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

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**Tuesday, November 18, 2014**

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**Chair**

**Mr. Phil McColeman**



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

Tuesday, November 18, 2014

•(1135)

[English]

**The Chair (Mr. Phil McColeman (Brant, CPC)):** Good morning, ladies and gentlemen.

This is meeting number 37 of the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities.

Today is Tuesday, November 18, 2014, and we're here at the request of the finance committee to study the subject matter of clauses 252 and 306 to 314 of Bill C-43, a second act to implement certain provisions of the budget tabled in Parliament on February 11, 2014 and other measures.

Today we have a split panel of witnesses. We also have a few minutes set aside at the end of our meeting to deal with some committee business, which we will try to squeeze in.

Joining us now, from the Department of Employment and Social Development, we have: Ms. Kei Moray, director general of policy, appeals, and quality at the processing and payment services branch; Mr. Éric Giguère, director of employment insurance appeals at the processing and payment services branch; Alexis Conrad, director general for the temporary foreign worker program at the skills and employment branch; and finally, Mr. Benoît Long, senior assistant deputy minister, from the processing and payment services branch at Service Canada. From the Department of Citizenship and Immigration, we have Mr. Robert Judge, the director of the temporary resident policy and program.

Because of the time constraints, we would ask you to keep your comments to up to five minutes, and the shorter the better, as that allows more questioning.

Please proceed.

We'll start with Ms. Moray or whoever is talking for the department.

Is that you, Mr. Long? Thank you.

**Mr. Benoît Long (Senior Assistant Deputy Minister, Processing and Payment Services Branch, Service Canada, Department of Employment and Social Development):** Thank you, Mr. Chair. I will be speaking on behalf of our colleagues.

We are here to talk about part 4, division 19, of Bill C-43. Subclause 252(1) amends subsection 45(1) of the Department of

Employment and Social Development Act by eliminating the legislative cap on the number of full-time Social Security Tribunal members and allowing for the appointment of part-time Social Security Tribunal members by the Governor in Council.

Subclause 252(2) repeals subsection 45(3) of the Department of Employment and Social Development Act. In essence, the workload criteria to appoint part-time members and the maximum amount of time that part-time members can collectively devote to their functions and duties are removed.

[Translation]

As you know, the Social Security Tribunal of Canada hears appeals related to the Canada Pension Plan, Old Age Security and Employment Insurance. Budget 2012 announced the creation of the Social Security Tribunal to replace four existing tribunals. The new tribunal was created with the objective of streamlining and simplifying the appeals process to provide a fair, credible and accessible appeals process for Canadians while achieving administrative efficiencies.

The SST began operating April 1, 2013. It received a transfer of appeals that had been filed with the four former tribunals. The number of transferred appeals exceeded that which had been forecast based on historical workload inventories of the former tribunals, particularly for pensions cases at the first level of appeal. In addition, the SST, as a newly created organization, is still in the ramping up phase and has not yet reached its final steady state.

[English]

The SST and the department are committed to ensuring that the inventory of transferred appeals is addressed as quickly as possible. The current limits on the number of tribunal members are not sufficient to reduce the inventory of transferred appeals and address the regular intake of appeals.

The government wants to ensure that appellants receive a decision in a timely manner. The proposed amendment to the Department of Employment and Social Development Act to remove the limit on the number of full-time and part-time members is a key action to reduce the inventory.

In addition to the measures the tribunal is taking, the department is also taking actions to support the SST's productivity. For example, the department has fast-tracked the hiring of the full complement of part-time members provided under the legislation.

• (1140)

[Translation]

In addition, to help reduce the inventory of transferred cases, the department has set up a special unit to review transferred appeals to determine whether any could be settled as a result of new information. The department is also implementing an interim imaging solution on a priority basis which will help enable a more efficient administration and preparation of cases by the SST.

In conclusion, the department and the SST are taking a number of actions to reduce the inventory of transferred appeals, and the proposed amendments to the Department of Employment and Social Development Act represent a key element of the inventory reduction plans.

Thank you for your attention. My colleagues and I will be happy to take your questions.

[English]

**The Chair:** Thank you so much.

Now we move on to Mr. Conrad, for five minutes, sir.

**Mr. Alexis Conrad (Director General, Temporary Foreign Workers, Skills and Employment Branch, Department of Employment and Social Development):** Thank you, Mr. Chair.

I will speak briefly to division 24.

On June 20, 2014, the Government of Canada announced an overhaul of the temporary foreign worker program, which was in response to growing concerns about the abuse and misuse of the program. These reforms are intended to ensure that the program continues to operate in the national interest.

[Translation]

The program reforms included splitting the TFWP into two distinct programs: the TFWP and the International Mobility Program. The TFWP now refers to those streams requiring a Labour Market Impact Assessment for a temporary foreign worker to enter Canada. The LMIA ensures that the foreign workers are used only as an option of last resort to address immediate skills and labour shortages on a temporary basis.

[English]

The new international mobility program includes those streams in which the entry of foreign nationals is not subject to a labour market impact assessment, such as those entering under free trade agreements that provide reciprocal benefits where the benefit to Canada has already been established. Agreements allow foreign nationals in certain occupations from partner countries to work in Canada without the requirement for a labour market test like the LMIA, and in turn allow Canadians to work abroad with similar advantages.

The temporary foreign worker program reforms were announced under three pillars. Pillar one is limiting access to the temporary foreign worker program to ensure Canadians are first in line for available jobs. Pillar two is more and better labour market information for stronger screening. Pillar three is stronger enforcement with tougher penalties. Collectively these reforms strike the

right balance to ensure that the temporary foreign worker program is being used as intended, to assist employers in filling their genuine labour market requirements on a temporary basis when qualified Canadians and permanent residents are not available. Moreover, these reforms will help deter employers from breaking program rules, or face consequences if they choose to do so.

Reforms to the international mobility program were also announced that will put in place a robust compliance regime, enabling Citizenship and Immigration Canada to impose consequences on employers who are found to be non-compliant. To support the implementation of reforms to the temporary foreign worker program and international mobility programs, eight amendments to the Immigration and Refugee Protection Act were introduced under Bill C-43.

The first amendment would change all references of “opinion” to “assessment” to reflect the change from a labour market opinion to a labour market impact assessment.

The second amendment would seek the authority to make regulations for the collection, retention, and use of social insurance numbers. Social insurance numbers will be used for the administration of the two programs, including verifying employer compliance with program requirements such as the cap and transition plans.

The third amendment will support the stronger compliance regime in the temporary foreign worker program and the international mobility program by allowing regulations to the Immigration and Refugee Protection Regulations to require third parties, such as banks and payroll companies, to provide documents for the inspection of an employer's compliance with program rules. This would help the temporary foreign worker program and international mobility program in verifying information provided by employers in the context of an inspection.

The fourth amendment would seek the authority to create a list that will be used to publish names and addresses of employers found guilty of an offence under the Immigration and Refugee Protection Act, or any other provincial or territorial law governing the regulation of employment or recruitment. The employers listed would be ineligible to access the temporary foreign worker program and international mobility program, the criteria for which would be set out in regulations.

The fifth amendment would allow regulations in the Immigration and Refugee Protection Regulations for ESDC to leverage a privilege fee on employers. This fee is for the privilege of hiring foreign workers, the details of which would be set out in regulations. It is estimated that it will be in the amount of \$100 per temporary foreign worker.

The sixth amendment would allow regulations for the collection of a new compliance fee that applies to employers in relation to their employment of certain foreign nationals who are exempted from the requirements of an LMIA.

The seventh amendment would seek authority to require employers who are hiring through the international mobility program to submit a job offer and other relevant information directly to Citizenship and Immigration Canada by electronic means.

Finally, the eighth amendment is seeking the authority to make regulations for CIC to share information with provinces and territories for compliance and enforcement purposes.

Thank you, Mr. Chair.

• (1145)

**The Chair:** Thank you very much. I don't believe there are any other comments.

Committee members will have one round of questioning for five minutes, and each party will get a chance to ask questions.

We'll start with Madam Sims.

**Ms. Jinny Jogindera Sims (Newton—North Delta, NDP):** Thank you very much.

I want to thank all of you for being here. I know how busy your schedules must be.

Since this government insists on limiting time to such an extraordinary degree, I'm going to start with the temporary foreign worker program. I am really feeling the time constraints here.

Since the government gave itself new powers to inspect in December 2013, how many inspections have taken place?

**Mr. Alexis Conrad:** Unfortunately, Mr. Chair, I don't have the exact numbers with me.

**Ms. Jinny Jogindera Sims:** Maybe you could get them to us, then?

**Mr. Alexis Conrad:** I will happily, in written response, provide any information that the committee would like.

**Ms. Jinny Jogindera Sims:** That would be great.

We've also heard multiple complaints from employers that the government's list of TFWs is completely inaccurate, yet there is nothing here that I can see that would improve the government's own labour market information.

Am I right about that, and is the department doing anything currently to make sure that this list is accurate?

**Mr. Alexis Conrad:** Sorry; just to be clear and to make sure I understand the question correctly, the list you're referring to is a list of companies that have abused the program?

**Ms. Jinny Jogindera Sims:** And the numbers they have.

**Mr. Alexis Conrad:** In response to questions asked about the accuracy of our data, we have done a complete review of all the data. We found a very low—to be honest, almost miniscule—error rate by the department. There have been some cases where employers have come to us and said their numbers weren't accurate. In several cases, upon showing the employer the information they provided us, they have realized that they have actually made a mistake.

So we have systematically gone through the process.

**Ms. Jinny Jogindera Sims:** I really appreciate that. In the interest of time, maybe what you could do is get that information back to us. On the actual numbers—what the numbers are for the employers, and where there are discrepancies from what the employer says and what you have—I realize that you wouldn't have that just off the top of your head.

**Mr. Alexis Conrad:** I wouldn't, no.

**Ms. Jinny Jogindera Sims:** Next, publicly listing employers who break provincial labour laws requires information-sharing agreements with the provinces. How many agreements exist, and how soon do you think all 10 provinces and the territories will sign?

**Mr. Alexis Conrad:** We've for several years had information-sharing agreements with the four western provinces. We've been working with all provinces not only to update those agreements but to sign new agreements. We have been actively negotiating in a very positive sense with every province and every territory, and I would expect that in a very short period of time we will be announcing new agreements.

**Ms. Jinny Jogindera Sims:** Thank you.

I'm sorry; I'm trying to get through this as quickly as I can. I have lots of questions.

**Mr. Alexis Conrad:** I understand.

**Ms. Jinny Jogindera Sims:** My next question is with regard to the Social Security Tribunal. According to the tribunal's answer to an NDP order paper question, 70% of decisions are made without a hearing. But that sounds like cutting corners in order to deal with the current caseload. At the appeal division, it's 57%. At the same time, the statistics show that getting a hearing in person vastly increases a person's chance of success.

With more tribunal members, are we going to see less of this kind of corner-cutting and more in-person hearings that actually give Canadians a chance to share their side of the story?

**Mr. Benoît Long:** If I may, Mr. Chair, I think most of that should be answered by the SST itself, only because it looks to the inside and internal workings. Both ourselves and the SST are quite committed to making sure that we can work through and reduce the backlog.

I think some of the particulars of your question are better posed to the chair, who will be next here.

**Ms. Jinny Jogindera Sims:** Thank you.

I'll go back to the temporary foreign workers question. I have a few more questions, and I have one minute to ask them.

Nothing in this bill, and it's really disturbing, provides greater protection to some vulnerable workers who arrive here as temporary foreign workers. I think over the last number of years we've seen story after story of abuse being exposed in the media and to various authorities. It's still possible for an employer to abuse a temporary foreign worker, and still be allowed to use the program again. Isn't the department concerned that this sends a message to employers that it's not too worried about how employers treat temporary foreign workers?

• (1150)

**The Chair:** Very quickly, please.

**Mr. Alexis Conrad:** I would argue that a lot of the amendments here and the program changes do actually directly impact the health and welfare of temporary foreign workers. The most important thing is that a strong enforcement and sanctions regime discourages employers from applying for the program if they were planning to cheat, and good inspections catch them. Some of the amendments here, for example, are proposing a regime that will allow us to ban employers from using the program if they break other employment laws. Obviously, when a worker is here, they are bound by the same laws as Canadians.

In my mind, this is a purposeful effort by the government to enhance the program in a way that will help protect temporary foreign workers.

**The Chair:** Thank you very much.

We'll move onto Mrs. McLeod for five minutes.

**Mrs. Cathy McLeod (Kamloops—Thompson—Cariboo, CPC):** Thank you, Mr. Chair.

Thank you to the presenters.

I want to pick up on a point that was made earlier. I know you're optimistic that the agreements will be in place with all the provinces in due course and shortly. Is it also accurate, though, to say that approximately 80% of the temporary foreign workers are in Alberta, so we already have a mechanism in place that deals with the issues around the violation of labour codes? Is that a reasonable comment?

**Mr. Alexis Conrad:** Yes. In fact, we've had an agreement with Alberta since I think 2008 or 2009, whereby we have been systematically sharing information between the temporary foreign worker program and the Alberta government in terms of their own programming. They are aware of where foreign workers are going. We are aware of where there have been inspections taking place. That information flow is moving well.

As a result of recent reforms, we are making sure that all these agreements are state of the art, so that all information can flow seamlessly between the two levels of government to make sure the two levels are working together regardless of what happens.

**Mrs. Cathy McLeod:** Good.

There's another question that's perhaps in some ways related and it's about the international mobility program. For example, when someone from Canada goes to Australia, they go with their work permit in their hand, and then they look for opportunities. I've had some of my seasonal operators asking how they can connect better with perhaps the Australians who are coming to Canada. Is there any mechanism in place that would allow the matching of young adults coming here on that particular program to the opportunities that might be available, for example, at a ski resort?

**Mr. Robert Judge (Director, Temporary Resident Policy and Program, Department of Citizenship and Immigration):** On the international mobility program, I think you're referring in particular to the International Experience Canada program that allows young Canadians an opportunity to go abroad to certain countries where we have an agreement, in exchange for their young foreign nationals coming to us. Our international experience team that administers that program actively works with employers to ensure they're aware of the opportunities to use that program. We also anticipate that going

forward we'll be making more active efforts to promote opportunities to participate in that program to young Canadians as well.

**Mrs. Cathy McLeod:** Thank you. I appreciate that, because certainly as I was touring the riding I represent, I heard from employers who aren't looking for someone for a year but might be looking for someone for a few months in a particular ski resort or others.... I think that a better ability to connect our travelling young adults with that potential would be of benefit to everyone. I appreciate that. Maybe we can create some better opportunities in the future.

My next focus is to look at the changes. I'm just wondering, following the amendments to the act, how many additional full-time and part-time members will be hired for the SST in the next year. How long do you believe it's going to take to eliminate the backlog? Also, how do you see this piece moving forward over the next year or two?

• (1155)

**Mr. Benoît Long:** We see the amendments being proposed as essential to being able to reduce the backlog. The capacity that is available from the number of members currently in place and the new number of members that could be put in place is a significant driver to improvements, obviously.

Currently, there are 73 full-time members and 21 part-time members that we're accelerating for the government to be able to appoint, and the 73 are in place. The expectation going forward is that the number of members will actually be determined by how quickly both the number of new claims and the number of the existing ones can be reduced.

There's no fixed number. That's part of the reason for the amendment. We want to be able to provide the government and the tribunal with the flexibility to determine how many new members they need and to, over time, adjust that up and down, given that the cap on part-time members will also be lifted.

There's no specific number yet. Really, it will depend on how the volume of processing takes place in the tribunal, as well as in the department.

**The Chair:** That would be the end of your round, unless you want to use 10 seconds for a comment, because that's what you have.

**Mrs. Cathy McLeod:** Thank you, Chair.

**The Chair:** Mr. Cuzner, please, you have five minutes.

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

I thank the officials for being here.

Most of the changes that have taken place with the temporary foreign worker program have been focused on the low-skilled, low-wage aspects of it. Is that fair to say?

**Mr. Alexis Conrad:** Certainly I would say that the changes to the low-wage side of the program have attracted the most attention, but a lot of the changes are on inspections and other things that apply across the program. Whereas on the low-wage side particularly, the big policy change has been to cap the number of foreign workers, on the high-wage side of the program we are asking employers to put together transition plans to show how they're going to hire more Canadians.

**Mr. Rodger Cuzner:** It constitutes about 7% of the foreign workers into the country. The big percentage, 25%, is with the international experience program, and there doesn't seem to be any changes. It still doesn't require a labour market assessment.

Is there a rationale for that?

**Mr. Robert Judge:** There is no LMIA requirement, labour market impact assessment, for International Experience Canada by virtue of it being a reciprocal program. There are quotas set annually, so that just as we receive young persons from countries abroad, an equivalent number of Canadians have an opportunity to go to that country as well.

**Mr. Rodger Cuzner:** The original objective of the program was diplomatic, as you indicated, but now on your department's website you advertise "a great way to address labour shortages". CFIB has it on their website. It's referring people to the program because it allows them to deal with labour shortages.

I know that my colleague Ms. McLeod had indicated in her remarks...

Don't you think there is fear that without a labour market assessment...? When we have a youth unemployment rate at twice the rate of the national unemployment rate, would you not see that would be a dangerous precedent to set?

**Mr. Robert Judge:** There are two things.

First, the bulk of the International Experience Canada participants are coming in with open work permits that don't tie them to specific employers, and while not part of these legislative amendments, the government did announce that they would be charging a privilege fee to open work permit holders. One of the significant objectives we would have with using that financial resource is to do more labour market impact studies on open work permit holders in the Canadian labour market to ensure that the program is being administered effectively.

**Mr. Rodger Cuzner:** That is going to be a regulation now?

**Mr. Robert Judge:** That wouldn't be done by regulation. The fee would potentially be established in a regulation, and the resources raised by the fee would—

**Mr. Rodger Cuzner:** But before the hire is made, would there have to be an assessment in place?

**Mr. Robert Judge:** No. This will be looking at how the program is administered and operated.

I would also say that about 15% of International Experience Canada participants have work permits that tie them to a specific employer, and that is covered in this bill. We will be looking to collect information from employers on the jobs that are offered. That

will be the basis for subsequent employer inspections, to make sure that they are using the program as intended.

• (1200)

**Mr. Rodger Cuzner:** I think most young Canadians would have a problem with this as a reciprocal agreement. In 2005, there were 30,000 young people accessing this country through the program and there were 22,000 Canadians. That's pretty close. That's a reciprocal agreement. However, by 2012, we had 58,000 students in Canada and only 18,000 Canadians abroad, so the reciprocal aspect of it wasn't great.

Again, keep in mind that the youth unemployment rate is twice the national average, but then a decision was made to increase.... You would think that if there was a decision to be made, it would be to bring down the number of young people coming into the country to make it more of a reciprocal agreement, yet the shackles have been taken off the agreement with Ireland.

What would be the rationale for increasing the number of young people coming from Ireland to work here in Canada?

**The Chair:** Very quickly, you have 10 seconds.

**Mr. Robert Judge:** Well, as part of that open work permit fee, we will also be looking to fund much greater outreach efforts to young Canadians to promote their opportunity to go abroad so that we can restore a greater level of reciprocity in the program.

**The Chair:** Thank you very much.

Yes, Mr. Cuzner.

**Mr. Rodger Cuzner:** Mr. Chair, could I ask that Mr. Judge present the committee with a couple of numbers?

**The Chair:** You're out of time.

**Mr. Rodger Cuzner:** Not to the witnesses, but to you, though.

**The Chair:** Save that for me for later. We're on time constraints and we'll deal with that later.

**Mr. Rodger Cuzner:** Thank you.

**The Chair:** Mr. Mayes, you have five minutes.

**Mr. Colin Mayes (Okanagan—Shuswap, CPC):** Thank you, Mr. Chair.

I thank the witnesses for being here today. I have a couple of questions for Mr. Conrad.

The first one is about employers who have been found to be non-compliant with the temporary foreign worker program conditions and may not hire temporary foreign workers for two years. Bill C-43 would expand the scope of this list by including violations of any other federal or provincial law relating to employment or the recruiting of employees. What type of added protection does this provide for foreign workers hired today under the temporary foreign worker program?

The other question I have is about what I found out in my last trip to my riding. For the old applications for the temporary foreign worker program—now we have new applications and new forms, correct?—has the department worked to make sure those old applications are off-line? I have two constituents who applied with the old form and put up their \$1,000. They were told that it was the wrong form, but the \$1,000 has been taken. Now they have to get a new form and put in another \$1,000. I wondered about that. Is the work complete to make sure the old forms are not still available online?

**Mr. Alexis Conrad:** To your second question, briefly, we have taken down all of the application forms. We do know that there are some cases where the third-party representatives or others actually had the old applications on file, so in some cases they probably used an old application form long after the change. I can't speak to the specifics of the case, but we've made every effort we can to make sure employers are using the right form, because it makes the processing of the applications much simpler.

On the former question on the issue over provincial-territorial employment standards legislation and regulations and other federal statutes, when employers who are using the temporary foreign worker program are found guilty under our provincial or federal statutes, I think it's important for us to look at that as a factor in whether or not that employer should be using the program. Clearly, the objective of these amendments is to make sure that if employers cheat employment legislation, whether it's federal or provincial, they shouldn't be hiring temporary foreign workers.

In my mind, these legislative amendments and the regulations that follow will take a great step forward in terms of making sure that foreign workers are only in workplaces where they should be. Also, we'll provide information to foreign workers in terms of whether or not they would ever want to work for an employer. To my mind, it's very significant step forward in terms of protecting foreign workers.

**Mr. Colin Mayes:** To follow up on what Mr. Cuzner said about the youth unemployment, one thing I find in my constituency is that a lot of the problem is due to youth sometimes not being willing to be a little more mobile and go where the work is. For the temporary foreign workers, do you find that the employers using the program are more inclined to be in remote areas where they are having a hard time recruiting because of the remoteness of the location of the job site?

Do you have any data to show that? We're talking about the northern part of B.C. and Alberta, where it's not so much fun working when it's the middle of winter. It's likely that a lot of people would prefer not to look for a job there, so there's a lack of applicants and therefore the employer has to look at temporary foreign workers. Would that be a fair analysis?

• (1205)

**Mr. Alexis Conrad:** I don't have in my mind that kind of map of where they are, but we do know that when you plot out where foreign workers are in the country, they tend to be disproportionately represented in the tightest labour markets, as one would expect. That's where employers have the hardest time finding Canadians.

In some rural communities, there certainly are foreign workers where the employer has tried and there is no local labour force. It's a

natural kind of tendency. That's not to say that there aren't employers in urban communities or more densely populated areas who use the program, but as a general point, you will find that in the tightest labour markets, which oftentimes are in western Canada, you do see a disproportionate number of foreign workers, which I think one would expect.

**The Chair:** Very quickly, Mr. Mayes, you have 20 seconds. No? Okay. Thank you so much.

We'll move back to Mr. Cuzner.

How lengthy is your request, sir?

**Mr. Rodger Cuzner:** I'd say it's under 15 seconds.

**The Chair:** Please present it.

**Mr. Rodger Cuzner:** Could Mr. Judge provide us with, first, when countries' quotas are increased, what the rationale is that is used to increase the quota. I cited the example of Ireland. Second, could he also provide the types of businesses that are using the international program and employing foreign youth, and finally, copies of any internal reviews of the program? If you could provide that to the committee, I think that would be of great help.

**The Chair:** Mr. Judge, is it within your purview to provide such information to us?

**Mr. Robert Judge:** We can certainly look into what we can provide the committee, in that respect.

**The Chair:** Thank you. Perhaps you could do that through the clerk, please.

We will get you that information, Mr. Cuzner, as much as we can.

I want to thank the departmental officials for being here. Thanks for taking the time. I'm sorry that this was an abbreviated session, but that's the way things are around here.

We will take a short break while we get the next witnesses put in place.

• (1205)

\_\_\_\_\_ (Pause) \_\_\_\_\_

• (1210)

**The Chair:** Welcome back, everyone, for the second panel of witnesses.

Joining us here is Ms. Murielle Brazeau, chairperson of the Social Security Tribunal of Canada.

By way of video conference we have, from Toronto, Ms. Amy Casipullai, senior coordinator, policy and communications, at the Ontario Council of Agencies Serving Immigrants; and from Vancouver, Mr. Gary Birch, executive director of the Neil Squire Society.

Witnesses, if you could keep your comments to five minutes maximum because of the time constraints we're under today, I'd really appreciate it.

Let's move now to Madam Brazeau.



[Translation]

**Ms. Murielle Brazeau (Chairperson, Social Security Tribunal of Canada):** Good afternoon, Mr. Chair and esteemed members of the committee.

Thank you for inviting me here today to address the committee on Bill C-43, and more specifically on clause 252 regarding the appointment of members to the Social Security Tribunal of Canada.

The tribunal began its operations on April 1, 2013, and is mandated to provide a fair and impartial quasi-judicial process for appeals under the Employment Insurance Act, the Canada Pension Plan and the Old Age Security Act.

It was created to simplify and streamline the appeal processes by providing a single point of contact for all those appeals. All decisions are made by one decision-maker called a “tribunal member”, who is appointed by the governor in council after a rigorous competency-based selection process.

At the outset on April 1, 2013, the tribunal had 28 full-time members, including me. The three vice-chairpersons were appointed in May and June 2013, and to this date, the tribunal has grown to 73 full-time members. The government recently announced the appointment of 21 part-time members, who will help the tribunal process its large volume of appeals.

Bill C-43 would allow the appointment of an unlimited number of full-time and part-time members and would remove the time limits that are in effect in the current legislation for part-time members. These new provisions will enable the government to appoint additional members as needed in either of the tribunal's divisions, depending on the fluctuation in the caseload over time.

• (1215)

[English]

I will now give you an overview of the tribunal's structure and where things stand with our caseload. The tribunal has two levels: the general division and the appeal division.

The general division has two separate sections: the income security section and the employment insurance section. The second level, the appeal division, hears cases from both sections of the general division, employment insurance cases and income security cases. It is therefore important to recognize that the tribunal deals with four very different caseloads.

I would like to start with the general division's income security section. When we began operations on April 1, 2013, more than 7,200 appeals were transferred to us from the Office of the Commissioner of Review Tribunals. Roughly 24% of these appeals have now been concluded. Approximately 5,500 new appeals have been received since April 1, 2013. Overall about 2,000 cases have been concluded to date.

We are currently developing assumptions and performance expectations for members to estimate when the backlog will be completed with the number of members we have and the remaining caseload. The magnitude of these income security cases represents the greatest challenge to the tribunal.

Second is the general division employment insurance section. The board of referees continued to issue decisions until October 31, 2013, at which time about 320 appeals were transferred to us. The majority of these cases are now awaiting a ruling from the Canada Revenue Agency or a decision from the Tax Court before the tribunal can deal with them. As of September 30, 2014, close to 5,000 new EI appeals have been received, and nearly 3,000 have been concluded to date. Almost half of the remaining cases are part of group appeals and are being dealt with separately. The other half are assigned to members and are at various stages of their progress.

At the appeal division we have two different caseloads: income security and employment insurance. Let's start with the appeal division's income security caseload. On April 1, 2013, more than 460 appeals were transferred to us from the Pension Appeals Board. By the end of September 2014, around 95% of these appeals had been concluded. For the majority of the remaining appeals, a hearing date has already been set or the appeal has been postponed at the appellant's request. As of September 30, the appeal division had received 258 new income security appeals of which 163 have now been completed.

Now that the majority of cases transferred from the Pension Appeals Board are concluded, we are focusing our efforts on these new cases, which we expect to address within a reasonable period of time.

**The Chair:** I'm sorry, Madam Brazeau, but I'm going to have to ask you to wrap it up fairly quickly if you could. We have your notes, which is a good thing, but if you could wrap your comments, I'd appreciate that.

**Ms. Murielle Brazeau:** Okay.

I want to assure the members of the committee and all Canadians that every tribunal member and all of our staff are fully aware of the difficulties that appellants may face while waiting for a decision. This situation makes each and every one of us at the tribunal want to do our utmost to process these appeals fairly and as quickly and efficiently as possible.

[Translation]

Thank you for your attention.

[English]

**The Chair:** Thank you very much.

Now we move on to Ms. Casipullai—I apologize if I'm not pronouncing that correctly—in Toronto to present for five minutes.

Thank you.

**Ms. Amy Casipullai (Senior Coordinator, Policy and Communications, Ontario Council of Agencies Serving Immigrants (OCASI)):** Thank you, Chair.

OCASI is concerned with the human rights of migrant workers in Canada. These workers are an important part of our communities and our economy and deserve to be treated in a fair and equitable manner while having their rights recognized and respected. While we are encouraged by government efforts to increase accountability in the program and particularly to impose consequences for non-compliance by employers, there is a potential that some of these amendments may have unintended negative consequences for migrant workers and may increase their vulnerability to further abuse and exploitation.

Regarding clause 308 on the publication of employer names and addresses, in 2009, the government promised to publish the list of bad employers on the department website. Despite the number of instances in which employers were found to be in violation of the program, the list was not posted online until 2011, and, once created, published no names for another three years. Today, the list contains just five employers. Without sufficient resources for enforcement, employer violations can go unchecked and the names and addresses will never be published on the list. The government must give the same priority to investigation by ESDC and enforcement as it does to the processing of labour market assessments and employer permits.

Regarding clause 311 on employer fees, regardless of what the government has intended, we have heard that in many cases the increased LMIA fees are being downloaded directly to the worker. Raising fees to \$1,000 in June 2014 increased the financial burden for a significant number of workers rather than acting as a deterrent to the employer or recruiter. This situation can be dealt with by developing a comprehensive recruiter licensing system where one is not already provided in provincial legislation and by holding employers and recruiters jointly liable for downloading fees and penalties to the worker.

Regarding clause 307, while the intention is to enforce compliance through the threat of suspension or relocation as it applies to the employer, this clause will punish the worker at the same time by suspending or revoking his or her work permit. The worker's legal status in Canada is tied to a valid work permit, which is tied to the employer. When that permit is suspended or revoked, a worker is left without legal status in the country through no fault of his or her own and in fact is rendered more vulnerable. Workers who are dependent on the employer for housing and means of support, particularly when these are part of the terms of employment, will be left without status, income, shelter, and food. These factors will serve as a major disincentive for the worker to report abuse.

Instead a mechanism should be provided to stop the removals of migrant workers where abuse has been reported, and the affected worker should be provided with a pathway to permanent residency. At the very least, the worker should be given an open work permit to find another employer, pay any debts, support their families, and be shielded from employer reprisals. Such a provision would act as an incentive for workers to come forward to help with enforcing the compliance regime and make the employers more accountable.

Clause 313 introduces a new provision for the government to collect, retain, and use the social insurance number. It seems to be an unnecessarily intrusive way of ensuring employer compliance. One former member agency that works with migrant workers told us that CIC already asks their clients to provide their SIN. They found that

the information is used to find and deport out-of-status clients. These are workers who are out of status but working and using the SIN to pay income tax and who are then punished for doing so.

There's a place for a temporary migrant worker program in Canada's mix of immigration programs, but we're troubled by the levels to which migrant workers have been recruited, particularly in Ontario where permanent residency has decreased while temporary migrant worker numbers have increased. Permanent residency leading to citizenship must always be the foundation of our immigration and protection programs. Just like reducing worker vulnerability, it should be part of any of our labour market programs.

Thank you.

• (1220)

**The Chair:** Thank you very much.

Now we move on to Mr. Birch for five minutes.

Go ahead, sir.

**Mr. Gary Birch (Executive Director, Neil Squire Society):** Good afternoon—good morning here—and thank you very much, Mr. Chair.

My name is Gary Birch. I'm executive director of the Neil Squire Society. Our mandate is to use technology, knowledge, and passion to empower Canadians with physical disabilities.

The Neil Squire Society is a Canadian national not-for-profit organization celebrating its 30th anniversary. We are committed to providing education, technology, and career development for people with physical disabilities through complete end-to-end services. Specializing in skill enhancement, enabling technologies, and workplace empowerment, the society has served over 30,000 people since 1984. The organization serves a culturally diverse population that is not limited to any specific disability type. However, traditionally we have worked with individuals who are most marginalized in society, particularly those who have had a very long-term detachment from the labour force.

I personally have 30-plus years of experience, through the Neil Squire Society, championing opportunities for persons with disabilities. I recently also had the privilege of serving as a member of the federal panel on labour market opportunities for persons with disabilities.

Regarding division 19 of part 4, clause 252, my understanding is that there is a backlog of more than a thousand people appealing benefit rulings across Canada, including Canadian pension plan disability benefits. An aging population and increasing disability rates have contributed to the growing backlog of people trying to access federal supports. It has been stressful for people with disabilities waiting to have their files reviewed as the wait times continue to grow.

I understand that Minister Kenney has authorized the appointment of 22 additional employees to the federal Social Security Tribunal. This will help alleviate the stress on government systems and on the lives of people with disabilities across Canada.

Many people with disabilities are living below the poverty line. Many of them need to have timely access to benefits. It's critically important in their lives. The appointment of 22 additional employees to the Social Security Tribunal is a key step towards helping to address the backlog of appeals and helping to improve the lives of people with disabilities.

Regarding division 24 of part 4, my understanding is that these clauses relate to administrative matters involving the foreign workers program. Although this is beyond my area of expertise, I would like to note that the use of this program should be judicious in its application to ensure that Canadians, in particular I'm thinking of Canadians with disabilities, are being provided with proactive supports to help them fill these potential job opportunities.

The current Government of Canada has been very proactive in its support of persons with disabilities to get them back into the workforce and to improve their employability through various mechanisms, including the enhancement of the opportunities fund.

Thank you very much.

•(1225)

**The Chair:** Thank you, Mr. Birch.

Now we will move to our first round of questioning.

Madame Groguhé, I believe you're going first.

[*Translation*]

**Mrs. Sadia Groguhé (Saint-Lambert, NDP):** Thank you, Mr. Chair.

I thank the witnesses for taking part in our deliberations. My first question is for Ms. Brazeau.

To our knowledge, the backlog of cases at the Social Security Tribunal keeps increasing. There are currently 14,677 pending cases.

According to you, how long will it take the tribunal to catch up with that lag and process those 14,677 cases?

**Ms. Murielle Brazeau:** First, allow me to specify that the tribunal is divided into three distinct sections and that it has four case loads. At this time, the backlog of approximately 11,000 files comes mostly from the General Division, which deals with questions regarding income security. At this time, these 11,000 files are the biggest challenge for the tribunal.

However, thanks to the 21 new part-time, recently appointed members, and to the new process in place since last April that allows us to give precedence to the oldest files, we expect to make great progress in this regard over the coming months.

At this time, we are working on developing performance standards for the members. With these standards, the number of files to be processed and the number of members available to process them, we will be able to estimate a date for the completion of the study of all of the backlogged cases. Because of the lack of sufficient experience in the processing of these files, it was until quite recently difficult to

develop performance standards. Now, after a few months of experience, we can begin to develop performance standards for our members. In the near future, we should be able to determine the date on which we will have processed all of the backlogged files.

•(1230)

**Mrs. Sadia Groguhé:** So, what you are explaining to us is that concretely, at this time, you have no idea of what the impact of the new part-time members will be on the processing of the accumulated files? You really have no idea of the capacity and the number of part-time hours needed to process these 11,000 files? Have you seen some kind of progress? If yes, what was that progress? Apparently you have not, is that really what you are telling me?

**Ms. Murielle Brazeau:** Obviously, with a greater number of members, we will be able to take bigger bites out of the backlog.

**Mrs. Sadia Groguhé:** Excuse me, but with more members, how much can you do? Do you have a target?

That is important. After all, there are 11,000 cases in the backlog and behind those files, there are people who are waiting.

**Ms. Murielle Brazeau:** Absolutely; there are people.

**Mrs. Sadia Groguhé:** As Mr. Birch mentioned, these people, who are living under the poverty line, are waiting for their files to be processed. As professionals, it is important for you to assess the response time needed.

But since that does not seem possible, I'm going to ask another question.

**Ms. Murielle Brazeau:** Very well.

**Mrs. Sadia Groguhé:** What is, to your mind, a reasonable time frame for the tribunal to examine an appeal and hand down a decision?

Has that time frame been estimated?

**Ms. Murielle Brazeau:** Are you talking about the program regarding income security?

**Mrs. Sadia Groguhé:** In terms of...

**Ms. Murielle Brazeau:** Are you talking about employment insurance or the Appeal Division?

**Mrs. Sadia Groguhé:** Let's talk about the Appeal Division.

**Ms. Murielle Brazeau:** You are referring to the Appeal Division?

**Mrs. Sadia Groguhé:** Yes.

In your opinion, what would be a reasonable time frame that would allow you to answer these people in an efficient way?

**Ms. Murielle Brazeau:** The situation at the Appeal Division is different from that at the General Division. At the Appeal Division, in order to be heard, the parties must submit a request to obtain the permission to make an appeal. That request must be heard by a member, who renders a decision according to certain specific criteria, and determines whether the appeal can be heard. The criteria are set out in the law.

[English]

**The Chair:** Madam Brazeau, I think we're going to have to end it there. We're over the time and we want to keep it on track today. If there's more to be added, possibly you could add it to another questioner's time.

Mr. Armstrong.

**Mr. Scott Armstrong (Cumberland—Colchester—Musquodoboit Valley, CPC):** Thank you, Mr. Chair.

I want to thank all of our witnesses for being here today.

First, I have a point to make with Ms. Casipullai.

You mentioned in your comments that the \$1,000 fee that employers are paying to put in a labour market impact assessment is being downloaded upon the temporary foreign worker. As you know, that is absolutely illegal; that cannot happen. If you have any information about specific cases, please forward that to us at the department and we'll investigate. That's what those fees are for and we'll make sure that doesn't continue.

Ms. Brazeau, could you tell us a little more about the qualifications of SST members, the rigours of the assessments, and how the employment process as a whole has worked?

**Ms. Murielle Brazeau:** The appointment of members is a prerogative of the Governor in Council, but it is done following a very rigorous selection process whereby members are assessed based on education, knowledge, and experience. After they pass this rigorous process, the Governor in Council makes the recommendation. They are screened in and there's a whole detailed selection process to qualify them.

• (1235)

**Mr. Scott Armstrong:** Thank you for that.

Second, to turn back to our discussion on the backlogs, could you explain where the backlog is currently and when you expect the backlog in income security to be completed? Let's just focus on income security because that seems to be the main point of contention here.

**Ms. Murielle Brazeau:** We have a few months of experience in working with the income security backlog. With this experience, we are now able to start looking at and defining a reasonable amount of time that members should take to complete the different types of cases, because even in income security we have different types of cases.

With this information that we are working on right now, we will be able to come up with an estimate, looking at the remainder of our caseload and the number of members who we actually have or would potentially have in the future, and we will be able to determine a precise date when the backlog could be completed. We are working on that very actively right now.

**Mr. Scott Armstrong:** Do you know what the timeline is for that process to actually set these performance standards? Is there a timeline for that process to be completed?

**Ms. Murielle Brazeau:** This is my priority. I am working on it and I hope to have it concluded in the coming...very soon.

**Mr. Scott Armstrong:** Once that's concluded, you'll be able to make a pre-staff assessment of how many members you'll need to make these decisions in a certain amount of time.

**Ms. Murielle Brazeau:** Absolutely, that's the objective.

**Mr. Scott Armstrong:** Thank you for that.

There's a last question I have for you. What progress have you made over the past year and what measures have been put in place already to stop a future backlog issue from taking place? What are you doing proactively to try to avoid a backlog in the future?

**Ms. Murielle Brazeau:** We have taken a number of measures to work on the efficiency of our processes. We provide our members with significant amounts of training so that they become more efficient in dealing with the backlog.

We put in place a new process as of April 1, whereby we are assigning older cases first so that we are fair with the backlog. Within this process, parties are allowed time to exchange documents before the hearing and then the hearing is scheduled.

We are working with our members to encourage them and we work hard to provide training with them so that they deliver their decisions in a very efficient and effective manner. Our members are very conscious and concerned about.... They realize the importance of their work and how that has impacts on every Canadian who is behind each and every one of these cases. It is a significant preoccupation of our members to be effective and efficient in delivering a fair decision.

**Mr. Scott Armstrong:** Am I correct in saying that previously the exchange of documents provided great frustration for the members of the SST because there would be certain timelines for documents to be sent between different parties? But now, I believe, the fact is that you can now transfer these documents in real time as soon as you get them and they can be transferred between the different parties. Is that relieving a lot of the frustration amongst your members?

**Ms. Murielle Brazeau:** It is. When the tribunal opened its doors, there was a 365-day period that was allocated to all parties to exchange documentation and to indicate their readiness to proceed. Only if both parties confirmed their readiness could we schedule the case, so for the first 365 days we were limited and waiting for parties to confirm their readiness. Now that we've implemented the new process, we are assigning the older cases first. For members, it is allowing them to process the cases much more rapidly.

**The Chair:** Thank you, Madam Brazeau.

Mr. Cuzner, you have five minutes.

**Mr. Rodger Cuzner:** Thank you very much, Mr. Chair.

I thank all the witnesses for their testimony. There were some excellent points brought up.

Madam Brazeau, could you share with us what type of performance measures are in place for the SST?

**Ms. Murielle Brazeau:** Right now, we don't have specific performance measures. We are a new tribunal. We have new members. We have 73 full-time members right now, and some of them were named a little over a year ago, but some of them were named throughout the year. They are at different levels of understanding of their responsibilities. Some have more experience than others in dealing with caseloads, so it's a bit early—

• (1240)

**Mr. Rodger Cuzner:** The board of referees had performance standards, and the Pension Appeals Board had performance standards. Do you not think that, from the outset, there should have been some established standards put in place?

**Ms. Murielle Brazeau:** It would have been difficult to put standards in place from the outset, because we are dealing with a totally different legislative regulatory framework, and we are also working with different processes that follow those regulations.

**Mr. Rodger Cuzner:** Is it a conscious decision not to put in performance standards?

**Ms. Murielle Brazeau:** It's a conscious decision to announce that we will have performance standards. Our members are being consulted in the development of these performance standards because we want to have realistic performance measures and performance standards and we want them to be monitored.

**Mr. Rodger Cuzner:** Great, thanks very much.

Obviously you knew there was a problem a number of months into the process, when you saw the backlogs and what's been identified through past questions about the backlogs. I know that some of the cases that had been transferred over were almost two years into the process. When was it that you realized that we have to do something about this, that the backlogs are too great? When did you realize, and would you have gone directly to the minister or somebody in the minister's office with the problem?

**Ms. Murielle Brazeau:** We realized that there was a backlog on day one when we received the backlog. I was appointed about a week before the tribunal opened its doors, and on day one we received the backlog. We have had discussions with the minister throughout, probably as of last fall.

**Mr. Rodger Cuzner:** Did you say last fall?

**Ms. Murielle Brazeau:** It was probably last fall.

**Mr. Rodger Cuzner:** What was the response then?

**Ms. Murielle Brazeau:** The response was very supportive. We now have almost all our full-time members and almost all our part-time members. I expect I'm going to see significant progress in dealing with the caseload now that I have 73 members plus 21 part-time members who are almost fully trained.

**Mr. Rodger Cuzner:** Eighteen months is a significant period of time. Have you gone through that performance appraisal already? Has your tribunal gone through an internal performance appraisal?

**Ms. Murielle Brazeau:** As I explained, in the first 365 days of the tribunal we were limited by the 365-day period in which parties were allowed to exchange documentation.

**Mr. Rodger Cuzner:** Eighteen months in now, is there any kind of performance appraisal?

**Ms. Murielle Brazeau:** We are looking very closely at all the aspects of our caseloads. So we're looking at when a document comes in, how long it should take through the regulations, how long it should—

**Mr. Rodger Cuzner:** So where does this go? Does that go to the minister?

**Ms. Murielle Brazeau:** It goes to me.

**Mr. Rodger Cuzner:** It goes to you.

**Ms. Murielle Brazeau:** I'm looking at this so that I can make recommendations.

**Mr. Rodger Cuzner:** You answer to whom?

**Ms. Murielle Brazeau:** I answer to the minister.

**Mr. Rodger Cuzner:** You answer directly to the minister. Do you think that SST should be accountable to Parliament?

**Ms. Murielle Brazeau:** Well—

**Mr. Rodger Cuzner:** I guess that's not a fair question to ask you.

**Ms. Murielle Brazeau:** I hadn't thought about that.

**Mr. Rodger Cuzner:** That's not a very fair question to ask you.

**The Chair:** Go ahead.

**Mr. Scott Armstrong:** On a point of order, the SST is the fully independent body, separate from Parliament, right? You operate independently at arm's length.

**Ms. Murielle Brazeau:** We operate at arm's length from the department.

**The Chair:** Just a second, that's not a point of order.

We're entering questions here. I believe Mr. Cuzner has realized he kind of overstepped that one.

**Mr. Rodger Cuzner:** Oh yes, it wasn't fair for me to ask that question.

**The Chair:** It wasn't fair that he asked that, and that is what resulted in your point of order.

But we need to wrap up here very quickly, sir. You have five seconds.

**Mr. Rodger Cuzner:** Thanks very much for coming.

**The Chair:** Mr. Butt, you have five minutes.

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

Thank you to all three of you for being here today.

I'll ask my first question as a follow-up to a comment Mr. Armstrong made to Ms. Casipullai. Has your agency had the opportunity, when it's been brought to your attention, to bring any abuses you may have seen in the temporary foreign worker program to department officials? Have you actively reported those cases to the department officials, so that the appropriate action under the law could be taken?

• (1245)

**Ms. Amy Casipullai:** Thank you for the question.

OCASI doesn't provide direct services. We are an umbrella organization. Our member agencies do, so these are reports from our member agencies. Our understanding is that our member agencies provide the information to their clients. It seems to me that most migrant workers who are reporting this have the 1-800 number that they can call to report what's happening. However, they're tremendously fearful because what they're hearing from the employer is that if the \$1,000 is not paid by the worker, then the employer is not going to be in a position to renew the assessment, so the worker would be without a job. There's a tremendous amount of pressure on the worker to go along with that, and the workers typically don't think they're in any position to complain about what's happening to them.

**Mr. Brad Butt:** But it would seem to me though that even if an employer was asking for the \$1,000 to be reimbursed, the employer is putting out the \$1,000 even before the individual's even in the country. They're applying for a labour market impact assessment to determine whether or not they can bring in temporary foreign workers to begin with. Even if that application is denied because there is a sufficient workforce currently within Canada that the employer should go to, that individual's not going to get recruited and come to Canada in any event. Is that not correct?

**Ms. Amy Casipullai:** Yes, and this is where we also mentioned the role of recruiters. In many instances the workers are recruited overseas by recruitment agents who are working with employers here. So the worker ends up paying the money either to the recruiter or directly to the employer when there's a renewal of the assessment.

**Mr. Brad Butt:** Okay, we have to make sure that if those cases are known they are reported, because obviously that's a violation of the law. But I appreciate your clarification, and I know the good work that your organization does in the Toronto area working with lots of newcomers and newcomer agencies. We're greatly appreciative of that.

Mr. Birch, I want to ask you a couple of questions, or at least one about the changes at the SST. I'm assuming that most of the cases that would go to the Social Security Tribunal are for perhaps a denial of the CPP disability benefit, and obviously you're appealing that decision to the tribunal. One of the main reasons for that is a lot of these cases are very complicated, I would assume. There is medical documentation, health documentation, ensuring that the person has worked for  $x$  number of years prior to becoming disabled and wanting CPP disability benefits. Obviously they're making an application, the bureaucrats are going through it and perhaps saying that they don't believe it meets the criteria. Therefore, it's being appealed, the individual's appealing it to the Social Security Tribunal.

I'm assuming you think that's a fair process, that people should have an opportunity, under certain grounds, to appeal a decision when they've been denied benefits? I'm assuming that you would say that by increasing the number of tribunal members, that's obviously going to help a lot of the people who you are working with and advocating for?

**Mr. Gary Birch:** Yes, thank you very much for the question.

Indeed, many of these cases are complex. The evolving nature of disability and just the evolving nature of what we take into account when we're considering a person's disability are complex. That's why

it, to me, makes good sense to have more individuals working on the tribunal to help put these backlogs....

I'm not sure if I'm answering your question, but inherently I think it is important that people with disabilities who are applying for CPPD have the opportunity to appeal, of course. It is, like you indicated, I think often the case because they are quite complicated.

**The Chair:** Okay. Thank you for that.

Thank you, witnesses, for taking the time to be with us today and giving us the information that you have. Now we go on to the last part of the meeting. We'll just take a short recess and then we'll resume in one minute.

• (1245)

(Pause)

• (1250)

**The Chair:** Committee members, we're back in session now.

We have a limited amount of time to complete the business we'd like to complete by one o'clock. We're still in a public session.

I'll move to Mr. Armstrong.

**Mr. Scott Armstrong:** Thank you, Mr. Chair.

I have a motion. I move:

That, the Chair send a letter to the Chair of the Standing Committee on Finance stating that this Committee has achieved the objective that they set, and that this Committee has no amendments to propose to clauses 252, and 306 to 314 of Bill C-43, A second Act to implement certain provisions for the budget tabled in Parliament on February 11, 2014 and other measures.

**The Chair:** Is there any discussion?

Madam Sims.

**Ms. Jinny Jogindera Sims:** I would like to try an amendment. I would like to amend the motion by saying that the committee did not get adequate time to study this legislation, and therefore it is very hard for us to provide informed feedback.

**The Chair:** Do you want to put it into a specific amendment? That didn't sound like an amendment. What is your amendment?

**Ms. Jinny Jogindera Sims:** If I had the wording of the motion in front of me, I could say where the amendment could go. It's really hard to do that without it.

The amendment would go something like this: that the chair send a letter to the chair of the Standing Committee on Finance stating that this committee did not have enough time to examine this legislation, and therefore feels it cannot make an informed response.

**The Chair:** Okay.

We have an amendment proposed on the table. I'll ask if there is any discussion regarding the amendment.

Seeing none, I call the question on the amendment.

(Amendment negated [See *Minutes of Proceedings*])

**The Chair:** We are back to the original motion.

Is there any further discussion on the motion?

Ms. Sims.

**Ms. Jinny Jogindera Sims:** Chair, I found this morning to be maybe one of the most frustrating experiences.

First, I know that the bells interfered and took a little bit of time away, but we had three very distinct amendments being taken that we were asked to take a look at. We had very distinct witnesses. I felt, even with the staff who were here, that I could not get into the kind of discussion I needed, or ask the questions I needed to ask, and felt even more of a frustration level when we had the second part of the meeting.

Yet this is legislation. Legislation is sent to committees for a reason. This is where we take that in-depth look. We get the opportunity to hear experts. We get the opportunities to pursue. But in each of these incidences we had 10 minutes—five minutes for the first panel, five minutes for the second.

I really feel that it's very difficult for me to support the recommendation that my colleague has brought forward. No fault of his...well, maybe; he could have voted with me.

But really, I have a great deal of frustration with the way in which I believe the parliamentary processes are being stymied.

**The Chair:** I'll just remind committee members that as the chair, I'm acting on the committee's desire to do this all in one meeting. That was the motion passed for the business that was conducted today. I'll just remind committee members of that. So we are trying

to do that, to do it efficiently, and to provide fair time for everyone here, for all persons concerned.

Is there any other discussion on the motion that Mr. Armstrong has presented?

**Ms. Jinny Jogindera Sims:** Chair, for the record, at no time was I suggesting that it was our respectful chair who had limited our debate.

**The Chair:** No, no—

**Ms. Jinny Jogindera Sims:** It was the majority of the committee who did that.

**The Chair:** —I just wanted the committee members to know that.

I don't see any further discussion on this motion, so I'll call the question.

(Motion agreed to)

**The Chair:** Mr. Armstrong.

**Mr. Scott Armstrong:** I move that the committee move in camera.

**The Chair:** Okay. We'll take a short recess to move in camera.

*[Proceedings continue in camera]*

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