



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities

HUMA • NUMBER 054 • 1st SESSION • 41st PARLIAMENT

EVIDENCE

Thursday, November 1, 2012

—
Chair

Mr. Ed Komarnicki

Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities

Thursday, November 1, 2012

•(0850)

[English]

The Chair (Mr. Ed Komarnicki (Souris—Moose Mountain, CPC)): I call the meeting to order.

Mr. Mike Sullivan (York South—Weston, NDP): I have a point of order, Mr. Chair.

The Chair: Go ahead.

Mr. Mike Sullivan: At the finance committee yesterday, apparently there were instructions to several committees, including ours, to study parts of Bill C-45, so I'm seeking unanimous consent for the presentation today of the following motion: that the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities immediately commence a study, as has been requested by the Standing Committee on Finance in their motion adopted on October 31, 2012—

The Chair: Excuse me—

Mr. Mike Sullivan: —into the subject matter of clauses 219 to 222 in Bill C-45—

The Chair: Excuse me. Hold on for a minute.

I'm told that you can't move a motion on a point of order. That's a fact, so we won't entertain that. We'll deal with the clause-by-clause consideration, but I can assure you that we have a provision in the agenda to deal with committee business after we do clause by clause. You can certainly move your motion at that point. I so rule.

Okay. Now, we're here to do clause-by-clause study with respect to Bill C-44, as stated pursuant to the order of reference of Tuesday, October 2, 2012, for Bill C-44, An Act to amend the Canada Labour Code and the Employment Insurance Act and to make consequential amendments to the Income Tax Act and the Income Tax Regulations.

In going through the clause-by-clause consideration, we are fortunate to have here with us, from the Department of Human Resources and Skills Development, Jean-François Roussy, director, self-employed and other initiatives, employment insurance policy, and Lenore Duff, senior director, strategic policy and legislative reform labour program. Of course, we're dealing with amendments that affect both areas, and they're here to answer any technical questions you may have as we go forward.

I might say, just to give you some idea of how we might plan to proceed, that we won't deal with the title initially. We'll wait until the end to do that. We will go through the clauses one by one. I do know

that there have been a series of amendments by both the New Democratic Party and the Liberal Party.

When we get to that point, I would then invite you to move your motion. We will deal with it in terms of whether it's in order or out of order and then proceed accordingly from there.

Ms. Marjolaine Boutin-Sweet (Hochelaga, NDP): I just want to be clear on this. You said that when we get to that motion, you will call on us, or we have to...?

The Chair: I'll just say that we're at the point where we have an amendment from the New Democratic Party and I'll ask if you would wish to speak to it or move it. Then we can have the discussion around it.

Ms. Marjolaine Boutin-Sweet: Okay.

The Chair: That's just so we know that we'll go through all the amendments one by one.

We'll start with the fact that the short title will be postponed pursuant to Standing Order 75(1).

We'll then commence with clause 2. I might mention that the first amendment we have deals with clause 5, so if there are no amendments, I would propose that clauses 2, 3, and 4 be severally carried. Unless I see any objections to that, I'll assume that we have unanimous consent.

(Clauses 2 to 4 inclusive agreed to)

(On clause 5)

The Chair: That will bring us, then, to clause 5, and there is an NDP amendment, NDP-1. You should have had circulated to you those various amendments.

There are two amendments to clause 5, one Liberal and one NDP. The NDP one came in first, so we'll deal with NDP-1 and page 3 of the bill.

Go ahead.

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

To simplify, what we propose with this amendment is to define “child” separately from a definition of “critically ill”, because the definition of “child” right now under Bill C-44 is a cut-off at 18. We want the definition of “child” pulled out separately from “critically ill”, because, for example, in the case of a parent of a mentally challenged person in their twenties, thirties, or forties, say, who has the mental capacity of a child, we would like to have that separate from “critically ill”. That's the rationale for this amendment.

The Chair: I am told that would be in order, not necessarily for the reason you specified but because the definition of “child” wouldn't be known until the regulations were passed. If the regulations were to say that the child was 18 years or less, it would be in order, and if they didn't, it wouldn't be. We don't know that except by what you're saying.

I'll go along with your advice to say that's in order as an amendment. We'll allow that amendment to go forward.

You've moved NDP-1 and explained it. We'll then have a vote on that.

• (0855)

Mr. Ryan Cleary: Mr. Chair, can anyone else speak on it?

The Chair: Does someone else want to speak on it?

Go ahead.

Ms. Marjolaine Boutin-Sweet: I spoke, for example,

[*Translation*]

my cousin who was murdered at 44 years of age and of the way this has affected his family.

With this amendment, we would give the government the chance to change the definition. I feel there is an opening here. Some families in need may have children who are 22 or 23 years old and are unable to function alone. With this amendment, we would be able to help as many families as possible.

[*English*]

The Chair: Okay.

Go ahead, Mr. Sullivan.

Mr. Mike Sullivan: I have essentially the same point. This amendment is admissible because it leaves it to regulations and doesn't actually change the intent of the act. The EI regulations themselves will in fact be capable of being altered by the government in order to incorporate persons over the age of 18 who are physically and emotionally dependent upon their parents, thereby solving the problem we heard from many witnesses that the age of 18 seemed to be an arbitrary and not reasonable cut-off point in some circumstances.

This amendment would allow the government itself, without actually changing the terms of the act, to redefine the term “child” to incorporate more than a limit at the age of 18.

The Chair: Just so you know, the mike is being controlled by the person behind us. We don't need to control it along with him, but it's up to you, of course.

[*Translation*]

Mr. Lapointe, you have the floor.

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

I want to state that everything that has been moved by my colleagues is absolutely fair and justified and, even more importantly, has been systematically confirmed by various witnesses. When they were asked if they would have been affected differently if their child had been 19 or 20 years old, I do not remember any one of them saying anything but no. Even if their child had been 19, 20 or 21 years old, they would have been shattered and broken in the same manner.

Even more, for people older than that, the reasons may not be the same. Let us consider a 40-year-old who becomes critically ill. Obviously, that person will have a support network and will not be in the same situation as an 18- or a 19-year-old, but that does not mean that the family would be any less affected. Take my own case. Were I to become critically ill, I would certainly be better organized than when I was 18, because I have insurance policies and things of that nature. However, I have children, and my mother would be absolutely shattered to see her grandchildren having to face such a tragedy.

So, for all these reasons, I think it we should not set the limit at 18 years of age. I want to reiterate that all the witnesses we have heard on this matter have said that the limit should not be set at 18 years of age. Their family tragedy would have been just as terrible if their child had been 19, 20 or 21 years of age.

[*English*]

The Chair: We do have a speaking list. We have Ms. Leitch and then we'll go to Mr. McColeman.

Ms. Kellie Leitch (Simcoe—Grey, CPC): Thank you very much.

With respect to a couple of items that have been raised, the intent behind this is to deal with critically ill individuals, particularly children. The difference between “critically ill” versus “disabled” is very clearly defined for those of us in the health care profession. I deal with many critically ill children as a pediatric orthopedic surgeon. They come through the emergency department having been in car accidents and such.

We heard of the critically ill child who has cancer. It's very different from the patient population with cerebral palsy or muscular dystrophy. I think we have to be very clear with respect to the definition of “critically ill” versus “disabled”.

The second component with respect to age is that age is clearly outlined. In the United Nations charter, a “child” is age 18 and under. In this country, children are clearly outlined at children's hospitals. We have those clear definitions, mainly because children are different. For example, in my subspecialty, children's bones are very different from adult bones. The last thing you want is to be brought to me at the hospital as an adult, because I'm actually not the best person to take care of you. Adults and children have very different physiology, and adults and children are treated in a very different manner. We want to make sure that we're clear about that for health care professionals who will be making these assessments, and also for individuals who require critical care. The age definition has been clearly outlined by the United Nations as well as pediatricians across this country.

Thank you.

• (0900)

The Chair: Thank you.

Mr. McColeman is next.

Mr. Phil McColeman (Brant, CPC): I'll speak from a different point of view, being in the exact situation that the opposition is describing with my 26-year-old intellectually disabled son.

When a child becomes an adult in this category, he qualifies for a whole series of different benefits, typically administered by the province. In Ontario, it's called ODSP. They start to be cared for with different supplements as adults, and they're treated as adults. In fact, parents have to go through the process of becoming their official guardian. You lose the status.

This bill is intended to help those in need before that happens, before those extra supports are put in place. I don't want a portrait painted to suggest that all of a sudden they fall off the map; they don't. They're picked up by social supports in other programs.

The Chair: Go ahead, Madame Boutin-Sweet.

[*Translation*]

Ms. Marjolaine Boutin-Sweet: I understand very well what you say and you have shown me something else. There are provincial programs that vary from one province to the next. So, not everyone will have access to the same resources everywhere. There are certainly some provinces where people would not have as many resources as if they were in another province.

For instance, a 23-year-old trisomic who falls ill will have the same fears as someone younger and will need his parents. We know that some people older than 18 have the same emotional constraints as younger people. That is why we would like to extend the scope of the Bill to all those who might need this kind of support.

[*English*]

The Chair: Go ahead, Mr. Sullivan.

Mr. Mike Sullivan: Thank you, Mr. Chair.

Yes, indeed, the United Nations definition of a child is 18, and we weren't talking about the difference between critically ill and disabled in our discussions. We understand the difference. What we were suggesting is—as is already the case in the Canada Pension Plan, for example—that the definition of a child extends beyond 18. In the Canada Pension Plan it extends to age 25 if that child is completely dependent upon the parents and is in post-secondary education.

We heard from a lot of witnesses, many witnesses, who suggested to this committee that an arbitrary cut-off at 18 potentially disenfranchised a considerable number of individuals who are in the same boat, such as persons who may be caring for a disabled person who happens to be 19.

I understand, Mr. McColeman, that there are other government supports, but we're not talking about government supports; we're talking about when that child becomes critically ill. We understand that the definition means something very substantial, something much greater than merely the child that we're looking after because that child is disabled.

In circumstances in which the child becomes critically ill, as Ms. Leitch has suggested, we are suggesting that the government could, through regulation, make allowances for exceptional circumstances, thus answering many of the criticisms that were levied by many of the witnesses who came here to suggest that an arbitrary decision at age 18 would leave too many people off that ought to be on.

I'm not suggesting that there aren't provincial programs, etc., that help in normal times, but we're talking about abnormal times when someone becomes critically ill. That is why we're suggesting that the government could, in fact, if it so chose, deal with regulations to cover some of the issues that were raised by many of the witnesses here.

Thank you.

• (0905)

The Chair: Thank you, Mr. Sullivan.

We'll move to Monsieur Lapointe.

[*Translation*]

Mr. François Lapointe: Thank you, Mr. Chair.

Without denying the significance of Mr. Coleman's comments, I believe we have to look closely at what we are dealing with. Many of the witnesses we have heard were members of parents' associations. They all told us that the tragedy they were facing would not have been any less terrible if their child had been 17, 18, 19 or 20 years of age, especially if he or she was still dependent on his or her family.

Section 206.4(2) proposed at clause 5 of the Bill states that "every employee who has completed six consecutive months of continuous employment with an employer and who is the parent of a critically ill child..." Obviously, this refers to the parental relationship. If ever—God may help me—, my daughter were to become critically ill at 17 years of age and suddenly became eligible for Quebec social assistance at 18 years of age, because she would then be considered an adult, that would not change anything to my own situation as her parent. That would not change the terrible future I would have to have to contemplate, as many witnesses have told us. Some had to leave their job and had trouble covering their daily expenses.

Of course, the provincial support would be helpful but it would not be sufficient to cover everything and I would find it very difficult to believe that we would not want to help. I do not say that your observation is wrong but I do not believe that it would allow us to wash their hands of the situation, considering the position of all those parents who told us that their life would have been terribly shattered even if their child had been 19 or 20 years old.

[*English*]

The Chair: Thank you, Monsieur Lapointe.

Mr. McColeman is next.

Mr. Phil McColeman: Because we are on the record, I just want to be very clear. Mr. Sullivan said that witnesses came here and levied "criticisms". I think that's a pretty poor word to characterize what we heard. What we heard, in my opinion, were witnesses who were very thankful that our government was bringing forward this bill in a compassionate and caring way for families in need.

I think what they did in addition to that was say that there are some potential areas for improvement to the bill. I do not believe there were criticisms of this bill. I believe they were objective observations made from their personal experiences and their associations. I think the word “criticism” is absolutely foreign to what we heard as testimony and I want to put that on the record.

The Chair: Go ahead, Monsieur Lapointe.

[Translation]

Mr. François Lapointe: I can understand Mr. Coleman's reaction but I want to remind everyone that we all said, on the very first day we started this study, that we would support the Bill. So, I would not want us to be led astray. We have the duty to support the Bill, but we also have the duty to underline the parts of the Bill that had been challenged by the witnesses.

What we heard was so touching and fundamental in the life of those families. And I want to make something absolutely clear to everyone: our approach has been totally open right from the start. So, I do not believe that my friend has changed his position because he has used the word “criticism”. That is absolutely not the case. I have the duty to tell those things. When I speak, I do not speak on behalf of François Lapointe, I speak on behalf of all those parents who said that they did not understand why the limit would have to be set at 18 years of age. That is why we are moving that amendment and why we hope the government will support it.

● (0910)

[English]

The Chair: Go ahead, Mr. Cleary.

Mr. Ryan Cleary: Thank you, Mr. Chair.

One particular witness who appeared before the committee was a nurse. She had a 16-year-old daughter who had cancer. I asked the witness for more details on what she had been dealing with.

Her daughter was 16. She had cancer. The mother was a nurse. She left work in May and she is still caring for her daughter. I asked this lady whether or not she would feel any differently in terms of the support she had given her daughter if her daughter were 19 as opposed to 16. She turned it back on me and asked, “Are you a parent? How would you feel?” I said, “I am a parent. I have two children.” I asked her specifically because I wanted her answer, and she said that it wouldn't matter if her daughter was 19 or 29 or 39. I want to make that point.

I also want to bring this back to a point that Ms. Leitch made. She talked about how a disabled child is different from a critically ill child. While Ms. Leitch was speaking, all I was thinking about was how one can have a disabled child who is still critically ill.

The point has been made here this morning that there has to be leeway in the legislation for exceptional circumstances. That's the point we need to hammer home.

The Chair: There's certainly been some excellent discussion back and forth on this particular amendment and the effect of it.

Now I'll put the amendment to a vote.

Mr. Mike Sullivan: Could it be a recorded vote?

The Chair: We'll get there. We've got lots of time. Everybody relax.

Those who are in favour will vote accordingly, and those who are opposed will vote that way.

We'll have a recorded vote.

Mr. Colin Mayes (Okanagan—Shuswap, CPC): Is this vote on the amendment?

The Chair: This is on the NDP amendment, yes.

(Amendment negated: nays 6; yeas 5 [See *Minutes of Proceedings*])

The Chair: The amendment does not carry.

We'll then move on to the next amendment, which would be the Liberal amendment 1—

Mr. Colin Mayes: Don't we have to adopt the clause?

The Chair: There are a number of amendments with this clause, so we'll go through all the amendments and then we'll adopt the clause.

Mr. Colin Mayes: I'm sorry for interrupting.

The Chair: That's all right. You're keeping me on my toes, because we want to be sure that we don't miss a clause.

We'll go to Liberal amendment 1. It is in relation to proposed section 206.4.

We'll let Mr. Cuzner move that amendment, and then we'll deal with the amendment in terms of whether it's in order.

Go ahead.

Mr. Rodger Cuzner (Cape Breton—Canso, Lib.): I move the amendment. It's just upping it to 52 weeks in order to care for or support the child. That would be the change of the line.

The Chair: All right. So in dealing with a critically ill child, it's moving it up from 37 weeks to 52 weeks.

Mr. Rodger Cuzner: Yes.

The Chair: I have a ruling with respect to that amendment. Clause 5 of Bill C-44 states that leave related to this part is of a maximum of 37 weeks. The amendment proposes that this leave be extended to 52 weeks. As *House of Commons Procedure and Practice*, second edition, states on page 766:

An amendment to a bill that was referred to a committee after second reading...is out of order if it is beyond the scope and principle of the bill.

In the opinion of the chair, and pursuant to advice, the introduction of the LIB-1 amendment represents an extension of leave included in clause 5 of the bill, which is beyond the scope of the bill and is therefore inadmissible. I might mention also that LIB-3 is correlated to LIB-1, and this ruling will apply to the LIB-3 amendment as well.

Now we'll go to NDP-2. It relates to page 4 of the bill, clause 5. Amendment NDP-2 essentially talks about the end dates. I'll let the NDP move that motion.

Go ahead, Mr. Lapointe.

•(0915)

[*Translation*]

Mr. François Lapointe: We would like to amend section 206.4 (4)b(i) of the Act by replacing "(i) the child dies" by "(i) the expiry of two weeks after the date on which the child dies".

As those two amendments are directly related, may I move the other one also?

No? All right.

[*English*]

The Chair: Can you repeat that? I missed the—

[*Translation*]

Mr. François Lapointe: Thank you, I have heard my colleagues's answer.

It is important to understand that this position has been expressed by nearly all the witnesses who spoke about that part of the bill.

[*English*]

The Chair: First of all, with respect to an amendment, before you get into discussion, I have to rule it either in order or out of order. If it's in order, you can discuss it. If it's out of order, that'll be the end of it. I have a ruling on this particular—

[*Translation*]

Mr. François Lapointe: Is it necessarily out of order?

[*English*]

The Chair: It's going to be, and I'll give you the reason. Clause 5 of Bill C-44 states the leave related to this part of the clause ends on the last day of the week the child dies. Amendment NDP-2 proposes that this leave expire two weeks after the day on which the child dies. As *House of Commons Procedure and Practice*, second edition, states on page 766:

An amendment to a bill that was referred to a committee after second reading...is out of order if it is beyond the scope and principle of the bill.

In the opinion of the chair, the introduction of amendment NDP-2 represents an extension of leave included in clause 5 of the bill. It is beyond the scope of the bill and is therefore inadmissible. This ruling applies to the LIB-2 amendment, which seeks to amend the same line and to achieve the same results.

I think it's in hours, or something like that, as opposed to days.

[*Translation*]

Mr. François Lapointe: With all due respect, Mr. Chair, I want to appeal your ruling because of all the witnesses we have heard about this.

[*English*]

Mr. Colin Mayes: On a point of order, we can't argue with the chair.

The Chair: That's good.

Mr. Colin Mayes: We're either going to sustain the chair or we're not going to sustain the chair.

The Chair: Hold on. I want to make a point.

When I make a ruling, that ruling is not debatable. You may disagree with it, but at that point, if you don't accept the ruling of the chair, you may challenge the chair if you wish, and move from there.

[*Translation*]

Mr. François Lapointe: That is what I said: I want to appeal your ruling. I believe that is the French equivalent.

[*English*]

The Chair: Sorry. Can you—

[*Translation*]

Mr. François Lapointe: "*En appeler de la décision*" or appealing the decision is the French equivalent.

[*English*]

The Chair: You could challenge the chair. That's the proper term—

[*Translation*]

Mr. François Lapointe: In French, I could not say "*je défie le président*" or I want to defy the Chair. That would not make any sense. You would not want me to say that.

[*English*]

The Chair: Just a second—

[*Translation*]

Mr. François Lapointe: In French, we say that we want to appeal the ruling, which is the same as to challenge it. I would never say that I want to defy you, which would be extremely impolite. No one would say that in French.

[*English*]

The Chair: Fine. If you wish to appeal the decision of the chair—

Mr. François Lapointe: It would be totally impolite that I would defy you in French—

The Chair: You can't.

Mr. François Lapointe: In French,

[*Translation*]

I can "appeal the ruling".

[*English*]

That's more polite.

The Chair: All right. I take the point. I will accept it as a challenge to the chair's ruling. We will have a motion to sustain the chair and then we'll vote. Those who want to sustain the chair will vote in favour of my ruling and those who don't will vote as opposed.

Go ahead.

Mr. Brad Butt (Mississauga—Streetsville, CPC): What exactly are we voting on?

The Clerk of the Committee (Mrs. Isabelle Dumas): The question being asked right now is whether the decision of the chair should be maintained.

[*Translation*]

M. Brad Butt: Thank you.

[English]

The Clerk: It's a recorded vote.

(Ruling of the chair sustained: yeas 7; nays 4)

● (0920)

The Chair: Liberal amendment 2 was affected in the same fashion, so now we'll move to NDP-3. Before we go there, Ms. Leitch, do you have a point?

Ms. Kellie Leitch: I can make a point with respect to this.

The Chair: I would ask whoever is doing the translation when we have a French speaker to try to give me the translation as quickly as possible, even in the midst of speaking, so I can pick up on the point.

Now we are on NDP-3, which relates to page 4 of the bill. It deals with the situation of two children, and the last of the children dies. Would you like to deal with NDP-3, then, Monsieur Lapointe?

[Translation]

Mr. François Lapointe: We would like to replace "(i) the last of the children dies" by "(i) the expiry of two weeks after the last of the children dies".

[English]

The Chair: I will deal with whether the amendment in order or out of order.

[Translation]

Mr. François Lapointe: Do you think it is out of order?

Vey well.

[English]

The Chair: It's out of order, and I'll tell you why again. Clause 5 of Bill C-44 states that leave related to this part of the clause ends on the last day of the week when the last of the children dies. Amendment NDP-3 proposes that this leave would expire two weeks after the day on which the last of the children dies. As *House of Commons Procedure and Practice*, second edition, states on page 766:

An amendment to a bill that was referred to a committee after second reading...is out of order if it is beyond the scope and principle of the bill.

In the opinion of the chair, the introduction of NDP-3 represents an extension of leave included in clause 5 of the bill, which is beyond the scope of the bill and is therefore inadmissible. This ruling also applies to LIB-3, which seeks to amend the same line and to achieve the same result. Essentially this deals with much the same idea as the former amendment, as it relates to the one child.

[Translation]

Mr. François Lapointe: I do not think it is beyond the scope of the bill. So, once again, based on all the testimonies we have heard, I want to appeal your ruling.

[English]

The Chair: Just so you know, as I said in the first one, a ruling of the chair is not debatable. If you want to challenge the chair, you can, but we won't get into a debate about it.

[Translation]

Mr. François Lapointe: I said I want to appeal your ruling.

[English]

The Chair: Did you have a point of order?

Ms. Kellie Leitch: Yes. Similar to the opposition, we had concerns with respect to the time—

The Chair: It's not a point of order.

The chair's ruling has been challenged, so we will turn it over to the clerk to identify this in clear terms.

The Clerk: The question is whether the decision of the chair should be maintained.

(Ruling of the chair sustained: yeas 6; nays 5)

The Chair: That amendment falls.

We'll go to LIB-4, which relates to page 4.

Go ahead.

Ms. Kellie Leitch: With respect to the last motion, I apologize. I was trying to get ahead of the curve with Monsieur Lapointe's comment.

Just so that everyone is clear with respect to the benefits that are made available to families, in addition to the 37 weeks, if a parent or a family has a concern—for example, a child dies or a child is released from hospital—the family is then eligible for the 15 weeks of sickness benefits, which gets you to 52 weeks, or the family can utilize that benefit to the additional two weeks.

Therefore what is available to the family—I just leave this as a point of clarification, so that you are aware—is a 37-week benefit, plus a 15-week benefit, plus a six-week benefit, all of which are available to the families with respect to employment insurance.

A voice: They're in existing laws.

Ms. Kellie Leitch: That's within existing legislation. It doesn't matter if this is passed. The 15 weeks already exist, as do the six weeks under compassionate care. That's just so that you are aware.

We've looked at this very clearly, and you can stack the benefits that are available to families. It's not just for what we would define as a disease-based entity; it could be for psychological bereavement.

Thanks, Chair.

● (0925)

The Chair: Just so we're clear here, we're not dealing with amendment LIB-4 now, because I had previously ruled that it correlated to amendment LIB-1, and I ruled it out of order. We're not dealing with the amendment, but we will be dealing with the clause, so comments can be made with respect to clause 5 itself before it carries or doesn't carry.

Ms. Leitch made a comment. I think Mr. Sullivan wishes to make a comment, and Mr. Cuzner wishes to make a comment.

We'll move to Mr. Sullivan for comments. Go ahead, Mr. Sullivan.

Mr. Mike Sullivan: Actually, I won't comment. Thank you.

The Chair: Okay. Go ahead, Mr. Cuzner.

Mr. Rodger Cuzner: You're saying they receive benefits if they have the EI qualifications to continue to receive them. To that's the caveat there.

Ms. Kellie Leitch: No, the same medical certificate can be utilized with respect to the attainment of these benefits. They are benefits that are available for stacking.

As I said, we too, as we all heard from the individuals who were presenting to the committee, wanted to make sure and assure ourselves that those benefits could be stacked, which they can be. As I said, with the passage of this bill, there will then be three separate benefits made available to families: 37 weeks, plus the sick benefit of 15 weeks, plus the six weeks of compassionate care benefit.

Mr. Rodger Cuzner: Mr. Chair, Ms. Leitch is saying this is a given, but the caveat is that they must qualify. They must have the 600 hours to qualify them for the EI benefit, so it's not a given.

Ms. Kellie Leitch: That is not the case. My understanding is—

Mr. Rodger Cuzner: Maybe we can get clarification from the—

Ms. Kellie Leitch: —that it is not based on qualifying.

The Chair: Hold on a second. The officials here, who are able to provide technical advice, are probably listening to both parties and maybe have the answer.

I don't know if you wish to clarify any part of that. If you do, Mr. Roussy, go ahead.

Mr. Jean-François Roussy (Director, Self Employed and Other Initiatives, Employment Insurance Policy, Department of Human Resources and Skills Development): If you qualify for the benefit for parents of critically ill children, then you don't have to requalify. You can have an extension of your benefits, period, so you could stack the compassionate care benefit or sickness benefit as long as you meet the criteria for those benefits—

Mr. Rodger Cuzner: That's not what she's saying—

Mr. Jean-François Roussy: —but you don't have to requalify with another 600 hours after receiving the benefit for the care of critically ill children. You can stack the others.

The Chair: Does that answer your question, Mr. Cuzner?

Mr. Rodger Cuzner: I'm not quite sure.

The Chair: You're not quite sure. Just a second, and we'll try to get someone. I know Monsieur Lapointe is prepared to—

Go ahead, Ms. Leitch.

Ms. Kellie Leitch: I think what Mr. Roussy was trying to outline is that for special benefits, there is a qualifying number of hours. It is 600 hours, but it is for all benefits, and you don't have to requalify for each. For any special benefit, the qualifying number of hours is 600. Once you qualify with that 600 hours, you would be eligible for not just this benefit but also the other two, without an additional 600 hours. Basically if you are qualified for this 37 weeks, you are absolutely eligible, without any additional hours, for the additional 15 weeks plus six weeks.

Am I correct in understanding that, sir?

Mr. Jean-François Roussy: Absolutely. The number of hours is 600 for that benefit period.

Ms. Kellie Leitch: Thank you very much.

The Chair: I'm going to ask that before we go to Mr. Sullivan, we go to Monsieur Lapointe.

Mr. Cuzner, if you wish, we'll come back to you.

Go ahead, Monsieur Lapointe.

[Translation]

Mr. François Lapointe: Yes.

[English]

I'm sorry. I think it's a point of order.

[Translation]

Because of the language problem we had a while ago, I would like us to deal with this situation in order to avoid having to face the same problem later on.

In French, one says "*en appeler de la décision*" and I understand that the English translation is "the decision is appealed". I am not a lawyer but I believe that is the proper translation of "challenging the Chair".

If I said the French equivalent of "I challenge the Chair", that would mean that I want to replace you as the Chair, which is absolutely not my intention. Do you understand? When I say "*j'en appelle de la décision*", it should be translated quickly and properly for the Chair to understand what I mean. I do not know how this problem can be resolved.

• (0930)

[English]

The Chair: Essentially, you're appealing the decision of the chair, which is the same as challenging the chair, as we would say in English. We'll use that—

[Translation]

Mr. François Lapointe: But you understand that I cannot translate "I challenge the Chair" word for word. In French, that would mean that I am about to challenge you to a duel, which is really not my intention.

[English]

The Chair: No. I'll refer to that as appealing the decision of the chair, and that should suffice.

[Translation]

Mr. François Lapointe: All right. Thank you.

[English]

The Chair: Mr. Cuzner, did you want to...?

It's Mr. Sullivan. I'm sorry.

Mr. Mike Sullivan: I want to ask the specialist experts at the other end if the compassionate care leave can be taken after the death of the child.

Mr. Jean-François Roussy: No. It has to be before.

Mr. Mike Sullivan: That's what I thought.

Also, the sickness benefit requires proof of illness. It's not automatic.

Mr. Jean-François Roussy: You need a medical certificate, just as for the compassionate care benefit. You need a medical certificate for that too.

Mr. Mike Sullivan: The medical certificate and the compassionate care benefit are about the individual who is ill—the child, for example—and in the case of the sickness benefit, the medical certificate is about the parent.

Mr. Jean-François Roussy: It's about the claimant, yes.

The Chair: Right now—

We have a point of order.

Mr. Phil McColeman: My point of order is in response to Mr. Lapointe's comments on the French and English in regard to challenging the chair.

I want to clarify this matter for myself. When I vote on a challenge to the chair, the outcome, if you're defeated, is that you are removed from the chair. Is that correct?

The Chair: No. It means that you overruled my ruling, and your ruling takes precedence and stands.

The chair remains to rule again, if he wishes to. The chair may find that having been overruled is something the chair doesn't like and he might not want to sit again. It's possible for the chair to be overruled by the committee, and then the committee stands and the chair will go on to the next battle. Hopefully the reasoning will be such that he will be upheld more often than not.

Mr. Phil McColeman: I appreciate that, because many chairs left the chair in previous committees when the chair has been challenged. They automatically just got up and left.

The Chair: I wouldn't do that on the first challenge, but I might if it was becoming obvious that confidence in the chair had been lost. The chair would obviously need to then remove himself.

I don't think challenging the chair Mr. Speaker means loss of confidence in the chair. There may be a legitimate reason. The chair may legitimately err as a human and may get bad advice.

Some hon. members: Oh, oh!

The Chair: In that event, it would be up to the committee to correct the situation.

We have some more speakers here yet.

Mr. Cuzner, do you have any further comments?

Mr. Rodger Cuzner: I'm going to bring it up during the next amendment.

The Chair: Ms. Leitch, do you have any further comments?

Ms. Kellie Leitch: I want to say that Mr. Sullivan is correct in that the medical certificate for critically ill children is with regard to the child's illness. If the child has passed away, the sickness benefit as well as the compassionate care benefit are for that parent, who would seek a certificate for bereavement, essentially. Those are granted routinely for parents who require sickness leave because they're not able to function in their place of work because of a psychological challenge they may have.

It's open to families whether the child passes away or not. The parent may find they have extreme stresses because a critically ill child has come home.

The benefit is available to the parent after the child exits hospital, is no longer critically ill, or passes away. There are multiple scenarios. Then it does go to the parent.

• (0935)

The Chair: Okay.

Ms. Kellie Leitch: It's that the medical certificate is based on the parents.

Mr. Mike Sullivan: May I have one last comment?

The Chair: Sure.

Mr. Mike Sullivan: I just wanted to make sure that it was clear that it wasn't automatic. Your first comment seemed to indicate—

Ms. Kellie Leitch: That was not my intent.

Mr. Mike Sullivan: —the 15 weeks was something that was automatically available to the parent.

Ms. Kellie Leitch: That was not my intent.

Mr. Mike Sullivan: And the six weeks of compassionate care leave can't go beyond the death of the child either, so that doesn't cover that two-week period.

The Chair: Thank you for that clarification.

With that, shall clause 5 carry?

(Clause 5 agreed to)

(On clause 6)

We're going to NDP-4, which relates to page 5 of the bill. It wants to strike the sentence that says "‘child' means a person who is under 18 years of age".

Who is moving that amendment?

Mr. Cleary, do you want to say something about the amendment? Do you want to deal with the amendment or just move it?

Mr. Ryan Cleary: I've move it and say a couple of words.

The Chair: Okay, give the background in short, because I'm going to make a....

In fact, hold on.

I have a copy of the amendment and I'm advised that it is out of order. I probably should just indicate—

Mr. Ryan Cleary: It's out of order?

The Chair: It's out of order. I'll indicate why, and then I suppose you can appeal a decision of the chair, if you wish.

Clause 6 of Bill C-44 defines a child as a person who is under 18 years of age. Amendment NDP-4 proposes to extend this definition of child to persons over 18 years of age. As *House of Commons Procedure and Practice*, second edition, states on page 766:

An amendment to a bill that was referred to a committee after second reading is out of order if it is beyond the scope and principle of the bill.

In the opinion of the chair, the amendment NDP-4, which enlarges the definition of “child” to persons over the age of 18, is beyond the scope of Bill C-44 and is therefore inadmissible. At this point you can, if you wish, appeal the chair's decision or challenge the chair.

Mr. Ryan Cleary: No.

The Chair: Okay.

All right, so then we will go to amendment NDP-5. Can you identify that for me? NDP-5 relates to page 6.

Move NDP-5, and I'll indicate what it says. It asks:

That Bill C-44, in clause 6, be amended by replacing lines 2 to 6 on page 6 with the following:

“(2), on the day on which the employee has taken the last of the 104 weeks to which he or she is entitled, or

(ii) in the case of leave under subsection (3), on the day on which the employee has taken the last of the 52 weeks to which he or she is entitled.”

This amendment would relate to the flexibility of being able to take those leaves, and I'm advised again that this particular amendment is out of order. Clause 6 of Bill C-44 states that leave of absence ends 104 weeks after the day of the death of a child occurs or 52 weeks after the day on which the disappearance occurs. Amendment NDP-5 proposes that these periods be 104 weeks or 52 weeks, notwithstanding these restrictions in the bill.

Again, *House of Commons Procedure and Practice* states on page 766: An amendment to a bill that was referred to a committee after second reading is out of order if it is beyond the scope and principle of the bill.

In the opinion of the chair, amendment NDP-5 represents an extension of the period during which the leave of absence may be taken, which is beyond the scope of the bill and therefore inadmissible.

[*Translation*]

Ms. Marjolaine Boutin-Sweet: I have nothing against you personally, Mr. Chair, but I would like to appeal your ruling. I do not think that this would be beyond the scope of the bill. We wanted to make a certain number of weeks available, but many witnesses told us that it would not be possible for them to take those weeks consecutively. In many cases, that would be very difficult.

• (0940)

[*English*]

The Chair: As I mentioned before, a ruling by the chair is not debatable. I've given some leeway, but you can't get into witnesses and what they said or didn't say. You can certainly challenge the chair; then we will have the clerk read the provisions and then we will deal with that.

Go ahead on a point of order, Mr. Sullivan.

Mr. Mike Sullivan: I don't think there was a debate. I think the speaker was attempting to explain the reasoning for challenging the chair, that was all, because it is—

The Chair: It's not. We don't need to know the reasoning for the challenge to the chair.

Mr. Mike Sullivan: If you don't know the reason that the chair's being challenged, then how are people going to vote in a manner that is in keeping with the knowledge of the entire piece? That's my

problem. Because the ruling from the chair happens before any debate on the amendments, we don't have an opportunity—

Mr. Colin Mayes: On a point of order, Mr. Chair, that's more debate. Let's have the vote.

The Chair: Hold on.

Mr. Mike Sullivan: We don't have an opportunity to debate the motion itself because you're ruling before anybody gets to debate anything, and then our only alternative is to challenge the chair. I understand that challenges to the chair in themselves are not debatable.

My only point is that it is difficult for this whole committee to understand the reasoning behind the challenge of the chair without the mover of the challenge being able to explain their reasoning.

I'm not asking for debate, just for an explanation of the reasoning for the challenge to the chair.

The Chair: I'll clarify that.

We identify the amendment, and we all have it. I indicate what the amendment is and why it's out of order. That is sufficient for people to make the decision about whether I'm right or wrong. It's clearly a point that there is to be no debate on that. We go immediately to a challenge or appeal of the chair. That's how it is on every committee and that's how it works in all the processes.

I've allowed you to explain yourself, but I'm saying that once the chair rules, your only option is to challenge or appeal the chair's ruling and have an immediate vote. There will be no discussion or debate or reasons why. I clarify what the ruling is, and you either accept it or you don't.

We won't have any debate. We will now know that this decision has been appealed or challenged. We'll now go to the clerk.

Mr. Mike Sullivan: Could we have a recorded vote?

The Clerk: The question is that the decision of the chair be sustained.

(Ruling of the chair sustained: yeas 6; nays 5)

The Chair: Go ahead, Mr. Mayes.

Mr. Colin Mayes: On a point of order, Chair, I just want to be assured that these rants after the decision of the chair are not recorded in the blues, because they are not admissible.

The Chair: On that point of order, the blues, I understand, are an exact transcription, so we can't change them.

Go ahead, Mr. Cleary.

Mr. Ryan Cleary: I want to take exception to the word that Mr. Mayes used, “rants”. I think Mr. Sullivan made a very good point. In no way was that a rant.

The Chair: I don't accept it as a rant. I think he's entitled to express himself. Certainly when I allow him to express himself, it's quite appropriate.

Mr. Sullivan, go ahead.

Mr. Mike Sullivan: Before we get to the next motion, because we're now in between motions, can I ask the chair to please be more specific about his rulings when he rules something to be inadmissible? Merely reading page 766 of the green book does not give us—on this side, anyway—the detailed rationale behind why a particular amendment falls outside the scope. For example, the previous amendment would not have caused any more spending by the government and would not have changed the intent of the legislation, which was to provide a certain number of weeks of leave. It merely extended the ability of the individual to have some flexibility.

I'm not quite grasping how that's outside the scope, so for the next one, could we please be a little more detailed in the explanation of why? We don't seem to have any other opportunity to do that.

• (0945)

The Chair: Hold on. I'll provide you the reasoning that I have, but you'll have to make a decision on whether you accept it or not. Let me give you the essence of it, and I don't intend to do it every time.

When a bill says that it is limited to a child who is 18 years of age or less, that's the scope of the bill. That's the extent of it, and if you say we're going to extend that beyond 18, you're going outside the scope of the bill.

If it says you have to take your leave continuously, let's say, and you say we're going to make it something different, then you're going outside the scope. Whenever you're enlarging or extending what the bill provides for, you're going outside the scope of the bill. That is the essence of it.

Every time you change to add or enlarge, you're going outside the scope of the bill, and you can't do that. If you appreciate that, then I will indicate the ruling as provided to me by the clerk.

An hon. member: That's MP 101 school.

The Chair: Shall clause 6 carry? All those in favour of clause 6 carrying?

An hon. member: That was uncalled for.

The Chair: Shall clause 6 carry? We need the attention of members. All those in favour?

I don't see Mr. Daniel's hand.

All right. All those opposed?

(Clause 6 agreed to [See *Minutes of Proceedings*])

Mr. Ryan Cleary: Mr. Chair, I have a point of order.

The Chair: Sure.

Mr. Ryan Cleary: Comments like those of Mr. Butt about how some MPs should go to MP 101 school don't help, aren't constructive, and I think are rather childish, Mr. Chair.

The Chair: All right. Let's confine our comments to the issues before us, rather than to individuals or personalities.

You might not agree with a position or an opinion. You're certainly entitled to that, but I would caution members from trying to get personal or in any way characterizing what another person might say. That's not helpful and it's not necessary. Let's move on.

Clauses 7, 8, and 9 have no amendments to them. I would propose that those carry, unless I see otherwise. If I see no objections, we'll then go to clause 10. Those others will carry severally.

(Clauses 7 to 9 inclusive agreed to)

(On clause 10)

The Chair: There is an amendment to clause 10. It is NDP amendment 6.

Can you identify where that is in the bill for me? Then we'll let you move the bill. If you wish to read the motion, you're entitled to do that.

[*Translation*]

Ms. Marjolaine Boutin-Sweet: The amendment is as follows :

That Bill C-44, in Clause 10, be amended by replacing lines 16 on page 9 with the following:

"(d) defining "child", enlarging the meaning of "critically ill".

That is the amendment.

The point would be to define the word "child" for the same reasons as before.

[*English*]

The Chair: For the same reasons that I indicated in the earlier instance, this amendment would be in order. We'll have the amendment on the floor, and if you wish to speak to it, you could. Go ahead.

[*Translation*]

Ms. Marjolaine Boutin-Sweet: We said earlier that we wanted to extend the definition of "child" and "critically ill". We gave all the reasons earlier. I could repeat them all here but I do not think it is necessary.

Once again, I would like us to vote not on the basis of party affiliations but on the basis of what parents and children need. Everyone does not have the same options or supports in each province. What we should do is give parents of children older than 18 the possibility to take good care of those children.

I do not think there is anything else to say about this.

[*English*]

The Chair: Seeing no further debate, we will now ask for a vote. Shall NDP amendment—

• (0950)

Mr. Mike Sullivan: I want a recorded vote, please.

The Chair: Okay, we'll have a recorded vote on NDP amendment 6.

(Amendment negatived: nays 6; yeas 5 [See *Minutes of Proceedings*])

The Chair: Shall clause 10 carry? All those in favour? Mr. Daniel, are you voting on this one?

Those opposed?

(Clause 10 agreed to [See *Minutes of Proceedings*])

The Chair: There are no amendments to clauses 11 to 17. I would expect that they would carry.

Mr. Rodger Cuzner: With the officials here, I'd like some clarification on clause 15.

The Chair: We'll get the clarification, and we could then go all the way through.

Mr. Cuzner would like clarification on clause 15. Clause 15 is on page 13 of the bill. It deals with section 18 of the act. It adds proposed subsection 18(2):

A claimant to whom benefits are payable under section 23 is not disentitled under paragraph (1)(b) for failing to prove that he or she would have been available for work were it not for the illness, injury or quarantine.

If you need some time to think about clause 15, we will actually deal with clauses 11 to 14. Then we'll pause for clause 15.

(Clauses 11 to 14 inclusive agreed to)

(On clause 15)

The Chair: Now we'll get clarification on clause 15.

Mr. Rodger Cuzner: Maybe I could ask a specific question about stackability.

This came up in the testimony Mr. Moreau presented. What he shared with us on the court case that he pursued was that you were able to stack the provisions in the past. He took that case to court and he won.

The department didn't appeal that decision, so is the department saying that they agree with the decision and that they believed all along, since the change in the laws in 2002, that we were always able to stack these provisions, which was the judge's ruling?

The Chair: There's a little bit of legal connotation there.

Mr. Jean-François Roussy: That's exactly what I was going to say. I'm not a lawyer. I'm not from legal services—

The Chair: So it might not be fair. If you don't feel that you can answer, that's fine.

Mr. Jean-François Roussy: Exactly.

The Chair: Of course, a lawyer can have a particular interpretation, but you may find another lawyer who doesn't agree with that interpretation. I know how much hinges on that.

If there was a judge's ruling that picked one, I don't know that you're in a position to comment on it, but you're certainly welcome to if you want to.

Go ahead, Mr. Cuzner.

Mr. Rodger Cuzner: It was a judge's decision that was not appealed, so it's more than an opinion.

The Chair: What's your question, then?

Mr. Jean-François Roussy: It was not appealed. As to why it was not appealed or the department's position on this, I was not involved.

Mr. Rodger Cuzner: Does the department believe that these provisions have always been available to people since 2002?

Mr. Jean-François Roussy: I cannot comment on that.

The Chair: You're not in a position to say.

Mr. Jean-François Roussy: I can tell you what the change will do.

The Chair: What will the change do? Do you want to comment?

Mr. Jean-François Roussy: Sure. As it is right now, if you're on parental benefits, you cannot go from parental to sickness, because the way it is right now, to go to sickness, you have to be otherwise available for work.

Mr. Rodger Cuzner: I think the court case proved that you could.

The Chair: I think that's probably debatable.

● (0955)

Mr. Rodger Cuzner: No, it's not debatable. It's the court's ruling.

The Chair: Well, this witness is not going to comment on that, and he's indicated why, Mr. Cuzner, so we're not going to pursue that line of questioning. All right?

Mr. Jean-François Roussy: It's on being otherwise available to work, so someone can go from parental and then directly to sickness.

Mr. Rodger Cuzner: And they couldn't do that before?

Mr. Jean-François Roussy: As far as I know, no.

The Chair: I think that's fair enough. That's all the witness can say.

Mr. Rodger Cuzner: There should be an internal memo or something.

The Chair: Shall clause 15 carry?

(Clause 15 agreed to)

The Chair: We will go through clauses 16 and 17 severally.

Shall clauses 16 and 17 carry?

(Clauses 16 and 17 agreed to)

The Chair: Then we will get to clause number—do you have a question?

Mr. Rodger Cuzner: Mr. Chair, would it be of benefit to the committee if we tabled the court ruling on it?

The Chair: You're certainly welcome to. It may make for interesting reading. Some may wish to read it and come to their own conclusions. If you wish to file it with the committee, you're entitled to.

Mr. Rodger Cuzner: It's a judge's ruling.

The Chair: I've read court rulings, and it's a matter of some interpretation. You've got to go through the facts and the reasoning, and not everybody may agree with your conclusion on what the judge said or what he ruled or how he got there. People are entitled to form their own opinions on that, and it's not relevant to this particular discussion of this case, but if you want to enlighten us by filing the case, you're certainly welcome to do that.

(On clause 18)

The Chair: All right, we're on clause number 18 and we're dealing with amendment LIB-5.

You can certainly read it in if you wish, Mr. Cuzner, or we'll take it as having been read.

Mr. Rodger Cuzner: Before I read the motion, at the risk of seeing that it's ruled out of order and you ruin my whole morning, Mr. Chair, I'll seek clarification from the officials on how they arrived at the number of 600 hours. What was the rationale for arriving at 600 hours?

I still want to get to the essence of the stacking provisions as well. The Labour Code amendments require six months of continuous employment, and the parents of an abducted child have a special fund they can qualify through. With a sick child, parents have to qualify for EI benefits, and there's a 600-hour minimum to receive those benefits.

Now, we know that a lot of households depend on seasonal industries or have one main wage earner or include people working part time, and in 2011, 25% of parents with children under the age of 18 who worked part time worked fewer than 30 hours a week. Parents of children who were employed part-time worked an average of 16.5 hours a week.

Had they worked continuously for six months as it pertains to the Labour Code amendment, that would only give them 430 hours. If you apply that kind of rationale, then 80% of fathers and 75% of part-time working mothers would not qualify for benefits.

The Chair: Mr. Cuzner, are you wanting clarification on what that section means or are you intending to—

Mr. Rodger Cuzner: No, I want to know how you would arrive at the 600 hours. I'm wondering what the rationale was for arriving at 600 hours. The amendment suggests 420.

The Chair: You'll have to move your amendment. We're not there yet.

Do you wish to answer that question?

Mr. Jean-François Roussy: Yes. The new benefit for parents of critically ill children will be a special benefit under employment insurance. As with other special benefits, 600 hours is necessary to qualify. Whether it's for maternity, for parental leave, for CCB, or for sickness, you need 600 hours to qualify.

Mr. Rodger Cuzner: It's just an across-the-board 600 hours. There's no rationale put on that, or...

Mr. Jean-François Roussy: Exactly. It's a special benefit, and as with the other special benefits, 600 hours was the number.

The Chair: Do you wish to move your motion, then?

Mr. Rodger Cuzner: Yes.

Mr. Chair, that understanding of the preamble to the question motivated the amendment that we have put forward, so—

The Chair: Are you moving your amendment, then?

Mr. Rodger Cuzner: Yes.

The Chair: Good.

Mr. Rodger Cuzner: So moved.

• (1000)

The Chair: So moved. All right.

Well, it's an interesting way of getting there, but I have to rule on whether the amendment is admissible or not, given the preamble and the clarification.

Clause 18 of Bill C-44 states that benefits can be paid to a major attachment claimant who is a parent of a critically ill child. Amendment LIB-5 proposes to extend these benefits to a minor attachment claimant who has 420 hours or more of insurable employment.

House of Commons Procedure and Practice, second edition, states on pages 767 to 768:

Since an amendment may not infringe upon the financial initiative of the Crown, it is inadmissible if it imposes a charge on the public treasury, or if it extends the objects or purposes or relaxes the conditions and qualifications specified in the royal recommendation.

In the opinion of the chair, LIB-5 represents an extension of the categories of claimants to whom benefits would be available and would seek to alter the terms and conditions of the royal recommendation. Therefore, the amendment LIB-5 is inadmissible.

We have NDP-7. Perhaps you can identify it for me in the bill.

If you wish to move that amendment, Mr. Sullivan, you can read it or just simply move it as we have it.

Mr. Mike Sullivan: In the interests of time, Mr. Chairman, I would propose that NDP-7 and NDP-8 be dealt with together. They're not the same lines, but they are the same thought.

The Chair: It's the same essential...

Mr. Mike Sullivan: It's the same essential premise.

The first amendment, NDP-7, reads:

That Bill C-44, in Clause 18, be amended by replacing line 40 on page 14 with the following:

"(ii) the expiry of two weeks after the day on which the child dies, or"

Amendment NDP-8 reads:

That Bill C-44, in Clause 18, be amended by replacing line 24 on page 15 with the following:

"(ii) the expiry of two weeks after the last of the children dies, or"

The first of those amendments deals with an extension of the EI benefits to parents of critically ill children for two weeks after a single child dies, and, in the case of more than one critically ill child, amendment NDP-8 deals with extending the benefit for two weeks after the death of the child.

The Chair: All right, I've got your amendments. I think it's fair to deal with both NDP-7 and NDP-8, as they essentially have the same premise and the same basis.

The ruling is as follows. Clause 18 of Bill C-44 states that the benefits under this section end the last day of the week the child dies. Amendments NDP-7 and NDP-8 propose that the benefits end two weeks after the day on which the child dies, or probably the last day the child dies.

House of Commons Practice and Procedure, second edition, states on pages 767 to 768:

Since an amendment may not infringe upon the financial initiative of the Crown, it is inadmissible if it imposes a charge on the public treasury, or if it extends the objects or purposes or relaxes the conditions and qualifications specified in the royal recommendation.

In the opinion of the chair, NDP-7 and NDP-8 represent an extension of the period during which the benefits can be claimed by an employee, which seeks to alter the terms and conditions of the royal recommendation. Therefore, the amendments are inadmissible.

This ruling also applies to LIB-6 and LIB-7, which seek to amend the same lines and achieve the same results.

(Clause 18 agreed to)

(Clauses 19 to 22 inclusive agreed to)

(On clause 23)

The Chair: We will now go to clause 23, which has amendment LIB-8. Can you identify that in the bill for me?

Mr. Cuzner, it seems to be similar. Do you wish to make any comments?

• (1005)

Mr. Rodger Cuzner: No, go ahead. Do your thing.

The Chair: He's moved amendment LIB-8, and I think I've already said that my previous ruling applies to LIB-8.

If I didn't say LIB-8, my ruling will be the same, essentially, in that it infringes upon the financial initiative of the crown and is inadmissible for the reasons previously stated.

We will go to amendment LIB-9. Could you identify that in the bill for me?

Again, Mr. Cuzner, it's a similar premise there. Did you move LIB-9?

Mr. Rodger Cuzner: Yes.

The Chair: Okay, now we'll rule it out of order for the same reasons, I would think, but I'll have a quick look to make sure.

Yes, it also infringes upon the financial initiative of the crown, and the same ruling previously given would apply to this one as well.

(Clause 23 agreed to)

The Chair: We will go from clause 24 through to clause 37. There being no amendments, I would propose—

Mr. Mike Sullivan: I'm just saying I'm in favour.

The Chair: There being no amendments, I would propose that those clauses carry severally, unless there are any objections.

(Clauses 24 to 37 inclusive agreed to)

The Chair: That brings us to clause 1, the short title.

Shall clause 1 carry?

Some hon. members: Agreed.

The Chair: Shall the title carry?

Some hon. members: Agreed.

The Chair: Shall the bill carry?

Some hon. members: Agreed.

The Chair: Shall I report the bill to the House?

Some hon. members: Agreed.

The Chair: We're done, then, in terms of this bill.

Thank you very much for your attention and your various positions. I have indicated that there are several points that we might want to take into consideration.

Mr. Sullivan, do you have a point?

Mr. Mike Sullivan: I have a motion.

The Chair: I had forgotten that you did have a motion there. Maybe we'll close off the bill portion and go into committee business.

The department witnesses are free to leave. Thank you very much for being here and for clarification where needed and as needed. I can say that on the agenda I had some committee business that we wanted to deal with, and we will in camera, but Mr. Sullivan has a motion. I will entertain that motion, and then we can decide whether you wish to go in camera or not.

We'll go to Mr. Sullivan with his motion.

Mr. Mike Sullivan: Thank you, Mr. Chair.

As I stated earlier, the Finance Committee has referred some parts of Bill C-45 to this committee, and therefore I'm seeking unanimous consent to adopt the following motion:

That, the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities immediately commence a study, as has been requested by the Standing Committee on Finance in their motion adopted on October 31, 2012, into the subject matter of clauses 219 to 232 in C-45, A second Act to implement certain provisions of the budget tabled in Parliament on March 29, 2012 and other measures, and that the committee report to the finance committee suggested amendments to these clauses by November 20th at 5:00 p.m.

• (1010)

The Chair: That's the motion. He's seeking unanimous consent for that motion. Does he have unanimous consent, or do we want to deal with it in a different way?

I'm going to make a few comments here for everybody to be on the same page. We've received a letter from the finance committee, and I've asked a clerk to distribute that letter to all members. The motion adopted by the finance committee referred specific sections that relate to human resources to us and asked this committee if it wishes to make any recommendations or any suggested amendments to those portions of the sections for their consideration. They'll actually be doing the clause-by-clause consideration.

Time is also of the essence, because we're on break week and when we get back it's a Monday and our next scheduled meeting is Tuesday. They want it reported back to them by five o'clock, I think you said in your motion, on Tuesday. It would have to be in both official languages, so time is a bit of a constraint.

We had also previously moved a motion not to sit on Thursday of next week. I would envision that we would likely call some departmental witnesses to give us some background on the clauses. We have that Thursday that we decided we weren't going to sit; if we decided we wanted to sit on that day, we should probably move on that, which may mean some amendments, or you can defeat the motion and put a new motion in. We may want to deal with it at a specific time in a specific way, so that we're in a position to report back.

Those are all the general comments I have. Your motion is on the floor. Is there any debate?

Go ahead, Ms. Leitch.

Ms. Kellie Leitch: I wanted to clarify. Your motion is for us to send recommendations to the finance committee, is that right?

Mr. Mike Sullivan: Yes.

Ms. Kellie Leitch: I'll be happy to support that. My recommendation would be that this committee consider seeing witnesses with respect to this matter next Thursday. I know we had previously said we would not have a committee meeting next Thursday, but I would suggest that we move forward with that day so that we provide sufficient time to our chair as well as to our clerk to be able to put together the documentation we would like to have submitted.

The Chair: Your point is well made.

Ms. Kellie Leitch: I recognize we have to rescind our previous vote.

The Chair: If we were going to do that, we would have to stand this motion and rescind the other motion to not sit on Thursday. If you were to propose a friendly amendment to say that we would meet on Thursday for a certain period of time and for a particular purpose, as well as who will be there, and he was acceptable to that amendment—

A voice: No, you can't do that because...

The Chair: Are you making a friendly amendment, then, to his motion, to say instead of "immediately", it'd be Tuesday, the...

Ms. Kellie Leitch: It would be November 6.

Ms. Marjolaine Boutin-Sweet: That is immediately.

The Chair: It's adding precision, the clerk tells me. Is it for two hours or one hour, and is it a full meeting?

Mr. Mike Sullivan: That's fine. I'm okay with that.

The Chair: Then it's for two hours.

Okay. It would be Tuesday from 8:45 a.m. to 10:45 a.m. You can take that as so.

Are you prepared to accept the friendly amendment to make it "Tuesday, November 6" as opposed to "immediately"?

Mr. Mike Sullivan: Yes, I am.

The Chair: He moved the amendment so that it's more precise. Is that amendment acceptable to you?

Mr. Mike Sullivan: As long as it's not only Tuesday. If we need more, we can make that decision, but we'll start on Tuesday.

•(1015)

The Chair: Well, I'll finish on Tuesday unless the committee decides to do something different. Are we okay with that?

Mr. Mike Sullivan: Fair enough.

The Chair: Are we okay with that?

Ms. Kellie Leitch: Tuesday's fine.

The Chair: Then that motion needs to be adopted with the amendment for Tuesday.

Mr. Mike Sullivan: You need unanimous consent first.

The Chair: Okay, we need unanimous consent for the motion. Do we have unanimous consent?

Some hon. members: Agreed.

Good. The motion has—

Ms. Kellie Leitch: Roger, are you on board for this?

Mr. Rodger Cuzner: Yes. François spoke for me there.

The Chair: Is everyone in favour of the motion as amended? Any opposed?

(Motion as amended agreed to [See *Minutes of Proceedings*])

The Chair: Okay, that motion carries.

Just so we're aware of the fact, any recommendations or suggested amendments here have to be translated into both official languages before this goes over to finance, and it has to be there before 5:00 p. m. I would alert the clerk that we need some fairly quick work after the Tuesday meeting, and that will be possible.

If that's what the committee wants, that's what the—

Mr. Brad Butt: It's due on November 20, two weeks after we meet.

The Chair: It's two weeks after we meet? Oh, so—

Mr. Brad Butt: They'll have plenty of time to get it done.

The Chair: They'll have plenty of time, so never mind. I thought we were on the same....

All right, we clarified that point. That's good. I don't think we need to revisit it.

Ms. Kellie Leitch: Since we're discussing only a small number of items with respect to the Canada Labour Code, I suggest that we have officials come for an hour, and then we would have the second hour available....

Mr. Mike Sullivan: Are the Canada Pension Plan amendments not being referred to us? Where are they going?

Ms. Kellie Leitch: The Canada Labour Code amendments are what you put forward.

Mr. Mike Sullivan: I know that's what I put forward, but I just wondered if you knew where the Canada Pension Plan amendments were going.

Ms. Kellie Leitch: I thought those were in a previous budget. The ones that you referred to are part of the Canada Labour Code.

Mr. Mike Sullivan: The ones going to finance are, I understand, about the Canada Labour Code. You don't know about the Canada Pension Plan, though?

Ms. Kellie Leitch: I just know—

The Chair: We have a comment here by Madame Boutin-Sweet.
[*Translation*]

Ms. Marjolaine Boutin-Sweet: Could you tell me when you would need a list of potential witnesses for the Tuesday meeting?
[*English*]

The Chair: The proposal was that we get department officials and not have witnesses other than those two or three from the department.

Now there are one or two other final pieces of business.

I have distributed letters from the president of the Chamber of Commerce, who wished to host a meeting between the board of directors of the Chamber of Commerce and our members. The dates they're suggesting are December 2 to December 4, and they'd like us to co-host a reception on Parliament Hill with members of their board's executive and our committee on Monday, December 3, from 4:30 p.m. to 5:30 p.m. I'd like to have my office reply, or the clerk perhaps, and arrange for that reception. It seems reasonable, and they've done it with other committees.

Are there any objections?

Mr. Mike Sullivan: Is this the Ottawa Chamber of Commerce? Which chamber of commerce is it? I didn't get the letter.

The Chair: This would be the Canadian Chamber of Commerce.

It's probably not a bad idea. It's another thing to do, but it will be worthwhile, I'm sure. I know my office has contacted them just to indicate that we're not in a position to say yet, so perhaps my office and you could connect and make sure the arrangements are done.

Finally, you would have received this just yesterday, so it may be too soon for us to discuss it and we may do it at another meeting. It's the names of applicants for the Centennial Flame award.

Does the committee wish to have more time to consider those applications? I think it would be fair for us to do that. We can deal with it when an opportunity opens up in one of our next meetings. This is just so you know they're out there and we will have to make a decision. Will you alert us when we're getting close to the end date on that?

Is there anything else I need to deal with?

The meeting is adjourned.

MAIL  POSTE

Canada Post Corporation / Société canadienne des postes

Postage paid

Port payé

Lettermail

Poste-lettre

**1782711
Ottawa**

If undelivered, return COVER ONLY to:
Publishing and Depository Services
Public Works and Government Services Canada
Ottawa, Ontario K1A 0S5

*En cas de non-livraison,
retourner cette COUVERTURE SEULEMENT à :*
Les Éditions et Services de dépôt
Travaux publics et Services gouvernementaux Canada
Ottawa (Ontario) K1A 0S5

Published under the authority of the Speaker of
the House of Commons

SPEAKER'S PERMISSION

Reproduction of the proceedings of the House of Commons and its Committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the *Copyright Act*. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a Committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the *Copyright Act*.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its Committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

Additional copies may be obtained from: Publishing and
Depository Services
Public Works and Government Services Canada
Ottawa, Ontario K1A 0S5
Telephone: 613-941-5995 or 1-800-635-7943
Fax: 613-954-5779 or 1-800-565-7757
publications@tpsgc-pwgsc.gc.ca
http://publications.gc.ca

Also available on the Parliament of Canada Web Site at the
following address: <http://www.parl.gc.ca>

Publié en conformité de l'autorité
du Président de la Chambre des communes

PERMISSION DU PRÉSIDENT

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la *Loi sur le droit d'auteur*. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la *Loi sur le droit d'auteur*.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

On peut obtenir des copies supplémentaires en écrivant à : Les
Éditions et Services de dépôt
Travaux publics et Services gouvernementaux Canada
Ottawa (Ontario) K1A 0S5
Téléphone : 613-941-5995 ou 1-800-635-7943
Télécopieur : 613-954-5779 ou 1-800-565-7757
publications@tpsgc-pwgsc.gc.ca
http://publications.gc.ca

Aussi disponible sur le site Web du Parlement du Canada à
l'adresse suivante : <http://www.parl.gc.ca>