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Chair

Mr. Bryan May

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

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• (1535)

[English]

The Chair (Mr. Bryan May (Cambridge, Lib.)): I call the meeting to order.

Welcome, everybody. We're going to get started.

Before we get things going officially, I would like to officially welcome back Julie, our clerk, from a bit of a hiatus. Welcome back. We missed you.

I'd just like to read a quick statement. It will frame what we're doing today.

It is with regard to clause-by-clause consideration of a bill in committee. There are many new folks in the room, myself included, so bear with me. I'd like to provide members of the committee with a few comments on how committees proceed with the clause-by-clause consideration of a bill.

As the name indicates, this is an examination of all the clauses in the order in which they appear in the bill. I will call each clause successively, and each clause is subject to debate and vote. If there are amendments to the clause in question, I will recognize the member proposing it, who may explain it. The amendment will then be open for debate.

When no further members wish to intervene, the amendment will be voted on. Amendments will be considered in the order in which they appear in the package each member received from the clerk. If there are amendments that are consequential to each other, they will be voted on together.

In addition to having to be properly drafted in a legal sense, amendments must also be procedurally admissible. The chair may be called upon to rule amendments inadmissible if they go against the principle of the bill or are beyond the scope of the bill, both of which were adopted by the House when it agreed to the bill at second reading, or if they offend the financial prerogative of the crown. If you wish to eliminate a clause of the bill altogether, the proper course of action is to vote against the clause when the time comes, not to propose an amendment to delete it.

Since this is a first exercise for many new members, I will go slowly to allow all members to follow the proceedings properly. If, during the process, the committee decides not to vote on a clause, that clause can be put aside by the committee so that we can revisit it later in the process.

As indicated earlier, the committee will go through the package of amendments in the order in which they appear and vote on them one at a time unless some are consequential and dealt with together.

Amendments have been given a number in the top right corner to indicate which party submitted them. There is no need for a seconder to move an amendment.

Once an amendment has been moved, you will need unanimous consent to withdraw it.

During debate on an amendment, members are permitted to move subamendments. These subamendments do not require the approval of the mover of the amendment.

Only one subamendment may be considered at a time, and that subamendment cannot be amended. When a subamendment to an amendment is moved, the subamendment is voted on first. Then another subamendment may be moved or the committee may consider the main amendment and vote on it.

Once every clause has been voted on, the committee will vote on the title and the bill itself, and an order to reprint the bill will be required so that the House has the proper copy for use at report stage. Finally, the committee will have to order the chair to report the bill to the House. That report contains only the text of any adopted amendments, as well as an indication of any deleted clauses.

I thank the members for their attention and wish everyone a productive clause-by-clause consideration of Bill C-4.

To add to this, we did not have any amendments submitted prior to last Friday.

Mr. Zimmer.

Mr. Bob Zimmer (Prince George—Peace River—Northern Rockies, CPC): I'm speaking for the Conservatives. Gérard will speak for us as well in French.

We are going to be opposing the changes, on division. These are two of our bills that we put through initially, and we support them as is.

I'll defer to my colleague Gérard.

[Translation]

Mr. Gérard Deltell (Louis-Saint-Laurent, CPC): We'd like to make clear that we are obviously opposed to this bill, so we clearly object to just about all the clauses and amendments.

We are going to oppose it, but we won't turn it into parliamentary guerrilla warfare. We will let the process run its course and not speak simply for the sake of speaking. We will just state that we are against the bill, and we'll make specific comments, as necessary.

Rest assured you have our good faith, even though we are completely opposed to the bill.

[*English*]

The Chair: Thank you for that.

If I'm correct, what I am about to offer is that instead of going through it clause by clause, as I explained we were going to do, I'm wondering if we can agree to vote on clauses 1 through 17 as a whole.

● (1540)

Mr. Bob Zimmer: On division, and the Conservatives will be voting no.

The Chair: For the purpose of discussion, Ms. Benson, do you have anything to add?

Ms. Sheri Benson (Saskatoon West, NDP): Do I have objections to that? No.

The Chair: I suggest that we vote on the bill as a whole—all 17 clauses.

Is there any discussion? No?

(Clauses 1 to 17 inclusive agreed to on division)

The Chair: Excellent. That made things very simple. Thank you very much, gentlemen.

A voice: We're not done.

The Chair: Oh, we're not done. Sorry. I can't get away with it that easily.

Shall the title carry?

Some hon. members: Agreed.

Some hon. members: On division.

The Chair: Shall the bill carry?

Some hon. members: Agreed.

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

Some hon. members: Agreed.

The Chair: Shall the committee order a reprint of the bill?

Some hon. members: Agreed.

An hon. members: On division.

The Chair: Now I'm done.

Thank you very much, everybody. That was very good.

We had put aside an hour for this, so we can probably go to committee business. Are the witnesses here?

A voice: No.

The Chair: The witnesses aren't here.

Mr. Warawa.

Mr. Mark Warawa (Langley—Aldergrove, CPC): Thank you, Chair.

We had time set aside at the end of the meeting for going in camera. We could use that in camera time now and then come back to the witnesses.

The Chair: I was just trying to see if the witnesses were here. If they were all here, then I would go to them, but I don't believe they are all here.

If that makes sense, we'll go to the in camera portion of today's committee. We'll recess for a few minutes, and those who need to leave will leave and we'll be good to go.

Thank you, everybody.

[*Proceedings continue in camera*]

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_____ (Pause) _____

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[*Public proceedings resume*]

● (1615)

The Chair: We're still waiting on some witnesses, but in the interests of time, I think we can at least hear the opening statements from Mr. MacPherson.

We're joined today, from the Prince Edward Island Fishermen's Association, by Robert Jenkins, vice-president, and Ian MacPherson, executive director.

Welcome. Good afternoon, gentlemen. Thank you for joining us.

We have a panel. Two more people will be joining you, but in the interests of capturing some of this time that we have been afforded, I'm going to ask that you move forward with your opening statements while we're waiting for the additional witnesses to join us.

I believe, Mr. MacPherson, you're up.

● (1620)

Mr. Ian MacPherson (Executive Director, Prince Edward Island Fishermen's Association): Thanks very much, Mr. Chairman.

Do you have in your possession our presentation? That was our opening remarks.

The Chair: Let me just make sure that everybody has it here.

We haven't distributed it, unfortunately. We received it today in English only, and documents have to be in both English and French to be tabled at committee, so we will do that. We will translate it and distribute the package via email, but unfortunately we do not have the package in front of us.

Actually, I do, but others don't have it in front of them. Unfortunately, there was just not enough time to translate it.

Mr. Ian MacPherson: Oh, okay.

My apologies, Mr. Chairman. It's a busy time of year for our board of directors, and we were just vetting it before I sent it off. We're in the middle of lobster season right now, so it's a busy time for all. Irrespective of that, it's certainly not anything for which people couldn't jot down a few notes, so I'm sure you'll have a few questions. Basically, I want to thank you for the opportunity of presenting to the committee.

I want to give everyone a little bit of background on the Prince Edward Island Fishermen's Association. We represent close to 1,270 fishers on Prince Edward Island. Our primary species are lobster, tuna, herring, mackerel, halibut, and those types of species.

Even though Prince Edward Island is quite small, our organization has the area divided up into six local locations, and they each have their elected executives. Two members of those local associations sit on the P.E.I. board of directors, so our board comprises 12 directors and an elected president.

One thing we thought would be important and, hopefully, of value to the committee is mentioning that a lot of our members are under the fisher EI program. We want to clarify and put a little bit of information out there on how that program works. A lot of Canadians aren't aware that although there's some more flexibility in the program than in maybe some of the other programs, there is a clawback provision in the fisher EI program. Once an established economic threshold of \$39,000 net income is achieved, there is a clawback provision under which any benefits paid up until that point would start to be paid back. The fishing community is less than 1% of all EI claimants nationally, so we're a pretty small part in the total scheme of things.

Another point of clarification, I would say, is that because there are lags in between fishing seasons, many of our fishers will fish one species and then another species may not open up for a number of weeks, so it's quite common for them to leave a claim open. Depending on how the numbers are analyzed, sometimes that can make the numbers seem artificially high for the number of people who are collecting. I think that a lot of the time people assume that if a claim is open, that person is collecting benefits during the whole period, and that's not necessarily the case.

Based on some of the more recent classifications, the fishers are classified as frequent claimants. This means three or more claims and 60 or more weeks of regular fishing claims in the past five years, and that's the category that a lot of our fishers come under.

Another thing we also want to point out to the committee is the impact on crew members of some of the recent changes. We are a weather-related fishery, so the length of the season is hard to predict. Some years we get additional weeks of income and fishing. Other years we don't, because of the weather. That will always be with us, as long as it's a wild fishery out there.

One change that was made fairly recently.... We did have situations of people taking other jobs and then coming back to fishing. The crew requirements are to have highly skilled people on the back of the boats. It is a very dangerous profession. There are a lot of safeguards in place for training a crew, but it is really important to have continuity on the back of the boat as much as possible. Our captains were starting to experience, until very recently, quite a

challenge to recruit skilled people and keep them on the back of the boats, and it's only because of the unfortunate economic downturn in Alberta that this has softened a little bit for this year. A reversal the committee may want to consider is allowing people to seize an opportunity for some good, solid income at a higher-paying position and not penalize a person for taking that opportunity.

● (1625)

In the past few years we have been seeing an improvement in our returns to our captains, but certainly it hasn't been that way for a number of years, up until the last two or three years, and it is very common for captains to use family members as crew. There again you can have situations in which there may be two people in the household collecting, but they're actively involved and working with the fleet.

My last point with regard to crew impacts is that a shortage of skilled workers has developed, and we feel the less flexible EI system was a contributing factor to some of these staffing shortages on the back of the boat.

My next statements will address the impacts of overall EI changes.

One of them regards the Social Security Tribunal, which I believe is fully up and running.

The board of referees was discontinued back in 2013. Certainly the purpose of that panel was to significantly reduce not only administrative costs but also the number of appeals. To my understanding, that panel has 74 full-time appointees, whereas there were close to 1,000 locally based people on the other review panel, and they're handling not only EI claims but also CPP and old age security claims.

Now that the Social Security Tribunal has been in place for a couple of years, it may be an ideal time to assess the effectiveness of it. My understanding is that it's a challenge to have your case reviewed, and that may contribute to some of the significant drop in claims.

Jumping back to the fishing community again, fishing and regular claims used to be assessed separately during the year. Now there's a provision with the changes that one claim must run out before a new claim is started, and a lot of times that creates a lot of unnecessary paperwork. There are some nuances to the fisher EI, but there are times when the regular EI is part of the program too, so in an effort to streamline operations, that might be well worth considering.

In P.E.I. 11% of the workers are seasonal workers. I'll address this a little more in a further aside here, but some of the recent changes have restricted the ability of these workers to earn additional income or to switch to higher-paying positions, as I just mentioned. That may be something the committee would want to look at in a little more detail.

There was a program in some parts of Canada that was discontinued several years ago. It provided five weeks of additional benefit to seasonal workers. We can say from the fishing community standpoint that it was extremely beneficial in tiding people over to the start of the next season when they could go back to their seasonal job. It was of great benefit to a lot of the plants too, because it brought back a very skilled workforce.

I mentioned the discontinuation of the five-week program and the benefits it provided not only to the fleets but also to the plants. One of the other things we wanted to point out that seems to be punitive irrespective of what type of EI someone is on is some of the recent changes to working while on claim. It was at \$75 or 40% of the weekly benefit; over that amount, it was clawed back. Now there is a higher degree of clawback once you're over 50%. Certainly we want to encourage people to take opportunities to earn additional income, and we feel that change has been more counterproductive than it has been productive.

● (1630)

In the overall EI service parameters—and this was taken from the government literature—claims are to be processed in the same time frame regardless of how you apply—mail, online, or in person—and payment is to be received within 20 days of application.

A point we'd like to make is that we feel the fishery EI program appears to be working very efficiently, and we view the recent proposed change to one week of processing time as a very positive development.

The last thing I wanted to say in our remarks was that the fishery is federally regulated. Unfortunately, there has been some poor management of a number of species by DFO. This situation has made the captains and crews more reliant on the EI safety net in recent years.

The PEIFA is working with the federal government to increase efficiency and financial returns to the fishery. I'm pleased to announce that there have been some very positive developments over the last couple of years in regard to the fishery starting to gain back some financial strength.

I have a couple of final points. Many people don't realize that you just don't fire up your boat and put it in the water and away you go fishing. There is a significant amount of preparatory time building traps, checking nets, checking motors, all those types of things. Although some of the actual fishing seasons might be quite short in duration, there is quite an amount of time taken up in preparing for them.

We have a letter from Human Resources and Social Development Canada from a few years back. It was written by Louis Beauséjour, who was director general at that time. It was addressed to the president of the Southern Kings and Queens Fishermen's Association. I'd like to read a quote from the letter:

Moreover, unlike regular EI benefits, fish harvesters are able to make claims and receive benefits twice each year for up to 26 weeks each time, reflecting the unique nature of the fishing industry with a summer and winter fishing season.

I think that really captures some of the uniqueness and challenges of our fishery. I wanted to share some of the differences in how our program works.

That concludes our remarks to the committee at this point. Thank you.

The Chair: Thank you very much, sir. I appreciate your remarks.

Next we have Mouvement autonome et solidaire des sans-emploi, represented by Madame Marie-Hélène Arruda, and from the Canada Employment Insurance Commission, we have Ms. Judith Andrew.

We also have some folks joining us via Skype.

We are going to move right into the opening remarks from Ms. Andrew for 10 minutes, please.

● (1635)

[*Translation*]

Ms. Judith Andrew (Commissioner for Employers, Canada Employment Insurance Commission): Mr. Chair, members of the committee, good afternoon.

My name is Judith Andrew, and I am the commissioner for employers at the Canada Employment Insurance Commission.

[*English*]

I'm very pleased to be here on this first opportunity to appear before you on your present study of employment insurance. I'm joined by my colleague, Charles Côté, who is a policy adviser in my office.

The Canada Employment Insurance Commission is marking its 75th year of tripartite oversight of the employment insurance system, and I'm proud to serve as a non-partisan representative of employer interests on the commission, alongside my counterparts representing labour, Commissioner Donnelly; and government, the chair of the CEIC and also the deputy minister for one more week, I understand, Ian Shugart; and the vice-chair, soon to be the deputy minister, Louise Levonian, all of whom have recently appeared before a HUMA committee.

A synopsis of the mandate of the CEIC and the independent commissioners' role in it is included in the information kit distributed to you. It's quite a complete kit.

Although the commission isn't a household name, mainly because EI operations have been delegated to the department, CEIC retains important direct responsibilities and continues to oversee the system in several ways, including preparing an annual report to Parliament that's bolstered by commission-led research on the functioning of the system.

Today I will address the topics you set out for your study in February: first, the impact of recent reforms to the EI program, with brief comments on the most recent reforms in the budget; second, an examination of low rates of access to EI and their causes; and third, the impact of recent reforms to EI appeals.

I will also address EI finances and the financial accountability of the EI program, with reference to the government's campaign commitments.

To begin, I want to draw your attention to a document in your kit entitled “Guiding Principles for Employment Insurance from Employers”. It’s in the top right of your kit. This principles document was developed with employer groups at the outset of my term as commissioner, and they continue to guide my work in this role. For example, the reference in the preamble to holding service delivery to high standards has played out in my continuing to press for studies and upgraded comprehensive reporting on service to Canadians in chapter 4 of the EI monitoring and assessment report, recently tabled before Parliament by your colleague, Parliamentary Secretary Rodger Cuzner.

I turn now to the former government’s Connecting Canadians with Available Jobs measures, those that defined the job search responsibilities of unemployed workers.

The measures required EI claimants to undertake an active job search and broaden their search parameters over time, based on claimant category. Detailed and somewhat complicated, the changes were sometimes misreported and often misunderstood. Ultimately, the CCAJ changes were seen as especially punitive to claimants, who were accustomed to using EI regularly as an income supplement, typically between seasons. This view was sometimes shared by claimant employers. However, despite the quite vocally expressed concerns, the CCAJ changes actually had very little impact in terms of disqualifying claimants for benefits.

I know some of the researchers have given you some very small numbers on that.

It should be noted that internationally, according to a recent OECD study, Canada is at the low end of the stringency spectrum on such measures. Typically, countries that have an easy access to a generous EI system rely on active return-to-work measures to keep things in balance. In Canada, I hear from, and I know this committee heard from, at least one employer group that has member data on employees actually asking to be laid off, and I know it varied from one in four to one in five, roughly. That does put a different complexion on the job of ensuring that laid-off EI claimants are actively looking for work.

With the repeal of the CCAJ changes, what is important in the context of our system, which is becoming more generous by some \$2 billion more per year, is to take care not to send claimants the wrong message about the need to look for work while unemployed on EI. It is important for the department to continue holding meetings with new claimants to highlight their responsibilities in the system as well as conduct continuing eligibility interviews where warranted.

Employers remain puzzled as to why it is optional for claimants to register their search parameters with the job bank so that job seekers have the benefit of electronic notification of possibly interesting job matches with the positions on offer. To employers who are facing shortages of qualified labour now, as well as worsening challenges owing to demographic trends, it’s inexplicable that the use of the EI ratepayer-funded national employment service—a.k.a. job bank—is not boosted in this way.

• (1640)

My office’s March 2016 bulletin covering the budget offers commentary from the employer standpoint on each of the announced

measures in EI and related matters, such as EI-funded training and labour market information. Among the measures that may cause employers extra payroll and administrative challenges are the waiting period reduction, meaning having to rejig top-ups, and the employee flexibilities that are signalled around special benefits.

Referring again to the guiding principles, it’s worth noting that special benefits covering life events as opposed to workplace events—maternity, parental, sickness, compassionate care, parents of critically ill children, and so forth—are now approaching a third, or 31% right now, of benefit costs in a tripartite system wherein employers pay 7/12 of the cost, employees pay 5/12, and government contributes zero.

Moving along to another aspect of your present study, examination of low rates of access to EI and their causes, may I commend to your attention a relevant analysis from the EI monitoring and assessment report, which is found the chart in MAR, chapter II, page 39. For 2014, the most recent year available, the Statistics Canada EI coverage survey shows some 1.26 million unemployed people, of whom 482,600—or 38%—were eligible for benefits. You are probably aware that the 38% has been quoted as a castigation of the EI system, but before jumping to conclusions, a closer look is necessary.

The difference between the total unemployed and the number eligible for benefits is accounted for in a number of ways. One group, those not having insurable employment, meaning self-employed people and unpaid family members, numbers in the vicinity of 50,000. A second group includes those who have not worked in the last year, including a substantial number who have never worked. A third group is made up of those not having a valid job separation—that is, people who have voluntarily quit. A fourth group is made up of people who have not worked insufficient hours to qualify.

In short, EI has eligibility criteria, just like any insurance program, or really any other program. Even social assistance has criteria. People who have not worked in a long time, who have never worked, who didn’t work enough, or quit their jobs of their own volition simply do not meet the EI eligibility criteria.

Using the 38% number raises the possibility that people who have never worked, who haven’t worked in the last year, who quit, and so on, should be as entitled to EI benefits as those who have worked sufficiently and paid premiums but lost their jobs through no fault of their own. Employers do not subscribe to that kind of thinking, and I would doubt that most hard-working employees do either.

I will briefly comment concerning the impact of the former government's reforms to EI appeals, which saw the long-standing, well-tuned former appeals system dismantled in favour of the new Social Security Tribunal, which encompassed not only EI appeals but also old age security and Canada pension appeals.

No doubt the thinking was that this reorganization of the appeals systems would be more effective from a cost perspective and otherwise, not unlike when diverse services to Canadians or procurements across departments were placed under one authority. It does seem to me that rather than taking the so-called benefits of such moves on blind faith, governments need to conduct careful before-and-after analysis to drive toward the intended improvements.

After learning about the change in the 2012 budget, commissioners worked diligently to gracefully stand down the old EI appeal system to ensure as seamless as possible a transition to the new SST. Subsequently we worked hard to ensure that SST activity concerning EI appeals is as comprehensively reported in the EI monitoring and assessment report as was its predecessor tribunals.

On the financial front, I personally have been trying to validate that EI is shouldering no more than its fair share of appeal costs, taking into account that the SST was originally resourced to handle a much higher level of EI appeals than actually materialized. The reason was that a new mandatory reconsideration step inside Service Canada, requiring the agent to actually telephone the client to explain the decision in lay terms, has resulted, happily, in far fewer appeals being presented to the SST.

•(1645)

This brings me to my final topic, which is EI finances.

According to the Public Accounts of Canada, in 2014-15 total EI revenues of \$23 billion were higher than its expenditures of \$19.7 billion, thus generating a \$3.3 billion surplus. This was a bigger surplus than in prior years, but we have finally come back into the black, with an operating account balance of half a billion dollars.

Committee members may know that just prior to the recession, a cumulative surplus in the EI account of some \$57 billion was zeroed out. With the account being a notional one and the funds intermingled with general government revenues, the money had been spent by previous governments on priorities unrelated to EI. The EI account was left with no cushion for the last recession, which meant the account fell into a significant deficit, and employers and employees were called upon to pay that off. We finally made it back to the black.

That's why the government's positive election commitment to spend EI monies on EI benefits and programs is so important to employers. Employers have absolutely no desire to repeat the sad history of the \$57 billion of their and their employees hard-earned EI payroll taxes used for other things, never to be repaid.

Understandably and accordingly, as commissioner for employers, I'm keeping a close eye not only on the account balance but also on what gets allocated to EI on the expense line, and that's a complicated job.

Finally, here's a word on applicable tax credits. I am referring to the government's proposed youth hiring credit and the present small business job credit.

For 2016, the employee EI rate—which is how the rates are always quoted, in the employee terms—is \$1.88. The employer pays 1.4 times that amount, or \$2.63 per \$100, up to the maximum insurable earnings, so the total for a given job is quite onerous, at over 4.5%.

Moving in 2017 to a rate-smoothing, seven-year, break-even mechanism, it seems good news that the EI rate is forecast in the budget to fall to \$1.61, lower than the government's election commitment of \$1.65. However, owing to the small business job credit relief of \$275 million per year—that is a budget 2015 figure—the effective rate currently being paid by some 90% of businesses in the economy is \$2.24. Unless something is done, the so-called decrease in store will be a de facto increase for small business.

Going forward, it will be especially important for government to gear incentives such as tax credits for hiring—especially youth—and for training to the business sector, which has a good record in doing both.

Chair, I am glad to attempt to answer questions from the committee.

The Chair: Thank you so much.

Ms. Arruda, you have 10 minutes, please. Thank you.

[Translation]

Ms. Marie-Hélène Arruda (Coordinator, Mouvement autonome et solidaire des sans-emploi (réseau québécois)): Good afternoon.

I'd like to thank the parliamentarians for inviting Mouvement autonome et solidaire des sans-emploi, or MASSE, the organization I represent, to appear before the committee today. MASSE brings together organizations in Quebec that advocate on behalf of unemployed workers. We represent 15 or so organizations across the province that work day in and day out with people who, for the most part, are having trouble accessing benefits. We provide them with support and assist them in dealing with the EI struggles they face, sometimes involving the Canada Employment Insurance Commission.

Today, I will be speaking to you about not just the recent changes to the EI system and their impact, but also the previous changes that, beginning in the early 1990s, spawned a steady and gradual erosion of the system, as well as access challenges.

[English]

The Chair: Would you slow down just a bit?

Thank you so much.

[Translation]

Ms. Marie-Hélène Arruda: I have a natural tendency to talk fast. I'll do my best to slow down. I have just 10 minutes, so I'd like to get out as much as I can.

A study by the parliamentary budget officer revealed that just 38% of unemployed workers were eligible to collect EI benefits. That sounded the alarm. As my predecessor pointed out, this reduced access to the EI system has been the subject of outcry for years.

In fact, we believe significant improvements to the system are needed. Not only is it necessary to undo the recent EI changes—at least the bulk of them—but it is also imperative that improvements be made, especially as regards access to EI.

My presentation will focus on three areas. First, I will talk about repealing the recent changes. Second, I will recommend measures to improve access to EI. Third, and finally, if I have enough time, I will address enhancements to the program.

As far as EI reforms go, mainly two major changes had serious consequences: one, the new definition of suitable employment; and two, the new method for challenging EI decisions by the Employment Insurance Commission.

On the subject of suitable employment, there have been few cases reported in Quebec of claimants being disqualified for refusing suitable employment. The fact is that few people have been disqualified for this reason, but we believe that the protests and objections stemming from these changes resulted in a less strict application of the disqualification provisions. Our sense is that a directive was given to enforce these regulatory provisions on a more limited scale, or a more flexible basis, if you will.

What's more, this definition may have caused unemployed workers to behave differently given the potential problems associated with filing an EI claim. On the one hand, people heard about and saw all the problems tied to the reforms. On the other hand, each claim is recorded and could therefore push an unemployed person from one category to another and render them subject to other consequences.

We are therefore calling on the Government of Canada to repeal the changes and reinstate the pre-2012 definition to section 27 of the Employment Insurance Act. In our view, the new definition violates fundamental rights, including the right to freedom of choice of employment, the right to unemployment protection, and the right to social security. We further believe that this definition discriminates against certain categories of workers, in particular, women, vulnerable workers, immigrants, seasonal workers, and young people.

That's all for that recommendation.

When it comes to the method for challenging the Employment Insurance Commission's decisions, we are calling on the government to abolish the Social Security Tribunal. Not only does the mechanism give rise to inordinate delays, but the very way it operates causes miscarriages of justice. We have observed numerous problems tied to the Social Security Tribunal and the method for challenging EI decisions. For that reason, we are recommending that the mandatory administrative review step be eliminated. The administrative review by the Employment Insurance Commission used to be optional. Previously, the claimant could proceed directly to the board of referees stage but now has to go through the administrative review. The step lengthens wait times, especially for

those who will nevertheless have to appeal to the General Division, and the Appeal Division after that.

Furthermore, decisions do not have to be rendered within a certain timeframe. The wait times are excessive. Some claimants have had to wait up to a year before having their case heard. Then, it can be months before the unemployed worker receives the decision, since there is no prescribed timeframe for the tribunal to make its determination.

● (1650)

Summary dismissal is another serious problem, with some people not even having the possibility to be heard. When their cases are reviewed, their application and their request for leave to appeal to the Appeal Division are dismissed outright. They are actually being denied their full-fledged right to appeal, particularly in person. We have noted that in-person hearings are being bypassed in favour of video conference or telephone hearings, creating problems for some claimants.

We have also noted that the number of appeals has declined by 85% and that only 15% of unemployed workers who receive a negative decision following an administrative review end up taking their case to the Social Security Tribunal. MASSE believes that this mechanism discriminates against unemployed workers and discourages them from asserting their right to benefits. The mechanism, then, is clearly problematic.

Another consequence of the EI reforms was the non-renewal of the pilot project to extend the employment insurance benefits by five weeks in certain economically disadvantaged regions. We are calling on the government to reinstate the pilot project, which was not renewed, thus restoring the additional five weeks of EI benefits provided to unemployed workers in economically disadvantaged regions. This recommendation applies to regions where the extended coverage was previously in effect, as well as the new regions identified in the budget.

I'm not sure whether you're familiar with the infamous black hole, the period of time between the end of benefits and the return to seasonal employment. In some cases, workers have no income whatsoever during this period.

Now I will touch on the other recommendations.

We are recommending that the eligibility threshold be set at 350 hours or 13 weeks. This is a hybrid measure that would improve access to the EI system, while taking into account the restructuring of the labour market.

MASSE believes that the government should abolish disqualifications of more than six weeks. We have always opposed the 1993 measure, which can result in total disqualification from the EI program in the case of voluntary departure or misconduct. In our view, the disqualification period should be limited to a maximum of six weeks in all cases. This would allow workers to maintain their fundamental right to protection against unemployment, while still punishing, albeit more reasonably, certain conduct considered to be non-compliant such as refusal of suitable employment, voluntary departure, or misconduct. We believe that disqualification for six weeks would be dissuasive enough to curb potential abuse.

We would also like to see the benefit rate increased to 70% and calculated based on the best 12 weeks. While that may seem like a lot, as I mentioned earlier, an October 2014 study by the parliamentary budget officer showed that, had the government not lowered premium rates and left them intact, it would be possible to raise the benefit rate to 68%. That means, then, that 70% is a realistic target. Given the surplus in the EI fund, it would be possible to increase the EI wage replacement rate without placing an additional burden on employers, at least in the short term.

In addition, MASSE is recommending that the government establish a minimum floor of 35 weeks of benefits. We believe that would constitute a reasonable period of time, taking into account the multiple factors that can affect a job search, which vary from person to person. Those considerations should be taken into account. At the same time, it is our view that the regional unemployment rate is not an adequate measure to determine the number of weeks of benefits or an unemployed worker's access to benefits.

Thank you.

•(1655)

[English]

The Chair: Thank you very much.

It is a lot, and 10 minutes goes by very quickly. We told you to slow down, so I gave you an extra 30 seconds.

It was just pointed out that we do have your brief both in English and in French, so that was distributed as well.

We will get right into questions. I believe first up is Mr. Deltell, please.

Mr. Bob Zimmer: I have a point of order.

Just for clarity, I think the testimony was supposed to start at 4:30. What is the end time?

The Chair: We'll go until 5:30.

Mr. Bob Zimmer: So we're going to go longer than the scheduled time?

The Chair: We'll get through the questions that we have on the list. We are scheduled to go to about 5:30. We did steal about six or seven minutes beforehand with the initial opening statements. We may end up wrapping up a little early.

Mr. Deltell.

Mr. Gérard Deltell: Thank you, Mr. Chairman.

First I want to say hello to the people from Prince Edward Island. Welcome to the parliamentary committee. I'm sure that you will accept and recognize the fact that as a Québécois, I prefer the Magdalen Islands' lobster instead of yours, even though I know they are pretty good. I remember that when I was very young, I went with my parents in 1972 to your magnificent island. Thank you so much.

You talk about the people working on the boats needing a lot of experience. It's a dangerous job, and people need high skills, so when it's not the right time to be at sea, what are they doing? Do they teach other people how to get skills? How do people get the experience and skills necessary to perform that kind of dangerous job?

•(1700)

Mr. Robert Jenkins (Vice-President, Prince Edward Island Fishermen's Association): Thank you for your question. A lot of the time we'll take people out to see if they're going to be able to cut it or not, sort to speak, on the boat. If you're familiar with the fishing industry in the Magdalens, it's not a whole lot different in P.E.I. than there. A lot of this stuff is family oriented. There are some families here that are three, four, and five generations, so to speak, so a lot of the training comes within the families themselves.

We have a thing going with R U Crew that PEIFA has started in the last couple of years here. Somebody can come and go out with a boat captain in P.E.I. to see if he's going to be able to do it or not. That's some of the stuff that we're doing here.

Mr. Gérard Deltell: So I understand there is no school.

Mr. Robert Jenkins: Pardon me?

Mr. Gérard Deltell: There is no school to learn how to fish.

Mr. Ian MacPherson: At Transport Canada.

Mr. Robert Jenkins: Yes, there are courses at Transport Canada that you can take. There are courses there where you can familiarize yourself with a boat and things like that. What we find here is that they need some hands-on experience.

Mr. Gérard Deltell: I just want to try to find some other ways for people who are fishermen, when they are not at sea, to teach younger people or other people who would like to have this experience to get the knowledge of this very difficult task.

You talk about the timetable, saying that it's not because the period when you can to sea is short term, but that you have to work before and after. What is the timetable before, during, and after fishing time?

Mr. Robert Jenkins: We're getting our gear ready and things like that. We're preparing a good part of the year for the actual fishing season. We're getting gear ready and stuff like that a good part of the year.

Mr. Gérard Deltell: So you work 12 months a year on that issue?

Mr. Robert Jenkins: With your boat, your gear, and things like that, you're doing quite a bit of work, yes.

Mr. Gérard Deltell: Okay. Thank you, sir.

Thank you, gentlemen; my time is passing.

[Translation]

Good afternoon, Ms. Arruda. Welcome to the committee. I'd like to ask you a few questions to help me get a clearer sense of the situation.

Earlier, you did say that the EI changes introduced a few years ago had, in fact, had very little impact, affecting few people directly, did you not?

Ms. Marie-Hélène Arruda: I'm not saying that there wasn't an impact, in practical terms. What I'm saying is few people were disqualified for refusing to accept employment.

Mr. Gérard Deltell: I'm very happy to hear you say so because it's not often that we have heard that from you. You mentioned protests and the like, but that doesn't quite mean the same thing, does it?

Ms. Marie-Hélène Arruda: No, not quite. In fact, we believe the provisions in the act and regulations may have been applied with less rigour than expected. Be that as it may, the substance of the legislation remains. Even though it hasn't done so thus far, should the Employment Insurance Commission wish to enforce the provisions to the letter, it can.

Mr. Gérard Deltell: The act was in force and people were subject to it. It had been applied for more than a year, and you are telling me that few people were affected.

Ms. Marie-Hélène Arruda: It's what the data shows. In actual fact—

Mr. Gérard Deltell: Indeed, we rely on data, here.

Ms. Marie-Hélène Arruda: That's what the data shows as regards the refusal to accept suitable employment.

But changes in people's behaviour were not measured. Some people opted not to apply for benefits rather than deal with the conditions imposed, mainly being required to accept any employment that paid only 70% of what they were earning previously. Some preferred to forgo EI benefits rather than file a claim under those conditions. And those changes in behaviour have not been measured up to this point.

As far as claimants being penalized is concerned, however, few cases were in fact reported, on a practical level.

● (1705)

Mr. Gérard Deltell: That's what I thought I heard you say, but I wanted you to confirm it for me, since it's not something you've often said in the last year.

Now I'd like to pick up on another point to make sure I'm clear on it. You said that 350 hours or 13 weeks would be enough.

Ms. Marie-Hélène Arruda: I'm not saying it's enough. It's actually an eligibility threshold. We believe that 350 hours or 13 weeks would constitute a reasonable eligibility threshold.

Mr. Gérard Deltell: It would be a reasonable threshold to access EI benefits.

Ms. Marie-Hélène Arruda: It would suffice in order to qualify for EI benefits, yes.

Mr. Gérard Deltell: That would mean that someone who worked for three months would receive EI benefits for a year. Is that correct?

Ms. Marie-Hélène Arruda: That's correct. It may not actually be for an entire year, though.

Mr. Gérard Deltell: You think it's reasonable for someone to spend three months working and then be eligible to receive EI benefits for a year?

Ms. Marie-Hélène Arruda: The number of weeks would depend on what the person earned.

Mr. Gérard Deltell: That's more or less what 13 weeks would amount to.

Ms. Marie-Hélène Arruda: I'm sorry. What do you mean?

Mr. Gérard Deltell: Someone who worked for 13 weeks would then qualify to receive 52 weeks of EI benefits, would they not?

Ms. Marie-Hélène Arruda: It doesn't mean the person would be eligible to receive 52 weeks of benefits. Other factors would determine how long the person would receive benefits for. We are asking for a minimum floor of 35 weeks of benefits. We think that would be a reasonable amount of time.

Mr. Gérard Deltell: Very good.

[English]

The Chair: That's time. Thank you.

We'll go on now to Ms. Tassi, please.

Ms. Filomena Tassi (Hamilton West—Ancaster—Dundas, Lib.): Thank you.

Thank you to each of you for being here. My question is going to evolve around something that each of you mentioned, and that's the SST.

That was established in 2013, and then there was a backlog from the former appeal boards, those being the board of referees and the office of the umpire. The number I have is that as of December 31, 2015, there were 1,741 appeals that had not been concluded.

My question evolves around the effectiveness of the SST, so I'd like to pose that to each of you for a brief answer.

Ms. Arruda, I'd like to start with you. You actually mentioned in your statements that you're advocating for the abolition of the SST. Is that correct?

Okay, so I'm going to come back to you and give you more time. It's fair to say that you do not support the system and you think it should be abolished. Is that accurate?

Ms. Marie-Hélène Arruda: Exactly.

Ms. Filomena Tassi: Okay, very good.

Mr. MacPherson, you mentioned there are challenges to have your case reviewed. Can you very briefly tell me what you think the effectiveness of the SST system is?

Mr. Ian MacPherson: I think I should clarify that a little more fully.

I think what would be more appropriate is that we feel this is an appropriate time to do a review of that particular system and to assess its effectiveness. From our particular standpoint with our membership, we haven't a lot of cases that have gone to the tribunal, so I really can't comment on that specifically.

Ms. Filomena Tassi: Is it because there's a difficulty getting to the tribunal? Could that be the case, or is it simply that you're not certain about that and you think it's timely to have a review?

Mr. Ian MacPherson: I'm not certain of that, so I wouldn't want to have that as a position.

Ms. Filomena Tassi: Ms. Andrew, would you comment on that briefly?

Ms. Judith Andrew: Yes, thank you.

There was no backlog when the board of referees and umpires... There were a few cases the umpires were deliberating on to finish, and the board of referees' cases that were passed over were essentially those that were awaiting a ruling by CRA. All the work had been done up to date in order to pass it over to the SST, so backlogs that have come up have ensued since the SST started.

I had a very important role, along with my counterpart, Commissioner Donnelly, in helping to run the former system. It was actually functioning very well. It had been doing so since about 1940 and had been fine-tuned over the years. The rationale for putting it together with the other appeal systems was, I think, to save money and have it be more effective.

The board of referees was very effective. They heard appeals within a very limited number of days. They rendered decisions that day, and appellants got their answers very quickly. That hasn't been the case with the SST, although some of that has been explained to me as being growing pains, start-up challenges and so forth.

My recommendation is that since it's difficult to unscramble an egg, what we need to do is push for the improvements that the change was supposed to drive toward.

• (1710)

Ms. Filomena Tassi: To be clear and to make my comments clear, it was in 2013 that this started, so there were growing pains. We're now in 2016, and it seems that it's time to get over growing pains. However, when I'm referring to the backlog, I'm referring to a backlog that was created when the system was implemented. Confirming what you're saying, the 1,700 cases came as a result of the system; the new system was implemented, and then the backlog came about.

Ms. Arruda, going back to you, I have two questions. The first is with respect to the SST decisions and whether they should be made public. Under the previous system, my understanding was that decisions were made public. I saw an article in the *Montreal Gazette* in 2015 that said that there were 10,000 decisions, and 148 of those were made public. What is the rationale behind that?

Second, if you were to make specific recommendations to improve the SST, what would those recommendations be? I think you felt rushed when you were giving your testimony on that, so I will give you the remainder of my time to address those two things.

How much time is that, Mr. Chair?

The Chair: About a minute and 20 seconds.

Ms. Filomena Tassi: Thank you.

[*Translation*]

Ms. Marie-Hélène Arruda: Thank you.

As far as the publication of the decisions is concerned, it's important to know that all board of referees and umpire decisions were made public at the time. You'd like to know why that's no longer the case.

The previous government was trying to achieve efficiency. The idea was to cut costs, and obviously, having to translate all the decisions in order to publish them was at the root of the problem. Hence, the previous government decided to stop publishing all

decisions. We take issue with that because it creates an uneven playing field between the commission, which has access to all the decisions since it is always involved, and claimants, who have access to only those decisions selected by the tribunal.

As for measures that should be implemented, I would say it's crucial to examine certain miscarriages of justice. I think that summary dismissals should be eliminated and that every case should be heard. The requirement to obtain leave to appeal to the Appeal Division is another issue. The right to appeal used to be a full-fledged right. Those are a few things that need to be addressed.

In addition—

[*English*]

The Chair: I'm sorry. Maybe we'll get back to you.

Thank you.

Ms. Ashton, please.

[*Translation*]

Ms. Niki Ashton (Churchill—Keewatinook Aski, NDP): I have questions for you, but you can go ahead and finish what you were saying.

Ms. Marie-Hélène Arruda: Thank you very much.

In-person hearings are something claimants really appreciate having access to. When a claimant's case is being considered, their credibility plays a huge role. But telephone and video conference hearings make it difficult to establish a claimant's credibility.

What's more, the wait times are simply inhumane. Some people have to wait up to an entire year; meanwhile, they have no access to benefits. So what do they do? They take the first job that comes along or they turn to social assistance. And once the decision is finally made, it's too late.

Wait times are a huge problem. The tribunal has a duty to provide timely decisions. We would like the government to reinstate the previous mechanism, which was extremely efficient. Inordinate delays of this nature are unacceptable. That said, the problem was foreseeable given that the number of decision-makers was reduced to 39 for the entire country, with the creation of the tribunal. That clearly isn't enough.

Ms. Niki Ashton: Very good. Thank you.

[*English*]

Thank you to all of the witnesses who are joining us here today.

I want to begin again with a question to Madame Arruda.

[*Translation*]

During your opening remarks, you mentioned additional measures for regions where the unemployment rate was already high. But, as we all know, a number of regions were excluded, including in Atlantic Canada and eastern Quebec.

Could you describe for us, briefly, the impact that being excluded from those measures has had on those regions?

• (1715)

Ms. Marie-Hélène Arruda: As I said, the complete lack of income, known as the black hole, is a huge problem. In numerous regions in eastern Quebec, including Gaspésie—Îles-de-la-Madeleine, and in Atlantic Canada, people have absolutely no income once their EI benefits have run out until they return to seasonal employment.

Those five weeks were practically vital to these regions. Those impacted have experienced significant hardship. The economic survival of these people and these regions are at stake. We are talking about a large segment of the population that no longer has any source of income and is not necessarily eligible to receive social assistance from the province. Those five weeks often filled the void when they had absolutely no income.

Ms. Niki Ashton: The program needs to be changed to include those regions.

Ms. Marie-Hélène Arruda: That's what we are recommending.

Ms. Niki Ashton: Okay. Thank you.

[English]

I have a question for all three witnesses.

Ms. Andrew, you referred in your presentation to the importance of protecting the EI fund. We have heard from employers and employer representatives that this is critical going forward. Perhaps you could share what you hear from employers on this front.

Ms. Judith Andrew: Employers do support EI being there to cover at least part of the income loss for employees who lose their jobs through no fault of their own. I think they are concerned about the way that finances have been handled in the past. They don't want to see a repeat of the monies being taken when they are needed for the rainy day of a recession and not being returned, because those monies are intermingled with general government revenues, and it's quite tempting.

Employers are also concerned about the level of the premiums they have to pay. It seems to be disproportionate to the other parts of the tripartite arrangement. It is counterproductive in some cases, because if smaller employers are paying payroll taxes, CPP, workers' compensation, and all those, it adds up to quite a tab on creating a job. It can work against job creation, which is what we're trying to promote in this system.

In terms of it protecting the fund in other ways, I think it's important to set the criteria and the parameters at a fair and reasonable level. Employers don't want to see the number of hours reduced to 360 or to 420. They think employees need to have a strong attachment to the work. I would argue it's probably immoral for governments to create a generous program that has easy access and long periods of benefits, because so many of us define ourselves by the work we do. You're creating a very difficult decision for people in deciding whether to go on EI and stay on it versus being a productive part of the workforce.

I think the design can help sideline people, and employers worry about that. They have a shortage of qualified labour now in many areas, and the demographics mean they are going to need more people in the future—

Ms. Niki Ashton: Sorry. I did want to ask Mr. MacPherson about the same point. Thank you for your feedback.

The Chair: Very quickly.

Ms. Niki Ashton: Briefly, how do you and the Prince Edward Island Fishermen's Association feel on the importance of protecting the EI fund?

Mr. Ian MacPherson: I want to go back to the importance of seasonal economies to Canada.

One of the things I think a lot of Canadians don't realize is that, for example, on Prince Edward Island, in the summer months, we have one of the highest employment rates in the country. There are a lot of significant, viable jobs and businesses there. Unfortunately, winter rolls around, or the season that they're not producing rolls around. We see this as a bridge that is a safety net for the fishing community. A lot of that gets clawed back when the economy is good. That's exactly what the program is for. It extends to a lot of other industries too. It's important to the health of Atlantic Canada.

• (1720)

The Chair: Thank you, sir.

We'll go over to Mr. Long.

Mr. Wayne Long (Saint John—Rothesay, Lib.): Thank you, Mr. Chair.

Thank you, everybody, for your presentations today.

I think I'll start with Mr. MacPherson and Mr. Jenkins.

I am from Atlantic Canada too. My riding is Saint John—Rothesay. I spent 12 years of my career in the aquaculture industry, so I have a bit of knowledge of the fisheries.

I want to focus on an article by John Williamson that I read not too long ago. I think we all know who John Williamson is. He is a former member of Parliament from New Brunswick Southwest. He is currently the VP of research at the Atlantic Institute for Market Studies.

I think it is safe to say that at times Mr. Williamson develops a reputation for speaking before he thinks. The article that I read was "Atlantic Canada hurt by Liberal reversal of their own EI policies". I think the policies and programs we came out with were very progressive: an additional five weeks of eligibility, the two-week waiting period reduced to one week, the hours for new claims or re-entrants going from 420 to 665 in Atlantic Canada, working while on claim, and work-sharing. I think they are progressive policies.

In the article he wrote, Mr. Williamson accused the government's EI policies of hurting employment in Atlantic Canada. He argued that making it easier for unemployed workers to get EI will cause them to become "stuck in the EI trap". He argues that lower eligibility, which was presented in the 2016 budget, will "entice" workers away from the workforce and from education.

Do you guys feel that is justified? Can you give me some comments on that?

Mr. Ian MacPherson: Well, I think there are some old paradigms out there, and I don't think they exist in a lot of cases anymore.

Some of those old paradigms are that people enjoy EI and that it is a ticket to go and do exactly what you want and live a grand lifestyle. Certainly anyone I come in contact with in our fishing community would love to be fishing most of the year. Their crew would love to be working most of the year, if not year-round. People in the plants feel the same way.

Let's not forget that most of these people live in rural coastal communities, and they spend a huge percentage of any money they get in those local communities. When the boats are making money, the car dealerships...everyone benefits.

Unfortunately, we can't get away from the seasonality of our profession. We have ice here on P.E.I. when parts of New Brunswick and Nova Scotia can fish. That is just the nature of it. It is incredibly important to....

Captain Jenkins would like to comment, too.

Mr. Robert Jenkins: I would like to comment on it. It is a great question.

When I started in the 1970s, I could fish six months of the year. I put my boat in the water around April 15 and I could fish scallops for two weeks before I started lobster-fishing. Right after lobster-fishing, I was at the groundfish, then back to the scallops, and then at the tuna. It was six months of non-stop fishing.

We don't have that anymore. Our bread and butter industry on P.E.I. is lobster. If we are lucky enough to get a bit of halibut, we fish a bit of halibut, or a few tuna, or some mackerel, and things like that. Fishing, as we now know it, is totally different from when I started in the 1970s. If we had more fish to catch, I don't think fishers would be on EI as much as they are, but unfortunately we don't have the resource anymore to go out and target.

Regarding his comments, I think he should go to some of the fishing villages in April and see the guys lining up for jobs and trying to get on boats, and stuff like that. As I said when Minister Finley was on P.E.I., I don't know any lazy fishermen. I know a lot of fishermen who don't have anything to fish, but I don't know any lazy fishermen.

Thank you.

Mr. Wayne Long: How am I on time?

The Chair: You have about a minute and a half.

• (1725)

Mr. Wayne Long: I will share my time with Mr. Robillard.

The Chair: Mr. Robillard, very briefly, please.

[*Translation*]

Mr. Yves Robillard (Marc-Aurèle-Fortin, Lib.): Great. Thank you.

Ms. Arruda, you maintain that every unemployed worker should be assured a level of income replacement that affords them dignity and respect.

With that in mind, could you describe for us how you and the people you represent have been impacted by the changes made to the EI program in 2012-13?

Ms. Marie-Hélène Arruda: It has been extremely hard on everyone. The whole notion of suitable employment, the notion of putting unemployed workers into categories and saying that some were more deserving than others, was entirely new. That wasn't part of the old program.

As far as an unemployed worker's interaction with the labour market is concerned, they are required to apply for lower-paying jobs that do not match their skills, interests, education, or training. People became afraid. They had all kinds of fears. It essentially amounted to a denial of their rights; that's really what it was. We cannot lose sight of the fact that the freedom of choice of employment and unemployment protection are fundamental rights. Understandably, then, people were extremely afraid.

Municipalities and businesses in Quebec were also afraid in the wake of these changes and the treatment essentially targeting frequent claimants. When people are forced to take whatever job they can find as quickly as possible, a lot is lost.

[*English*]

The Chair: That brings us to the hour, and I want to use my privilege as chair to put a final question to our friends from Prince Edward Island.

What are the early estimates? How are we doing?

Mr. Ian MacPherson: The catches are down a little bit. The water is still cold, but the quality of the lobster is excellent, so that's a good sign. We're going to see a good price, so that's encouraging too.

The Chair: Excellent. Thank you.

I really do appreciate you guys joining us by Skype today.

Thank you to all of our witnesses and thank you to all the members of the committee.

Welcome back, again, to our clerk. Unfortunately, we're losing one of our analysts, so I wish her all of the best in her future role at the justice department. They are getting somebody very good. Our loss is their gain. Thank you very much.

Again, as always, thank you to all the technicians and the translators, who make me sound fantastic in French.

The meeting is adjourned.

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