whether it was mom and dad or granny looking after them. They had the choice, and we respected the choice of families.

Another thing we did was make it easier and faster for foster parents who intend to adopt a foster child to access parental benefits. There used to be a long lag. We knew from studies that the sooner the parent can bond with the foster child, the better off the child is going to be. It gets the relationship off to a good start. So we were pleased to bring in those changes.

We introduced special benefits, including parental leave for the self-employed. They've never had that before. There are some 2.4 million Canadians who can now have access to that if they choose. Again, it goes to the issue of choice. The opportunity is there for them in case they think they may need parental leave. They may need compassionate leave to look after a family member who's critically ill.

We've also recognized the sacrifices our military makes. Quite often they may be on assignment overseas when children are born. They can't just walk away, pack up their guns, go home, and take care of their children. Instead, we've made it possible that instead of having to take their parental leave within 52 weeks, they have 104 weeks. They can satisfy both of their priorities. One is serving their country and the other is supporting their families. That's another big thing.

Of course, another early thing we brought in was a change in eligibility as to who can receive income support while providing compassionate care to someone who is expected to pass away within 26 weeks. It used to be that only certain members of a family were eligible for that. We recognize that today's families are not the traditional families of the fifties. Not everybody lives close by. Not everybody has children to whom they can turn to look after them in their dying days. So we've made it more flexible so that the person who is critically ill can nominate the person they trust to look after their interests in their dying days and have that person supported while they do that.

Quite frankly, it's a pretty impressive record. I'm very proud of it. There are a lot of other things we've done. But Mr. Chair advises me that we're out of time, so I'll have to cut it off there.

Thanks, and thanks again to your family.

●(1020)

Mr. Lawrence Toet: Thank you.

The Chair: Thank you, Minister Finley.

Minister Raitt, do you have a concluding remark you'd like to make? This will be the last opportunity, so go ahead.

Hon. Lisa Raitt: Thank you very much, Mr. Chair.

In terms of the positive steps we've taken in labour, there are two things I'm really pleased with. One was eliminating mandatory retirement within the federal jurisdiction. The other thing we did was make it mandatory for federal jurisdiction companies to insure their LTD plans so that if there's a bankruptcy, people are protected. Those who are most vulnerable are protected. We're leading the way, again, in Canada on that, because it doesn't happen anywhere else in Canada.

The Chair: With that, thank you very much, Ministers, and department officials as well, for appearing and answering the questions.

Hon. Diane Finley: Thank you, Mr. Chair, and thank you to all the opposition parties for your support of this bill.

The Chair: I'll now suspend, because we have other business to take care of.

[Proceedings continue in camera]

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