



# DEBATES OF THE SENATE

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OFFICIAL REPORT  
(HANSARD)

Tuesday, October 28, 2014

The Honourable NOËL A. KINSELLA  
Speaker

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## THE SENATE

Tuesday, October 28, 2014

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the Governor General's gallery of a very distinguished visit by the Chair of the National Assembly for Wales. The delegation is led by Dame Rosemary Butler, Presiding Officer, and she is accompanied by a number of her colleagues.

As we reflect upon some of the symbols on the ceiling of this chamber, we can all pick out the dragon of Wales. Madam Presiding Officer, on behalf of all honourable senators, I welcome you to the Senate of Canada.

**Hon. Senators:** Hear, hear!

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## SENATORS' STATEMENTS

### HIS HOLINESS THE DALAI LAMA

**Hon. Mobina S.B. Jaffer:** Honourable senators, today I extend warm greetings and solidarity to His Holiness the fourteenth Dalai Lama of Tibet, who spoke in my home province of British Columbia on Friday. He spoke about two issues close to his heart: the practice of compassion and universal responsibility.

As Canadians, we appreciate these fundamental values. The Dalai Lama has been committed to these values his entire life, and today we join with all Canadians in celebrating the twenty-fifth anniversary of his Nobel Peace Prize that he was awarded in 1989. We are all honoured to have the Dalai Lama as an honorary citizen of Canada.

Honourable senators, the Dalai Lama continues to promote peace and non-violence around the world. That is why we endorse his principled approach to finding a solution for the ongoing conflict in Tibet. That is why we honour him, and that is why we respect him.

I personally have met him many times, and every time I meet him, I am in awe of him for how patient he is and how focused he is to reach his goals in a non-violent way.

We call upon the Government of China to re-enter negotiations with representatives of the Dalai Lama as soon as possible.

Honourable senators, please join me in sending warm wishes to the Dalai Lama and wishing him well in his very hard work.

### NATIONAL INFECTION CONTROL WEEK

**Hon. Judith Seidman:** Honourable senators, one day earlier this year, international news headlines were dominated by a single phrase: "the post-antibiotic era." The World Health Organization had just released its first global report on antibiotic resistance, and the results were grim. The WHO found that antibiotic resistance is no longer a projection for the future but an urgent and serious threat to public health.

The report used data from 114 countries and focused on seven different bacteria responsible for common serious diseases, including pneumonia, urinary tract infections and bloodstream infections such as sepsis. The international scope of this report is critical. Indeed, some resistant bacteria tracked by the WHO can be found in every region of the world.

Honourable senators, this is an era in which common infections and minor injuries threaten lives. In many ways, it is a return to the pre-antibiotic era when a scrape or cut could be fatal.

How do we begin to tackle this enormous problem? The Standing Senate Committee on Social Affairs, Science and Technology heard significant testimony on this issue during our study on the unintended consequences of prescription pharmaceuticals. Witnesses expressed concern that antibiotics are overprescribed and overused in Canada, in both human and animal populations. Witnesses explained that Canadians may be unaware of the difference between a bacterial infection and a viral infection and often request antibiotics to fight a common cold or flu.

The committee heard that prescribers and dispensers also have a role to play to ensure antibiotics are not misused. Witnesses discussed the potential to develop new antibiotics and the need to encourage research and development in this area.

The committee was particularly struck by reports that anywhere from 40 per cent to 80 per cent of antibiotic use in food-producing animals are unnecessary. In fact, we learned that antibiotics are used extensively in Canada to promote growth and enhance feed efficiency.

Honourable senators, the unnecessary use of antibiotics in both humans and animals is driving us closer to the post-antibiotic era. We can help stop the spread of resistant bacteria by preventing people from getting infections in the first place. Vaccines, cleanliness and other prevention programs help reduce antibiotic use in hospitals, long-term care facilities and the community. This reduction begins with a concerted effort to educate both health professionals and the public.

National Infection Control Week is one opportunity to ensure that this message reaches Canadians. It gives infection control professionals a chance to educate staff and the community about the importance of prevention. Please join me in recognizing that last week, October 20 to 26, was National Infection Control Week.

[Translation]

## LA FÉDÉRATION NATIONALE DES CONSEILS SCOLAIRES FRANCOPHONES

MADAME YOLANDE DUPUIS—2014 RECIPIENT OF  
THE JEAN-ROBERT GAUTHIER PRIZE

**Hon. Maria Chaput:** Honourable senators, the Fédération nationale des conseils scolaires francophones held its 24<sup>th</sup> annual conference from October 16 to 18, 2014.

This year's theme was "Provoquer sa chance: les avantages du démarchage pour les conseils scolaires" or "Increasing one's chances: the benefits of lobbying for school boards." Attendees discussed priorities in French language education.

I had the privilege of being a guest speaker during a round table on official lobbying mechanisms. This gave me the opportunity to talk about the Senate, its legislative role and its role in protecting minorities.

The conference celebrated a school trustee's exemplary contribution to educating francophones in minority communities by awarding her the Jean-Robert Gauthier Prize.

Yolande Dupuis, who has been working in French language education in Manitoba and nationally for 20 years, received this honour.

This exceptional Manitoban woman has put her heart and soul into French education in Manitoba.

Madame Dupuis is a member of many committees, president of various associations and federations, and the wife of Jean-Paul Dupuis, with whom she has eight children, 12 grandchildren and two great-grandchildren.

For more than 20 years, Madame Dupuis has been tirelessly dedicated to the cause of French education, and continues to be today.

I too want to express my gratitude for all the years she has devoted to French education in western Canada and around the world.

Our former colleague, the late Jean-Robert Gauthier, would have been more than proud to personally award her the Jean-Robert Gauthier Prize.

Congratulations, Madame Dupuis, and thank you.

• (1410)

[English]

## MISSING AND MURDERED INDIGENOUS WOMEN

### CALL FOR NATIONAL INQUIRY

**Hon. Lillian Eva Dyck:** Honourable senators, the Sisters in Spirit vigils for missing and murdered indigenous women and girls occurred at the beginning of this month on October 4. Since then,

we now find ourselves at the end of October with even more encouraging signs that a greater coalition of Canadians are coming together in calling for a national inquiry into missing and murdered indigenous women in Canada.

Yesterday, on Monday, October 27, Saskatoon City Council passed a motion calling for a national inquiry or round table into missing and murdered indigenous women. The Board of Police Commissioners sent a letter of support to council specifically asking for a round table with Aboriginal leadership to be convened by the federal, provincial and municipal governments. Saskatoon City Council joins Winnipeg City Council, which passed a similar motion in September, and by a vote of 14 to 1, Winnipeg was the first city to pass such a motion. I hope other city councils across Canada will pass similar motions. If that were to occur, united municipal and provincial governments could pressure the federal government into calling a national inquiry.

This problem, as honourable senators know, requires support from all levels of government. With municipal and provincial governments on side, I hope the federal government recognizes such support as a positive development and agrees finally to establish a national inquiry. These actions by municipal and provincial governments are a strong message that the status quo has proved to be unacceptable in Canada in 2014.

Additionally, on October 19, the members of the Canadian Public Health Association also added their voices to the growing list of Canadians who are demanding a national inquiry.

I wish to acknowledge Darlene Okemaysim-Sicotte who represents Iskwewuk Ewichiwitochik, which means "women walking together." It's a group that was formed in 2005 to call attention to the issue of missing and murdered indigenous women. She said an inquiry and action plan can operate simultaneously.

I also thank Councillor Mairin Loewen, who put forward the motion, Mayor Don Atchison, and all councillors who were present who voted unanimously for this motion calling for a national inquiry or round table into missing and murdered indigenous women.

## PREAMBLE TO A RENEWED CONSTITUTION

**Hon. Nancy Greene Raine:** Honourable senators, during the lead-up to the Charlottetown Constitutional Conference in 1992, a group of Canadians, led by former MP John Reimer of Kitchener, crafted a document to be included as the preamble to a renewed Constitution. Unfortunately, when the constitutional talks failed, the preamble also got set aside. I read it to you today and encourage you to share it with fellow Canadians whenever it is appropriate.

We are the people of Canada, drawn from the four winds of the earth, a privileged people, citizens of a sovereign state.

Trustees of a vast northern land, we celebrate its beauty and grandeur, Aboriginal peoples, immigrants, French-speaking, English-speaking, Canadians all; we honour our roots and value our diversity.

We affirm that our country is founded upon principles that acknowledge the supremacy of God, the dignity of each person, the importance of family, and the value of community.

We recognize that we remain free only when freedom is founded on respect for moral and spiritual values, and the rule of law in the service of justice.

We cherish this free and united country, its place within the family of nations, and accepting the responsibilities privileges bring, we pledge to strengthen our land as a home of peace, hope and goodwill.

Honourable senators, it is particularly important at this time to use these words to inspire our citizens to understand and to value what it is to be "Canadians all."

## ROUTINE PROCEEDINGS

### BUSINESS OF THE SENATE

NOTICES OF INQUIRIES NOS. 37, 38, 39  
AND 40 WITHDRAWN

**Hon. Anne C. Cools:** Honourable senators, last week I gave notices of four inquiries that I now wish to withdraw. They are Inquiry Nos. 37, 38, 39 and 40. I would like to replace those now.

**The Hon. the Speaker:** Honourable senators, no leave is required. These items are struck from the Order Paper.

(Inquiries withdrawn.)

### REMEMBRANCE DAY

#### NOTICE OF INQUIRY

**Hon. Anne C. Cools:** Honourable senators, pursuant to Senate rules 5-1 and 5-6(2), I give notice that, two days hence:

I shall call the attention of the Senate to November 11, known to all as Remembrance Day, of this, the centennial year of the July 28 start of hostilities in the 1914-1918 Great War, which day is given to the national and collective mourning of Canadians, on which we remember and honour the many who served and who fell in the service of God, King and Country, and, whose incalculable sacrifice of their lives, we honour in our simultaneous yet individual, personal acts of prayer and remembrance, wherein we pause and bow our heads together in sacred unity, at the eleventh hour, of the eleventh day, of the eleventh month, for the many who gave themselves, and:

To those who served in World War I, with its stupendous sacrifices, its massive mobilisation and fielding of millions of men, on all sides, and to its enormous casualties and losses

of life, and, to our young country's noble contribution to this far away overseas War, of 620,000 men, being ten percent of Canada's then population, and, to our 60,661 fallen, being ten percent of those serving, and, to Canada's Primeminister, the Conservative Robert Borden's success in earning Canada's representation at the 1919 Allies' Paris Peace Conference, and, to his and his ministers' presence there, and, to the respect he earned for Canadian contribution to the war, and for Canada's control of its foreign affairs, wars and peace, and, to the changing relations between the Allied leaders, and, to their changing politics at home, and, to Canadians at home and abroad, particularly the Canadian-born British Primeminister, Andrew Bonar Law and the Canadian Max Aitken, known as Lord Beaverbrook, both of whom were active in British politics in these events, and who endeavoured, in 1922, to avoid a new war at Chanak, in the Turkish Dardanelles.

## ARMISTICE OF MUDANYA

#### NOTICE OF INQUIRY

**Hon. Anne C. Cools:** Honourable senators, pursuant to Senate rules 5-1 and 5-6(2), I give notice that, two days hence:

I shall call the attention of the Senate to November 11, known to all as Remembrance Day, of this, the centennial year of the July 28 start of hostilities in the 1914-1918 Great War, which day is given to the national and collective mourning of Canadians, on which we remember and honour the many who served and who fell in the service of God, King and Country, and, whose incalculable sacrifice of their lives, we honour in our simultaneous yet individual, personal acts of prayer and remembrance, wherein we pause and bow our heads together in sacred unity, at the eleventh hour, of the eleventh day, of the eleventh month, for the many who gave themselves, and:

To two exceptional soldiers and human beings, who fought on opposite sides of the Great War, both of whom, were distinguished generals and accomplished military men, being General Charles Harington, the British Commander in Chief of the Allied occupation army in Constantinople, and the Turkish General, Mustafa Kemal, the Commander of the Turkish peoples' brave national resistance to the Sèvres Treaty's detachment and partition of the Turkish peoples' lands, to give these lands to some of the Allies who so desired them, and, to these two Commanders' respective troops, assembled, battle ready, and awaiting orders for the start of hostilities in October 1922, at Chanak in the Dardanelles, and, to fate, which joined these two commanders there, and, to their determination to avoid unnecessary bloodshed, and, to their remarkable contribution to British, Turkish and world peace, and, to their will to not spend their soldiers' lives in folly, and, to reach the honourable, the just and the true, by their negotiated armistice, agreed and signed on, October 11, 1922 as the Armistice of Mudanya, and, to Canadian-born Andrew Bonar Law who became Primeminister of Britain on October 23, 1922, and, to his great commitment to the British-Turkish peace in what the British, the Dominions and Canadians called the Chanak Crisis or the Chanak Affair.

• (1420)

## CHANAK CRISIS

### NOTICE OF INQUIRY

**Hon. Anne C. Cools:** Honourable senators, pursuant to Senate rules 5-1 and 5-6(2), I give notice that, two days hence:

I shall call the attention of the Senate to November 11, known to all as Remembrance Day, of this, the centennial year of the July 28 start of hostilities in the 1914-1918 Great War, which day is given to the national and collective mourning of Canadians, on which we remember and honour the many who served and who fell in the service of God, King and Country, and, whose incalculable sacrifice of their lives, we honour in our simultaneous yet individual, personal acts of prayer and remembrance, wherein we pause and bow our heads together in sacred unity, at the eleventh hour, of the eleventh day, of the eleventh month, for the many who gave themselves, and:

To the unique political events, just four years after the Great War, known as the 1922 Chanak Crisis, or Chanak Affair, in which Canadian and British politics met in Canada's firm stand for its constitutional autonomy in its foreign affairs, war and peace, and, to Canada's Primeminister, the Liberal Mackenzie King's nationally-supported refusal to yield to British Primeminister David Lloyd George and his Colonial Secretary Winston Churchill's persistent demands for Canadian troops to fight a new war at Chanak, now Çanakkale, the tiny Turkish Dardenelles seaport, and, to this new war, wholly unwanted by Canadians and the British, still war-weary, and still mourning their fallen sons, and, to this looming war, the inexorable result of Primeminister Lloyd George's unjust, inoperative and stillborn Sèvres Treaty, the peace treaty that began with war, and, its humiliating peace terms which would put the Turkish peoples out of their ancient lands in Eastern Thrace and Anatolia, and, to their successful nationalist resistance to this injustice, and, to Canada's role in the lasting peace that avoided this unnecessary and unwanted Chanak war, and, to British politics by which a single vote of the Conservative Caucus prompted the very necessary resignation of Primeminister Lloyd George and his Liberal Coalition Government, and, to the ascendancy of Canadian-born British Primeminister, Bonar Law, who himself had lost two sons to the Great War, and who was then the most respected man in Great Britain, and, to his Near East policy of peace.

## PEACE MAKING

### NOTICE OF INQUIRY

**Hon. Anne C. Cools:** Honourable senators, pursuant to Senate rules 5-1 and 5-6(2), I give notice that, two days hence:

I shall call the attention of the Senate to November 11, known to all as Remembrance Day, of this, the centennial year of the July 28 start of hostilities in the 1914-1918 Great War, which day is given to the national and

collective mourning of Canadians, on which we remember and honour the many who served and who fell in the service of God, King and Country, and, whose incalculable sacrifice of their lives, we honour in our simultaneous yet individual, personal acts of prayer and remembrance, wherein we pause and bow our heads together in sacred unity, at the eleventh hour, of the eleventh day, of the eleventh month, for the many who gave themselves, and:

To Canadian and British peace of mind, freed from the fear and sorrow of the possible sacrifice of their beloved sons to war, so soon again, and, to Canadian unanimity in support of their Primeminister Mackenzie King's stand against war at Chanak, and, to Canadian events, and, to Canadians such as John Wesley Dafoe, the great journalist-editor of the Manitoba Free Press, later the Winnipeg Free Press, who had attended the 1919 Allies' Paris Peace Conference with Primeminister Robert Borden's Canadian delegation, and, who had supported Canada's position on Chanak, and, who had strenuously opposed Primeminister Lloyd George's demands to the Dominions and Canada to send troops there, and, to John Dafoe's brilliant account of Canadians and the Canadian Government's desire to live without war against people who had done them no harm, and, to his historic Manitoba Free Press article, titled, The Rise of the Commonwealth Dominion Responsibility For External Affairs, and, to Canada's influence on British politics and the other Dominions, and, to Canada's firm, principled, and vindicated position not to send Canadian troops to the Dardenelles, at Chanak, and, to the profound truth that the greatest act of peace is simply to make no unnecessary war, and, to make absolutely no war, for the purpose, that is the pursuit of ambition.

## QUESTION PERIOD

### FINANCE

#### DEFINED BENEFIT PENSION

**Hon. James S. Cowan (Leader of the Opposition):** Honourable senators, my question is for the Leader of the Government in the Senate. It is one of a series of questions that we've received from Canadians to submit questions that we will ask on their behalf.

Today my question was received from Ms. Joanne MacDonald from Chester, in my home province of Nova Scotia. Her question is as follows:

I understand the government plans to table legislation to allow crown corporations to offer Target Benefit Pension plans (TBPs) in place of the current Defined Benefit Pension plans that many hard working Canadians are looking forward to. It is an obvious next step that corporations will be forcing them on us through negotiations in our collective agreement. In the past few years, negotiations have dwindled to a process of companies mandating what the bargaining units will have, and/or the government

legislating workers back to work in a take-it-or-leave-it format. Target Benefit Pension plans will clearly not provide the stable income that Defined Benefit Pension plans do.

Her question is this:

Why not keep the Defined Benefit Pension plans in place for us? Whereas crown corporations continue to employ presidents and vice presidents, who earn salaries up to ten times mine, plus bonuses, surely it isn't necessary to allow them to scrimp on our pension plans.

[Translation]

**Hon. Claude Carignan (Leader of the Government):** I thank Ms. MacDonald for her question. As you know, our government understands the importance of ensuring a secure and dignified retirement for people who have worked to build Canada.

We're doing everything we can to improve retirement security for Canadians. For example, we reduced seniors' and pensioners' tax burden by over \$2 billion per year through pension income splitting. We created the TFSA, the tax-free savings account, which is helping 10.4 million Canadians. Our low-tax plan has taken 380,000 seniors off the tax rolls, and we also created the pooled registered pension plan. Moreover, we have completed our consultations on a new target benefit pension plan and the Canada Pension Plan. I don't think Canadians want to pay more income tax. That's why we cut taxes and introduced new measures that promote retirement savings.

[English]

**Senator Cowan:** Thank you for that recitation of the government's measures, but the specific question that Ms. MacDonald asked was whether and why, if the government is intending to do it, it is going to introduce these targeted pension plans to replace the defined pension plans which these folks have contributed to for many years and upon which they base their retirement planning. Is the government going to do that and, if so, why?

[Translation]

**Senator Carignan:** As I said, it is important for us to have pooled registered pension plans and to ensure that the new target benefit pension plan will achieve the goal of reducing seniors' and pensioners' tax burden so that seniors have more money for retirement.

• (1430)

[English]

**Senator Cowan:** But the issue, Senator Carignan, is whether your government is going to eliminate or change the contractual basis of the defined benefit plans, which define, by their nature. If you're a retiree, if you're working and a member of that plan, you know precisely what you're going to get. If you move to some sort of target benefit plan or defined contribution plan, which is subject to the vagaries of the market, then you don't know how much you will get in your retirement.

Is the government going to move towards this market risk type of pension plan? And if so, why? We're not talking about reducing the tax burden on seniors; we're talking about reducing the

benefits that seniors will receive from the plans that they have been members of since they became members of the public service. Why are you doing that?

[Translation]

**Senator Carignan:** The objective of the new pension plan is to let Canadians know, as accurately as possible, the amount of money they could receive when they retire. We have completed consultations on this new plan, a target benefit pension plan, which allows us to target objectives.

[English]

**Senator Cowan:** I can see how the government would like to meet an objective of reducing the cost of these plans, and that's why employers, including the Government of Canada, prefer defined contribution plans to defined benefit plans. But the fact is that the Government of Canada, like many institutions across the country — universities, provincial governments, teachers' plans — has defined benefit plans, which are obviously to the advantage of the employees.

Those institutions cannot unilaterally change a defined benefit plan into a defined contribution plan, much as they might like to do that. That's a question of negotiation. Sometimes you might say that you would have a defined benefit plan for people who are in your employ now, and then, after a certain date, people who join your company or institution will become members of a defined contribution plan. That's perfectly in order. But to change the defined benefit plan into something else, whether it's this mid-way step of shared responsibility, is a change that should be conducted by negotiation.

You talk about consultation, but there is a difference between consultation and negotiation. Will you commit that you will not introduce these plans without having a negotiated settlement with those who are members of these unions?

[Translation]

**Senator Carignan:** We created the pooled registered pension plan and have completed consultations on a new target benefit pension plan. When you say that the objective is to reduce costs, I can assure you and reiterate that our objective has always been to reduce the tax burden of seniors and pensioners. We have reduced that burden by more than \$2 billion a year, particularly through pension income splitting.

As I said earlier, we also created a tax-free savings account used by 10.4 million Canadians. Thanks to our low-tax plan, we have removed 380,000 seniors from the tax rolls.

As you can see, it is very clear that our objective is to ensure that Canadians get more for their money.

[English]

**Senator Cowan:** I can appreciate the government's desire to reduce costs and to lower taxes and that sort of thing, but what we're talking about here is not lower taxes. We're talking about lower incomes. We're talking about lower retirement incomes for people who have been members of the Public Service of Canada,

[ Senator Cowan ]



who have been part of a plan that guarantees them a defined benefit. Now you're going to change that, and it will be some sort of targeted plan, which, as I understand it, is midway between a defined benefit plan and a defined contribution plan.

What is it, and how does that help to guarantee the income security — not the tax liability but the income security — of Canadians and those who are public servants of your government?

**An Hon. Senator:** Good question.

[Translation]

**Senator Carignan:** In the next few weeks we will be able to see the details of these objectives. We have finished the consultations on the new target benefit pension plan. The objective of this plan is for people to have a target pension income that could provide them with an adequate pension and income in their retirement.

[English]

**Hon. Jane Cordy:** Supplementary question: Could you tell us who these consultations are with? Who did the government consult with?

[Translation]

**Senator Carignan:** Senator Cordy, as is the case with all consultations regarding these kinds of measures, consultations are held with people in the field who can provide a relevant perspective on the various programs. In this case, we were dealing with the target benefit pension plan.

[English]

**Senator Cordy:** So was it with people who will be directly involved? Was it with unions of government employees? Were they consulted?

[Translation]

**Senator Carignan:** Senator, I don't think we really need to specify exactly whom the minister speaks with during his consultations. Please understand that when we talk about consultations regarding a new target benefit pension plan, the individuals consulted are people on the ground with some connection to the field, either as participants, beneficiaries or other stakeholders.

[English]

**Senator Cordy:** But if we're being told the consultations are finished and have taken place with people on the ground, I think that both the taxpayers and the government employees should certainly be aware of what people on the ground were consulted to make these changes.

[Translation]

**Senator Carignan:** I understand and respect your opinion.

[English]

## FISHERIES AND OCEANS

### ICEBREAKERS

**Hon. Wilfred P. Moore:** My question is also for the Leader of the Government in the Senate.

Mr. Leader, in 2005, Mr. Harper promised three armed heavy icebreakers in the Arctic. In 2008, he changed his plan and reduced it to one, for \$720 million, with a delivery date of 2017. That same year, he decided to begin the procurement process for the joint support ships — originally three, now perhaps two — but to award the contract to the same shipyard. This forced the government to make a choice between either the joint support ships or the icebreaker. In 2013, the Harper government chose the Joint Support Ship Project, delaying the icebreaker to 2021.

Can you tell Canadians why the Harper government has completely bungled this project to build a much-needed icebreaker?

[Translation]

**Hon. Claude Carignan (Leader of the Government):** I don't know why you are saying that the government bungled this project. On the contrary, our government is determined to provide our men and women in uniform, and the Canadian Coast Guard, with the equipment they need to do their job. Our national shipbuilding strategy will help end the economic boom and bust cycle in the shipbuilding industry by creating 15,000 jobs and generating annual savings of \$2 billion over the next 30 years. So far, more than 140 businesses across Canada have benefitted from contracts worth over \$400 million.

• (1440)

This long-term approach to shipbuilding will help create jobs, promote economic growth, stabilize the industry and provide essential equipment to the men and women of the Royal Canadian Navy and the Canadian Coast Guard. If that's what you'd call "bungled," then we may need to rewrite the dictionary.

[English]

### ARCTIC PATROL SHIPS

**Hon. Wilfred P. Moore:** Promises are hollow, leader. In 2007, your government announced the construction of six to eight Arctic patrol ships to be delivered in 2013, two years ago. These ships are Polar Class 5 and are unable to patrol the Arctic year round. We find out today that not only did your government choose the wrong design, they've also not budgeted enough funds to buy the number of ships promised. The Parliamentary Budget Officer believes that four is all that your government can afford and that any more delays will result in only three of these ships. We've gone up from six or eight down to three.

Can you explain to Canadians how we have gone from eight ships down to potentially three and why these vessels are unable to patrol the Arctic year round?

[Translation]

**Hon. Claude Carignan (Leader of the Government):** We are confident we will build six Arctic patrol ships, starting in September 2015. However, the contract with Irving Shipbuilding has not yet been signed, although negotiations are going well. You mentioned the Parliamentary Budget Officer, and I can confirm that the figures he provided were based on incorrect data, cost approximations for international ships with different capabilities, and inaccurate specifications.

In explaining one of his assumptions, the Parliamentary Budget Officer said that he was not able to find new, reliable Canadian data for this type of acquisition. Our national shipbuilding strategy will put an end to the boom and bust cycle and will create 15,000 jobs. As I said earlier, this will generate annual savings of \$2 billion over the next 30 years, and that is what our government plans on doing.

[English]

**Senator Moore:** Maybe you can use those savings to help the ladies with their contract that you're trying to break with regard to their pensions.

In 2007, the Harper government promised to construct a deepwater port in Nanisivik to be operational by 2015. That is this year, leader. An estimate of \$100 million was provided to construct the port. In 2010, that sum jumped to \$258 million. The target is now \$116 million, due to cutbacks. There will be no airstrip, no new jetty, and an unheated warehouse with accommodation for six people with absolutely no ability to function in the winter.

Can you explain to Canadians why your government has again misled them regarding our Arctic sovereignty and what we're doing about it?

[Translation]

**Senator Carignan:** We will provide the equipment needed for port infrastructure. As we did with the shipbuilding strategy, we want to ensure, for all government procurement, that we are making the best decisions, finding the best possible prices, maintaining budgets and building efficient infrastructure. This is the case for all of our infrastructure.

[English]

**Senator Moore:** That's interesting. It doesn't make sense, but it's interesting.

## NATIONAL DEFENCE

### ARCTIC SOVEREIGNTY

**Hon. Wilfred P. Moore:** The Harper government announced in 2007 that when it comes to the Arctic, Canadians can either use it or lose it. Since that bombastic statement, this government has fulfilled zero of its commitments when it comes to Canada's Arctic sovereignty.

By contrast, let me tell you what the Russians have done. They have two new Arctic military brigades and 80 support vessels will be built by 2016, which will include four patrol vessels that will

have search and rescue capabilities and be a Polar Class 2 rating. Furthermore, the Russians have reopened a Cold War-era base with an airfield able to operate in the winter. They are also building a series of bases to monitor shipping along the Northern Sea Route, which I thought we were supposed to be doing.

When it comes to the Arctic, leader, the Russians are using it, Canadians are losing it. Can you tell us why?

[Translation]

**Hon. Claude Carignan (Leader of the Government):** Senator Moore, if any government has made the Arctic a priority, our government has. We have taken all kinds of action, including spending on infrastructure, naval strategy and maintaining our presence. The current Prime Minister has certainly visited the Arctic more often than any other Canadian Prime Minister.

If you think that the government is not doing anything in the Arctic, maybe you have been living under a rock and paying no attention to Canadian politics since 2006.

[English]

**Senator Moore:** That's quite an answer, leader. I would like you to explain to me, to everyone in this chamber and to everyone in Canada how a summer vacation visit to the Arctic equates with looking after one's sovereignty, men and women, equipment promised and base promised?

[Translation]

**Senator Carignan:** For your information and that of the chamber, I will answer your question in writing because I want to highlight all of the measures our government has taken and the investments it has made in the Arctic since 2006. Then we will all see what planet we are on.

[English]

## ABORIGINAL PEOPLES COMMITTEE

### HOUSING AND INFRASTRUCTURE

**Hon. George Baker:** Honourable senators, one of the most important functions of this Senate, recognized by all Canadians, is the work of our committees. Again, today, I would like to ask a question of the chair of the Senate committee that is studying a matter of national interest, the concern about housing and infrastructure on First Nations reserves.

I would like to ask the chair of the committee, Senator Patterson, to bring us up to date on this important study.

**Hon. Dennis Glen Patterson:** Thank you for the question. The Standing Senate Committee on Aboriginal Peoples has been studying First Nation housing on reserves and related infrastructure, and I must say this subject is certainly in need of attention. It was last studied in the other place in 1996, over six meetings which resulted in some general recommendations. It seems mostly they have not been acted on.

Your committee is fully engaged, in a non-partisan spirit, in studying this pressing issue. We have been doing so over the past year, and we have now completed fact-finding, on-the-ground

trips in the Atlantic region; in northern Ontario, including remote communities; in British Columbia; and a visit to a community in Quebec.

We have identified some pressing issues: remoteness, and whether the true costs of remoteness are taken into account in funding formulas; the models of administration in housing communities and their effectiveness; the dual roles of CMHC and AANDC and whether they are effectively monitoring programs on the ground and ensuring value for money; and land tenure regimes, which do not permit conventional financing.

• (1450)

**Senator Baker:** Honourable senators, we have the honour of having two former premiers serving on that Senate committee. Mr. Chair, you are one of the former premiers of the Northwest Territories. I might mention that we also have, on that important committee, doing this important study, Senator Dyck, Senator Beyak, Senator Enverga, Senator Lovelace Nicholas, Senator Moore, Senator Ngo, Senator Raine, Senator Sibbeston, Senator Tannas and Senator Wallace.

So, as a former premier of the Northwest Territories and as a lawyer, tell me: Would the committee be looking at the regulatory framework — the code, the building codes and so on — that are affected? Will the committee be going into that in depth in order to make changes to those regulatory matters to improve housing on First Nations reserves?

**Senator Patterson:** I do want to say that we did see some outstanding examples of leadership and inventiveness to make progress on housing, especially in communities where there were sources of revenue available to the band or proximity to a municipality where services can be shared. But many communities have not adopted building codes and do not have the capacity for inspections. This leads to low-quality homes, reduced life of homes, maintenance challenges, mould and fire safety issues. So we're asking: Is CMHC acquiescent in this problem? This must be changed.

I also want to mention, if I may, Your Honour, that there is often a reluctance to pay rent. In many reserves, especially those without economic opportunities, there is no ability to attract sources of financing for new buildings. Are there ways of finding sources of financing and encouraging band members to contribute where they're able, so that new sources of financing can be found?

There is also a \$300-million First Nations Market Housing Fund that is barely being accessed by First Nations bands. How can this be made more accessible?

Finally, there's the challenge of land tenure. Are there innovative approaches to land tenure — and we've seen some in some of the communities we visited — so that bank and other additional sources of financing may be available?

These are some of the issues on which we are looking forward to making some constructive and detailed recommendations, honourable senators. So far, we've focused on housing. We plan

an interim report early in the new year, and then we'll focus on the equally important questions of infrastructure and financing infrastructure. I thank the honourable senator for notice of these questions.

**Some Hon. Senators:** Hear, hear.

[Translation]

## PUBLIC SAFETY

### MISSING AND MURDERED ABORIGINAL WOMEN AND GIRLS

**Hon. Céline Hervieux-Payette:** Honourable senators, my question is for the Leader of the Government in the Senate.

The Minister of Public Safety introduced a bill to give more power to the Canadian Security Intelligence Service. This bill is all the more important, suggests the government, in light of the two recent tragic events that resulted in the death of two of our soldiers. It so happens that 1,017 Aboriginal women have died and the Prime Minister has dismissed out of hand any federal government initiative to do these victims justice, while even the UN and other international agencies have called on Canada to conduct a national public inquiry.

Could your government finally prove to us that the blood of an Aboriginal woman is worth as much as the blood of a Canadian soldier?

**Hon. Claude Carignan (Leader of the Government):** I do not know how to answer such a question. You should apologize, just as you should apologize for the interview you gave following the attack last Wednesday. It was despicable and your question is despicable.

**Senator Hervieux-Payette:** To me, Leader, life is sacred no matter who or which Canadian we are talking about. It should be noted that when Richard Bain attacked the newly elected premier of Quebec, for ideological reasons, no one in Quebec cried terrorism. It is true that we were not at war with Iraq yet and that this government had no need to make a decision that was popular with Canadians.

When this government led us to believe that it took action to ensure Canadians' safety, what was it waiting for to adopt measures to regulate the use of DOT-111 cars and, more broadly, the transportation of dangerous goods by rail? On the contrary, your government instead systematically eliminated all existing standards for environmental protection, the protection of workers, public safety and oversight; this resulted in 47 deaths in Quebec.

Leader, is the Prime Minister focusing on terrorism and the suppression of civil liberties in his election campaign in order to hide your government's economic failure?

**Senator Carignan:** I am trying to understand your question. The only way to do that is by saying that you made mistakes when copying and pasting different insinuating questions. Your question is completely unintelligible and I will not answer it.

[English]

## DELAYED ANSWERS TO ORAL QUESTIONS

**Hon. Yonah Martin (Deputy Leader of the Government):** Honourable senators, I have the honour to table the answers to the oral questions asked by the Honourable senators Mitchell and Downe on March 6, 2014, concerning telemarketing and the National Do Not Call List.

### CANADIAN HERITAGE

#### CANADIAN RADIO-TELEVISION AND TELECOMMUNICATIONS COMMISSION— TELEMARKETING—NATIONAL DO NOT CALL LIST

*(Response to question raised by the Honourable Grant Mitchell on March 6, 2014)*

Violations of the National Do Not Call List (DNCL) rules are taken very seriously.

That is why our government introduced strong Do-Not-Call legislation and Canadians can rest assured that when companies don't respect the rules, they will be fined.

To that end, our tough new rules have resulted in 45 fines totalling over \$2.5 million dollars. Canadians have registered more than 10 million telephone numbers on the list.

According to an independent survey, over 80 per cent of them report a decrease in the number of telemarketing calls received.

*(Response to question raised by the Honourable Percy E. Downe on March 6, 2014)*

TELUS, without a finding or admission of guilt or the issuance of a Notice of Violation, had agreed to stop making calls using automated calling devices to its prepaid mobile subscribers and agreed as part of the settlement to make a monetary payment to establish a scholarship fund at the School of Public Policy and Administration at Carleton University. Using this fund, Carleton University is in the process of creating the first Canadian graduate studies program in regulation.

Negotiated settlements are conducted on a case-by-case basis. However, to the extent such monetary payments might become part of some future settlements, the CRTC's aim would be to direct such funds to support activities relevant to the CRTC's mandate. As noted above, such payments are only made where there is no finding of guilt; the costs of further investigations are avoided, all the while achieving compliance with the Rules. Where an AMP is imposed, the penalty is paid to the Receiver General for Canada.

## ORDERS OF THE DAY

### CRIMINAL CODE

#### BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Boisvenu, seconded by the Honourable Senator Beyak, for the second reading of Bill C-452, An Act to amend the Criminal Code (exploitation and trafficking in persons).

**Hon. Mobina S. B. Jaffer:** Honourable senators, I rise today to speak at the second reading of Bill C-452, An Act to amend the Criminal Code (exploitation and trafficking in persons).

First, I want to start by thanking Maria Mourani, the MP, for sponsoring this private member's bill, which focuses on a very important issue of human trafficking, in the House of Commons. Also, I would like to take this opportunity to thank Senator Boisvenu for his continuing work on this issue.

Honourable senators, I want to give you a summary of this bill before I go into to my personal remarks. This bill seeks to amend the Criminal Code of Canada to provide consecutive sentences for offences related to trafficking in persons; to create a presumption regarding the exploitation of one person by another; and to add the offence of trafficking in persons to the list of offences to which forfeiture of proceeds of crime applies.

Clause 1 of the bill creates a presumption of exploitation for the purposes of general trafficking prohibition.

• (1500)

Specifically, proposed new section 279.01(3) has the effect that any person who is not exploited who lives with or is habitually in the company of a person who is exploited would be presumed to be exploiting or facilitating the exploitation of that person in the absence of evidence to the contrary.

Clause 3 amends the French version of the definition of exploitation for the purposes of trafficking in persons contained in subsection 279.04(1) of the code, to bring it in line with the English since the French apparently refers only to "providing" and not to "offering to provide" labour or services.

Clause 3 adds a new section 279.05 to the Criminal Code to require that a sentence for any of the trafficking in persons offence sections 279.01 or 279.03 be served consecutively to any other punishment imposed for an offence arising out of the same series of events.

Honourable senators, the bill seeks to ensure that traffickers do not profit from their actions. We agree that the government must be able to seize the profits made from the transaction of selling a fellow human being as a commodity. The bill reverses the onus of proof and states that an individual who is habitually in the company of a person who is exploited, in the absence of evidence to the contrary, proof that a person exercises control, direction or influence over the movements of the person for the purpose of

exploiting them or facilitating their exploitation. The bill aims to deter expansion of human trafficking by requiring offenders to serve their sentences consecutively.

Honourable senators, I dream that one day we will eradicate trafficking, especially of children, in our country. If there is any country where trafficking of people, especially of children, can be eradicated it is Canada. This is not the first time I have spoken on this issue of trafficking in the chamber. In 2005, I sponsored the first bill on trafficking in the Senate when I stated:

... to speak in strong support of Bill C-49, to amend the Criminal Code in respect of trafficking in persons. I am very happy that Canadians are taking the necessary steps to stop the heinous crime of human trafficking, but I am very sad that these kinds of deplorable acts happen anywhere in the world, let alone right here within our borders.

Honourable senators, at that time I stated that the previous week I had gone to Abuja, Nigeria, where I met with officials of the Nigerian National Agency for the Prohibition of Trafficking in Persons.

I also met with nine girls from the ages of 12 to 15 who had, a few days ago, been rescued in a bus station. These girls were with a woman — in Nigeria they call them “Madams” — who was preparing to traffic them as house girls in Lagos and later, when they were a little older, as sex objects in Italy. All these girls were in school, but their parents had sold them to a Nigerian Madam.

While talking to the girls, I really bonded with a young 12-year-old who was so innocent. There are many girls like her who will not be rescued.

I spoke about what a difference Bill C-49 would make not just overseas but in our country as well. I stated that this bill was about protecting the fundamental values of human security and human dignity that we value as Canadians.

Then, in 2009, I once again spoke about trafficking in Bill C-233. As you may remember, Senator Phalen and Senator Carstairs worked very hard with the Minister of Immigration to stop trafficking in our country. Yet again in 2012 I rose to speak on this issue on Bill C-310, when I said to honourable senators that a time had come when we had to stop talking about having many bills and start talking about putting in resources.

Honourable senators, often there is an understanding that trafficking of girls does not exist in Canada. I'm very sad to say that trafficking of young girls also exists in Canada. Our own girls are also trafficked. Our country is considered to be a source, transit and destination country for the trafficking of human beings and forced labour. We have heard estimates from the RCMP that about 600 to 800 victims are trafficked into Canada each year, mostly entering into forced sex work. We have also heard that 1,500 to 2,200 persons are trafficked through Canada to the United States annually.

Unfortunately, in Canada, information is not collected systematically so we have no way of knowing the real effects of human trafficking in our country. The result is that ultimately the numbers available likely show a stark under-representation of the harsh truth.

A relatively new report from the International Labour Organization puts forth a very dark image of the global impact of human trafficking. The report is said to take into consideration the highly under-reported nature of this crime.

Honourable senators, I can honestly tell you that I was shocked when I read statistics in the International Labour Organization's 2012 global estimate of forced labour report. The International Labour Organization estimates the number of victims of forced labour and trafficking globally are 20.9 million — 20.9 million people around the world have been coerced or deceived into jobs where they are held captive. That means that right now, in this moment, 1 out of every 1,000 persons is forced into labour.

The definition of trafficking of persons is the recruitment, transportation, transfer, harbouring or receipt of persons by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or a position of vulnerability, or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation. It goes on to say that exploitation shall include, at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or removal of organs.

Quite plainly, honourable senators, I truly believe that human trafficking is a form of modern slavery. When we use the term “slavery” we can all easily agree that we are talking about an assault on human dignity, a violation of natural laws and a sickening manifestation of man's disregard for human rights. These characterizations are for slavery as they are for human trafficking. We are talking about a crime against the very heart of our democracy — the liberty and security of the person.

Honourable senators, I know that combatting human trafficking in this chamber is a non-partisan endeavour. Our work together in the past to reform and modernize the law in this regard has been very positive, yet more needs to be done. Where a person's freedom has been taken away in a barbaric way, it is our job as leaders to find justice.

I have spent a number of years working on this issue and every time I travel somewhere new for this purpose I am struck by the similarities in the victims I meet. They are mostly girls who are young and hopeful for a better life outside of their own, where they would find no poverty and no violence. They all want to go to school, to play and grow up and be teachers and doctors. These girls were promised all those things but in a horrific turn of events they have been enslaved and brutally exploited.

What really bothers me when I travel to foreign countries is when I come across Canadian men who are also perpetrators in the global crisis. Canadian men travel abroad to engage in the exploitation of women and children, believing they cannot be prosecuted when they come back.

We all know that the laws have changed in Canada and we have laws for sex tourism, but really a law is only a good law if we provide resources and we have the political will to enforce those laws. Having a law on paper is not even worth the paper it's written on.

• (1510)

Sex tourism is a big issue in Canada. In the 15 years that this bill has been in place, there have been five successful prosecutions in Canada of child sex tourism, most of which were by happenstance and not because of investigative work.

One of the five successful prosecutions was of Kenneth Klassen, an art dealer from my province of British Columbia. A mere 48 hours after landing in Cambodia, Mr. Klassen had assaulted and videotaped almost a dozen young girls, the youngest of whom was eight years old. After unsuccessfully making the claim that Canada's sex tourism laws were unconstitutional, Mr. Klassen pleaded guilty and received the same charge he would have received had he assaulted and exploited a Canadian girl.

Unfortunately, there are many men like Mr. Klassen who have not been held accountable for their actions. The fact there have been only five prosecutions in one and a half decades demonstrates this. This is largely due to the fact that proper resources have not been put in place to enforce the legislation.

Honourable senators, if we are to take a real stand against the trafficking of persons, we must put forward an honest effort to ensure that the bill is accompanied by the necessary resources.

I'm sure in the recent issue of *The Economist* you read about the virtual depravities that exist in Canada, Australia, the U.S. and other western countries of men using the Internet to continue trafficking women and girls. I will speak more about this in debate on Bill C-13, which is about cyberbullying.

Honourable senators, when I was asked by my deputy leader to speak to this issue, I said yes because this is one of the issues that I work on. Standing here now, I'm saying in my speech the same thing that I said in 2005, in 2009 and in 2012. Yet, I can look each and every one of you in the eye and say that when I walk the streets of Vancouver, I see no difference. I see that the situation has worsened.

I have often said to honourable senators that this is the place where we look after the rights of the most vulnerable. We can pass a bill every year on trafficking, but it will make no difference to the lives of girls in our country. I want to share with you something that I told Senator Frum I would say this week.

Last year, I went with International Justice Mission Canada, which is a group of people from Canadian churches trying to stamp out trafficking around the world. I learned so much from them. They finance the investigations of girls being trafficked; take care of such children; make sure there's prosecution of the trafficker; give aftercare to the children; and work hard to integrate children into the community.

Honourable senators, I stand today in front of you to say, don't bother with this bill; it's going to change nothing. Truthfully, we have to look at a comprehensive effort if we are going to change the lives of our girls.

Let me tell you what I saw in Calcutta, India that was being done by Canadian churches from my province. They were financing this project in Calcutta, which has a huge problem with trafficking. When I went to Calcutta, I saw investigators go into homes and brothels where young girls are hidden at the back.

They ask for a young girl and then they befriend her. Over months and months of work, they earn the trust of the girl, and then they call the police. When the police arrive to rescue the girl and to arrest the trafficker, International Justice Mission Canada arrives with its social workers to take the girl in their car. The trafficker goes in a police car, and they all arrive at the police station.

One of the most awesome things I saw was the biggest bag of goodies from the social workers for the girl. You have to remember that when you take the girl away from that house or brothel, she leaves everything behind. The bag of goodies was bigger than a hockey bag. A social worker sits with the girl all night or however long it takes for the girl to make her statement. You must remember that the young girl does not trust the social workers. The only person she trusts is the trafficker, because that's the only person she knows. The social workers have to gain her trust. Once she makes her statement, the social workers take her away so that the trafficker can never influence her. Then, they finance the prosecutors in Calcutta to make sure that the trafficker goes to jail.

Honourable senators, one of the happiest moments for me was when I sat in the courts in India when a trafficker was applying for bail for the eighty-first time — he had been in jail for a while. After a long day, we were sure he would be free to go, but the judge did not grant him bail. Thanks to what Canadians are doing in Calcutta, a number of traffickers have been convicted and sent to jail for over ten years. They are starting to make a difference.

After all that, the girl is not forgotten but is given aftercare. It was amazing for me to see that. A young girl who has been raped 20 times a day is not like a young girl who lives here. She needs a tremendous amount of aftercare, which is provided. She is also provided with an education so that she can integrate into society. Once she is educated, an effort is made to integrate her into the community.

Honourable senators, this law can be passed, but nothing will change in Canada because we do not provide the resources to protect our girls.

Many times I'm asked why I say that our girls are being trafficked. Honourable senators, once a month I walk the streets with outreach workers in Vancouver where I see many girls being trafficked. I want to share with you something that happened to me during the Olympics.

We know that the Olympic Games in Canada were a proud moment for all of us. I am proud to say that Prime Minister Harper and Minister Kenney worked exceptionally hard to stop the trafficking of girls into Canada. All groups succeeded in stopping the trafficking of girls and women from outside the country. As honourable senators know, when the World Cup or the Winter Olympics occur, there are games during the day and the trafficking of women and girls at night. We were able to stop the trafficking of women and girls into our country. However, to my utmost shock, girls were brought in from reserves in British Columbia, Alberta and Saskatchewan to the streets of Vancouver.

• (1520)

We were able to stop girls from around the world coming into our country, but our own girls were exploited during the best time in my province, the Winter Olympics.

Honourable senators, I say to you that we can pass a trafficking bill every year, but it does not mean anything if we do not have the political will to provide the resources.

I want to talk to you about a young girl that I met who was trafficked during the Olympics. I will call her Grace. I saw Grace the day the Winter Olympics were brought to my city. She was an innocent 10-year-old who had come from the reserve. On that day she was playing with beautiful earrings that her trafficker had given to her. For us, they would be earrings we would throw away, but for her it was the most beautiful thing. She had the most beautiful face in the world, but since the Olympics — and I saw her last week — Grace now looks old, she has lost her teeth, she's on drugs and we have lost that child.

Honourable senators, of course I support this bill, but will it change the life of a girl? I don't think so.

Thank you very much.

**Hon. Ghislain Maltais (The Hon. the Acting Speaker):** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

(Motion agreed to and bill read second time.)

[Translation]

#### REFERRED TO COMMITTEE

**Hon. Pierre-Hugues Boisvenu:** Honourable senators, before I move that this bill be referred to the Standing Senate Committee on Legal and Constitutional Affairs, I would like to congratulate Senator Jaffer on her very inspired speech and thank her for supporting this bill. I am sure we will work together on this bill in a collaborative way in committee.

**The Hon. the Acting Speaker:** Honourable senators, when shall this bill be read the third time?

(On motion of Senator Boisvenu, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.)

#### INCOME TAX ACT

##### BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Maltais, seconded by the Honourable Senator McIntyre, for the second reading of Bill C-377, An Act to amend the Income Tax Act (requirements for labour organizations).

**Hon. Pierrette Ringuette:** Honourable senators, this public bill, Bill C-377, has neither gone away nor changed since it received first reading in the Senate in December 2012.

It did not go away because the Prime Minister prorogued Parliament before the other place received it in its amended form. It was put back on the Order Paper in October 2013, over a year before it was introduced at second reading just recently.

Bill C-377 has not changed. In other words, it is still unconstitutional; it still fails to respect privacy; it will be very costly to taxpayers; it puts Canadian workers in danger, especially those who protect us; and finally, it still creates an indefensible imbalance in employee-employer relationships.

[English]

Bill C-377 forces unions to disclose any disbursement that exceeds \$5,000 and any salary over \$100,000. Disclosures are made to the Canada Revenue Agency and would be posted publicly.

The disclosure includes the name and address of the payer and payee, description and purpose of the transaction, and amounts. There is also a requirement for estimates of time dedicated “to each of political activities, lobbying activities and other non-labour relations activities.”

My concerns are numerous. The first one is the provincial jurisdiction of the issue. The regulation of labour relations is a provincial issue. While it has been claimed by supporters that this bill is strictly about accountability for tax benefits, the defenders of the bill use labour relations arguments frequently, including references to similar laws in other nations, most of which fall under labour relations, and not tax law.

Representatives from the Canada Revenue Agency claimed:

We are considering the focus of this measure as disclosure, not for income tax administration purposes or tax assessment purposes.

The claim that this bill is beyond the jurisdiction of the federal government has been put forward by ministers from almost every Canadian province, the Canadian Bar Association, Barreau du Québec, the Federation of Law Societies of Canada, the Certified General Accountants Association of Canada, Constitution experts such as Bruce Ryder of Osgoode Law School and Alain Barré of Laval University, among many, many others.

As a defender of our Constitution, I cannot approve such an encroachment on the division of powers between the federal government and its provincial counterpart. Private law, as is labour relations, is a provincial jurisdiction. Provinces have already enacted balanced, transparent labour relations legislation in order to foster social peace, democratic processes and economic growth.

In June 2013, Senator Nolin expressed it this way:

The main argument in Senator Carignan's speech is that we must focus on the very nature of the bill. I see that as the issue. Taxation is secondary because the very nature of the bill puts it in the realm of private law.

Then he goes on to say:

It is trying to regulate private law, which is a provincial jurisdiction, by going through the back door and using tax law. We cannot accept that, not even with good amendments.

Also in June 2013, ex-Provincial Court judge Senator Andreychuk rightly voiced:

My concerns were still about the constitutionality, the privacy issues and the Charter issues. It would appear these priority issues were not dealt with at the beginning of this process or at the House of Commons.

Then she says:

I accept that it is flawed constitutionally.

Another major issue is privacy. This bill would require public disclosure, name and address, of any disbursement that exceeds \$5,000.

The amount of information and the public disclosure of that information are disproportionate to that required by other organizations. This would require the release of information of not only union business, but of third parties that do business with them. This could make it harder for unions to receive services as vendors may not want to have the details and amounts of their contracts posted publicly.

The Privacy Commissioner stated in committee that it is a “significant privacy intrusion” and “highly disproportionate,” and that “requiring the names of all individuals earning or receiving more than \$5,000, as well as the amounts they receive, to be published on a website, is a serious breach of privacy.”

• (1530)

The Canadian Privacy Act specifies that to disclose private information publicly one needs consent of the individual whose private information would be disclosed and/or posted. In order to abide by the privacy legislation, the unions, the director of the Canada Revenue Agency and the minister would all have to get the individual consent for the information to be disclosed publicly. If not, any of them and/or all of them would be subject to court challenges under the Privacy Act.

The name and address of anyone receiving \$5,000 or more per year will be on the Internet for anyone to browse.

Millions of Canadian citizens, along with their revenue, will be posted online, making them all targets — targets for bullying, targets for break-ins, et cetera.

Scam artists can look up pensioners’ information — name, address and the money they are receiving. They could also identify from the disclosed information who is a recent widow.

This will become a database to be used by criminals and scam artists.

Senators, at a time when we must do our best to protect our citizens from any predatory scams, why would we agree to spend \$60 million of taxpayer money to expose millions of innocent Canadians?

If the government has an extra \$60 million of taxpayer money, it should be invested in protecting Canadians and not increasing their vulnerability.

Another issue is freedom of speech and association. It has been said that the bill may significantly violate the Canadian Charter of Rights and Freedoms.

It could have a chilling effect on the freedom of speech and association of unions and their members by separating lobbying and political activities from other union activities. The bill says:

... to each of political activities, lobbying activities and other non-labour relations activities,

Give me a break. This makes the biased assumption that political advocacy and lobbying is not a legitimate part of union labour relations activities on behalf of their membership. It is, as far as I am concerned, a legitimate way to bring attention to workers’ concerns.

The Canadian Bar Association said that:

The Bill interferes with the internal administration and operations of a union, which the constitutionally protected freedom of association precludes, unless the government interference qualifies as a reasonable limitation upon associational rights. It is unclear from the Bill what the justification is for these infringements.

The disclosure of this information will create an imbalance of information between unions and employers, diminishing a union’s bargaining position. This intrusion into the inner working of the unions is a violation of the right of collective bargaining.

On this note, I would like to say that the MP who introduced this bill has misled Parliament by saying that there was similar legislation in France, the United Kingdom and Australia. In reality, the pieces of legislation referred to are under labour relations and both the employee and employer organizations are required to disclose the same information to a registrar, and its public disclosure is very limited.

Provincial legislation rightly imposes the same obligations upon unions as it does toward the employers in labour relations. This balance, or should I say this non-discriminating approach by Canadian provinces, is the proper way to achieve the required win-win negotiations.

[Translation]

The obligation that labour organizations would have to disclose all disbursements related to legal or medical activities, for example, violates the solicitor-client privilege that exists for members of the bar, doctors and other professions. If a member violates solicitor-client privilege, these professional associations may take disciplinary action or sometimes even impose fines. Solicitor-client privilege is the very reason that we view these professionals as credible and that we trust them as clients and as members of a democracy.

The cumbersome accountability requirements set out in this bill will result in significant costs in terms of time and money. The Canadian Labour Congress estimated that it would cost \$450,000



to implement these requirements and that 2 per cent of its annual revenue would be spent on keeping the information up to date and preparing the reports.

Canada has more than 25,000 unions of varying size, including many small regional and local unions that do not have the resources to provide this kind of information.

It's also important to mention that Canadian taxpayers will have to shoulder the financial burden imposed by the costs for the Canada Revenue Agency to fulfill its obligations, as set out in Bill C-377.

During meetings, Canada Revenue Agency officials estimated their costs at more than \$60 million a year. To give you some perspective, in 2013, the Senate's total budget was \$104 million.

Bill C-377 will cost the Canada Revenue Agency \$60 million, which represents 57 per cent of the Senate's total operating budget.

Surely you can see that Bill C-377 will cost an exorbitant amount of money to provide for the disclosure of personal information about Canadians at a time when we should be focusing our energies and public funds on protecting Canadians.

These costs are unacceptable to taxpayers. Furthermore, provincial laws already require financial statements to be made available to members of labour organizations.

[English]

On February 14, 2013, the Honourable Hugh Segal also expressed the following:

Dispatching CRA to police how trade unions spend their money, in denominations of \$5,000 or more, is to increase the role of CRA and of the state in ways that create a bigger, nosier and more expensive government. As a taxpayer and as a Conservative, I oppose that kind of increase in any government's power or expenditures.

• (1540)

He said that on Valentine's Day.

[Translation]

The definition of "labour trust" means that all disbursements from a pension fund and other benefits must be disclosed if they add up to \$5,000 or more per year. The names and addresses of people receiving retirement pensions, death benefits, reimbursement of medical expenses or prescription costs, sick leave benefits and other health services or products will be made public. This bill is a real disgrace. It is an insult to the concept of a free and democratic society, a deliberate attack on the privacy of our citizens. It would be easy for someone with dishonest intentions to get information about a person's health and income, not to mention that person's address.

The proposed section 149.01(1) in Bill C-377 defines a "labour organization" as follows:

... a labour society and any organization formed for purposes which include the regulation of relations between employers and employees. . .

It's clear that all organizations that directly or indirectly regulate labour, whether as employees or employers, are covered by Bill C-377.

On page 5 of the Canada Labour Code, there is a definition of "employers' organization" — since these are organizations — as an organization of employers the purposes of which include the regulation of relations between employers and employees. The Canadian Bar Association raised this issue in a letter that it sent to the Chair of the House of Commons Standing Committee on Finance.

Honourable senators, that definition includes, among others, the National Hockey League, doctors' associations, the Mounted Police Professional Association of Canada, the Association des policiers et policières du Québec and even — don't be surprised — the Senate Protective Service Employees Association.

Honourable senators, in March 2013, when Bill C-377 was introduced at second reading stage, I filed three access to information requests, namely to the Canada Revenue Agency, the Prime Minister's Office and the Privy Council Office, and the Department of Finance. In April and June 2013, I received a response from the Privy Council Office and the Canada Revenue Agency. In February 2014, or 11 months later, I received a response from the Department of Finance. Indeed, this department had more than 69 documents containing 408 pages concerning Bill C-377. In total, we are talking about 450 pages of obscure information.

Honourable senators, you can see for yourselves; this is a joke.

If the government were confident about the legitimacy of this bill, the 450 pages could be tabled with the Clerk of the Senate and handed out to us during this second reading of the bill.

[English]

Honourable senators, last September, Senator Runciman talked about his concerns about union spending during the Ontario provincial elections. Here again, this is an issue that should be addressed by the Legislative Assembly of Ontario by amending the Ontario Election Finances Act for third-party financing. Apples and oranges: federal and provincial divisions of power and responsibility.

I am surprised that Senator Runciman, an almost 30-year veteran MLA and minister in the Legislative Assembly of Ontario, did not try to correct this provincial issue while he was serving in that house or that he does not currently have a sympathetic Tory MLA who can propose a private member's bill to amend the Ontario Election Finances Act regarding third-party financing and political donations by unions and corporations. It's only logical.

The Ontario Election Finances Act, section 37.5, requires third parties that engage in election advertising during the writ period to register immediately once they have spent \$500 or more. Sections 37.10 to 37.12 also require that registered third-party advertisers must file an audited financial report to Elections Ontario six months after polling day.

On the other hand, the Canada Elections Act, section 350, limits third-party advertising to \$150,000 during a general election. Therefore, within our federal jurisdiction and in

respect to our Constitution, disclosure of third-party financing is already in the Canada Elections Act. Also, no unions or corporations are allowed political donations under the Canada Elections Act.

If third-party political financing is an issue in provincial jurisdictions, then it is the responsibility of those provincial jurisdictions to legislate on the issue, as it is their responsibility to legislate balanced labour relations.

Honourable senators, Canadian workers and their employers do not need their income disclosed publicly, making them vulnerable to predatory elements in our country or abroad.

Canadian taxpayers should not pay \$60 million to satisfy non-profit, non-taxpaying organizations such as Merit or LabourWatch.

Senators must review legislation with the fundamental criteria of its constitutionality, respect of jurisdiction and Charter rights along with other federal laws, such as the Privacy Act. I strongly believe that Bill C-377 is a constitutionally-flawed bill and that if it is sent to be studied further by a standing Senate committee, the appropriate one would be the Standing Senate Committee on Legal and Constitutional Affairs.

(On motion of Senator Cowan, debate adjourned.)

**CANADA LABOUR CODE  
PARLIAMENTARY EMPLOYMENT  
AND STAFF RELATIONS ACT  
PUBLIC SERVICE LABOUR RELATIONS ACT**

**BILL TO AMEND—SECOND READING**

On the Order:

Resuming debate on the motion of the Honourable Senator Martin, seconded by the Honourable Senator Marshall, for the second reading of Bill C-525, An Act to amend the Canada Labour Code, the Parliamentary Employment and Staff Relations Act and the Public Service Labour Relations Act (certification and revocation — bargaining agent).

**Hon. Joan Fraser (Deputy Leader of the Opposition):** Colleagues, this is another supposedly private member's bill, which is supported by the government, having to do with unions and with labour relations.

Some years ago, in 1995, the last time, as far as I know, that there was a serious reassessment of Part I of the Canada Labour Code, the body doing that assessment under Mr. Andrew Sims, a recognized expert in this field, reported, and the report was called *Seeking a Balance*. It said many wise things that are applicable not only to the Canada Labour Code but also to the other two pieces of legislation that this bill would amend.

The first thing I want to quote from the Sims report is this:

A labour code must be careful to maintain the natural balance of power. Any legislative scheme which tips that balance leads to uncertainty, instability and discontent.

• (1550)

In my view, this bill does upset that balance; and in my view, it does so, once again, in an anti-union direction. The thumb on the scale is always on one side.

Unions are not perfect; of course they're not perfect. Unions are human institutions, and, like any human institution, they can have their imperfections. But, as Senator Ringuette pointed out in the case of Bill C-377, we have an array of laws to address abuses.

I have heard some colleagues say we need Bill C-525 because of what we've learned through the Charbonneau Commission in Quebec. With respect, I do not think that argument holds water. The worst things we've learned through the Charbonneau Commission in Quebec have to do with organized crime, very serious things indeed that we have learned. However, of the allegations that were made affecting labour unions, to the best of my knowledge, not one covered territory that was not already the subject of the law. We have laws. The question is: Are we going to make them be obeyed?

In general, however, imperfect though they may be, unions have been a tremendous force for good in our society. They have won, for all of us, not just for their members, extraordinary benefits, everything from equal pay for equal work to sometimes inadequate but precious legislation on workplace safety. We all have benefited from these things.

In general, they have come initially through the collective bargaining process. More important perhaps, unions and the collective bargaining process have brought a degree of stability, cooperation and confidence to our workplaces and, therefore, to society at large.

Over the years, labour relations have evolved to become a system of very considerable complexity, and for good reason. These are complex matters involving the striking of that balance that the Sims report referred to. A hallmark of good labour relations is consultation, cooperation, mutual understanding, and mutual ability to reach a compromise that will not be unfair to either side, to the workers or to the employers.

What will this bill do? It sounds good. It will call for mandatory secret ballots for certification or decertification of bargaining agents in workplaces within the federal jurisdiction. Secret ballot always sounds terrific, particularly to people who are engaged in politics. The secret ballot is the basis of the system upon which we as politicians have built our democracy; but, in fact, this bill is, as I suggested, fundamentally a piece of anti-union legislation, and it is a potentially dangerous tinkering with that complex system.

Let me describe to honourable senators the current system for certification of a bargaining agent in the federal jurisdiction. It's what's known as the "card-check model." A union that wishes to unionize and gain recognition as representing a given workplace, a given collection of workers within a given workplace, tries to get them to sign cards, to sign union membership cards. That's why it's called a card check. If the union succeeds in getting 50 per cent plus one of the members of that particular workplace or unit within a workplace to sign, then certification is automatic — the majority rules.

[ Senator Ringuette ]

If between 35 and 50 per cent of the workers involved sign a card check, then the Canada Industrial Relations Board must hold a vote, and that vote will be by secret ballot. If sufficient numbers vote “yes,” then the union will be certified as the bargaining agent for those workers.

Under this bill, a secret ballot administered by the board would be, as I said, mandatory for any certification or decertification, and the threshold for holding that secret ballot is raised from 35 per cent under the present system to 40 per cent.

Well, why are we doing this? What is the rationale? What is the motivation? The MP who presented this bill, Mr. Blaine Calkins, says essentially that it is designed to reduce the intimidation of workers by unions. Mr. Calkins, in his remarks to the House of Commons, used quite inflammatory language. He talked about things like big union bosses, strangleholds on workers, unions muzzling workers’ democratic voice, and unions being driven by the need for power. There’s a revolutionary concept. Politicians are never driven by the need for power, nor is anybody else — only unions, right?

Mr. Calkins also said that the Canada Industrial Relations Board has received a mountain of complaints about intimidation by unions of workers when the unions were trying to be certified. Well, not quite. The Chairperson of the Canada Industrial Relations Board is Ms. Elizabeth MacPherson, and she told the House of Commons committee that there have been only two — two — founded complaints of unfair labour practices by unions in the past 10 years. That is two out of 4,000 decisions rendered by the board.

Ms. MacPherson said, in what I consider a masterpiece of understatement, that “it’s not a huge problem.” The fact is nobody — nobody — none of the relevant parties asked for this bill or thinks it addresses a genuine pressing problem, not the unions, not the employers and not the board. In fact, they weren’t even consulted about whether this bill was desirable. In fact, everyone who actually understands labour relations is warning about the dangers of using a private member’s bill to tinker with one element of a complex and delicate system.

You don’t have to take my word for it. Listen to Mr. John Farrell, executive director of the largest federal employer group, FETCO. He told the house committee:

We believe that the use of private member’s bills sets the federal jurisdiction on a dangerous course, where, without adequate consultation or support, unnecessary or unworkable proposals come into law, and the balance, which is so important to the stability of labour relations, is upset. We strongly believe that it is not in the long-term best interests of Canadian employers and their employees, and it has the potential to needlessly impact the economy by destabilizing the basic foundation of union-management relations.

So what will the real effects of this bill be? I think it’s helpful to look at the record in jurisdictions that already have this mandatory secret ballot system. That includes several Canadian provinces, as well as various jurisdictions in the United States.

• (1600)

Study after study shows two effects. One is that there are fewer applications for certification; another is that the success rate of those applications that are made diminishes.

It depends on the specifics of the system in each jurisdiction how severe the impact is, but one particularly pernicious element of this bill is that it sets no deadline for the holding of these secret ballots. That is very dangerous, because it does allow time for intimidation to occur between the initial drive to have the cards signed and the time the ballot is actually held.

Here is a news flash, colleagues: Intimidation is at least as likely and often more likely on the part of the employer than on the part of the union. The basic reason for that is that it is the employer who has the power of the purse, and we know — I expect many in this room have seen; certainly I have seen — about very serious examples of employer intimidation and of people being fired because they dared to try to organize a union in their workplace. Employers have everybody watch a video about how dangerous it is to unionize and how it could lead to layoffs and maybe even to the closure of your plant or your office, and the removal of the work that you do today to some nice, safe, non-union jurisdiction overseas, or in the southern states, or wherever. These things happen. They actually happen.

That is probably one reason why, according to Professor Sara Slinn, Assistant Professor of Law at Queen’s University, delay is a well-known union avoidance tactic of employers. What is the effect of delay? Well, in Canada, we don’t have that much to go on because in the provincial jurisdictions there do tend to be deadlines. For example, in Ontario, the secret ballot must be held within five working days of the application for certification. In the United States, however, there are various jurisdictions that have no such deadline. I quote again from Professor Slinn:

Under the American vote-based system, there is ample empirical evidence that applications with longer processing times are significantly less likely to result in certification. Studies have found that the proportion of elections won by unions declines significantly with each month of delay and even with each additional day.

I have to assume that Mr. Calkins was aware of these facts, which lends some credence to the view that the purpose of this bill is not in fact to create balance but, rather, to upset balance because it leans consistently against the capacity of unions to gain the right to represent honest workers.

Then there’s a question of what these new demands will do to the Canada Industrial Relations Board. It’s not a very big outfit, you know. Already last year, the average processing time for certifications by the board was 157 days. What’s it going to be like if they find themselves having to hold a vote in every single application, even if 85 or 90 per cent of the workers affected have signed a card saying yes, I want to be represented by this union? My fearless prediction is that we’re going to see long delays because there is no provision in this bill for increased resources for the board, nor can there be such provision because this is a private member’s bill.

We say it's a private member's bill and technically it is. It has been made very plain that this bill has the support of the government. I find that very sad; truly sad.

Let me conclude with another quotation from Andrew Sims' report in 1995. That report set out various criteria for any reform to the Canada Labour Code and, I would argue, for the other pieces of federal legislation affecting labour relations. Here are the first two of those criteria:

- Consensus has been achieved by the parties regarding the need for and the nature of the reform that is consistent with the public interest.
- There is a demonstrated area where the existing law is no longer working or no longer in line with public policy.

No such consensus has been achieved or even sought on this bill. As for demonstrated need, the only demonstrated need I can see is a perceived need on the part of government to minimize the role of unions in our society. I do not consider that to be the kind of noble goal that Parliament should be engaged in.

It will not surprise you, colleagues, to hear that I cannot possibly support this bill. I expect that it will receive second reading and I trust that it will be given thorough study in committee because its manifold flaws need to be studied by this Senate.

**Hon. Jane Cordy:** Senator Fraser, would you take a question?

**Senator Fraser:** Yes.

**Senator Cordy:** This afternoon we have had two government bills on the agenda to break unions that are both masquerading as private member's bills. Both Senator Ringuette and Senator Fraser did an excellent job.

You hear all these people talking about their bedside reading and asking, "What's the book on your night table?" Mine is the book called *Miners and Steelworkers: Labour in Cape Breton*, written by Paul MacEwan, a former MLA and Speaker in Nova Scotia. It talks about the importance of the unions to Cape Breton, the coal miners and the conditions that they had to go through, and how the unions were the ones that brought better working conditions and better salaries for the miners.

If you read about the history of Cape Breton, the army was actually brought in to put the workers back to work. When they were on strike, the miners were put out of their homes because they were company homes. Furthermore, they were not allowed to purchase things at the company store because their credit was taken away from them.

What I find interesting with both bills — and I know that you can answer only for your bill — is that Bill S-377 was brought in by Russ Hiebert and your bill was brought in by Blaine Calkins. In neither case was there a necessity for the bill — neither bill — because Mr. Hiebert didn't have any complaints about what was

happening in terms of expenditures of unions and union members were actually quite happy with the openness and accountability, but he felt he should do it.

In your case — and you spoke about it, so I wonder if you could go on — you said that Mr. Calkins said there were mountains of complaints. You said that according to the Canadian Industrial Relations Board, there were two founded complaints over the past 10 years out of 4,000 decisions in the last 10 years.

Why do you believe that, both in the case of Mr. Calkins and in the case of Mr. Hiebert, they have misled parliamentarians by bringing in this information?

• (1610)

**Senator Fraser:** I have some slight acquaintance with both of these gentlemen, and I believe it is probable that in both cases they are acting out of conviction. I would suggest, at least in the case of the bill I was addressing today, that conviction has not been backed up by very solid research. In the case of Bill C-377, it suggests to me that rather more research has been done but that the ideological lens through which the issue has been approached has really distorted, tremendously distorted, the resultant bill.

In this case, I do not know why Mr. Calkins referred to a mountain of complaints. Maybe he was carried away. He says he has personally received some complaints. I'm sure we've all received some complaints about all kinds of things. People do tend to turn to their parliamentarians when they believe they have a grievance. Sometimes we listen and think that this grievance is genuinely the tip of an iceberg. Sometimes we listen and say that the grievance is founded but that it's an individual case; we don't actually have to revise the whole legal system of the country to address it. Sometimes we say, in the words that a colleague of mine used to use, "I'm terribly sorry, but your problem is not one that I can solve."

I don't know who complained or how many complained to Mr. Calkins. I am absolutely persuaded, however, that, as I say, his research was inadequate and that his approach, in this bill, is just dead wrong.

**The Hon. the Acting Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Some Hon. Senators:** Agreed.

**Some Hon. Senators:** On division.

(Motion agreed to and bill read second time, on division.)

REFERRED TO COMMITTEE

**The Hon. the Acting Speaker:** When shall this bill be read the third time?

(On motion of Senator Tannas, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.)

## STUDY ON PRESCRIPTION PHARMACEUTICALS

### FIFTEENTH REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE—DEBATE ADJOURNED

The Senate proceeded to consideration of the fifteenth report (interim) of the Standing Senate Committee on Social Affairs, Science and Technology entitled: *Prescription Pharmaceuticals in Canada: Unintended Consequences*, tabled in the Senate on October 21, 2014.

**Hon. Kelvin Kenneth Ogilvie** moved:

That the fifteenth report (interim) of the Standing Senate Committee on Social Affairs, Science and Technology entitled: *Prescription Pharmaceuticals in Canada: Unintended Consequences*, tabled in the Senate on October 21, 2014, be adopted and that, pursuant to rule 12-24(1), the Senate request a complete and detailed response from the government, with the Minister of Health being identified as minister responsible for responding to the report.

He said: I hope that, in this cavernous room, there will be no echo here today, and I will proceed.

Honourable senators, I am pleased to rise today to speak to the fourth report on prescription pharmaceuticals in Canada from our committee. This one deals with unintended consequences.

Just to remind you, as I mentioned, this is the fourth report on the topic of prescription pharmaceuticals. Previous reports have dealt with clinical trials, that is, how pharmaceuticals get approved; post-approval monitoring, which is what happens when drugs are approved and are out there on the market; and off-label use, the situation in which an approved drug is used in a manner that wasn't officially identified in the original authorization.

Today we present another nice report that deals, in this case, with unintended consequences.

Before I outline the major aspects of this report, I would like to acknowledge the committee members who have now dealt with the subject matter of all four reports. I'm absolutely delighted to be able to say that all the reports have been adopted by the committee unanimously.

I would also like to acknowledge the outstanding analyst and writer that our committee has had the privilege of working with, Sonya Norris, and the clerk of the committee, Jessica Richardson. As we who are on committees all know, clerks do a great deal of work behind the scenes and guide us through the actual meetings. Jessica has been thorough and solid throughout all of our efforts.

Finally, I would like to acknowledge my two colleagues on the steering committee, Senator Judith Seidman and Senator Art Eggleton. Senator Eggleton is also deputy chair of the committee. They have been simply outstanding to work with, and it has been a privilege to have been able to bring forward the work plans for this committee with their help and guidance.

In this report, we have 30 recommendations. What I would like to do today, colleagues, is simply identify some major categories and tell you about the importance of these issues to Canadians. First, we report again on the issue of electronic databases dealing with the health of Canadians, the idea of medical records, electronic medical records and electronic health records. We have reported on this and made major recommendations in each of the three previous reports. It is still a serious matter. That is, it doesn't exist to a very large degree in Canada.

We deal in this case with a number of issues, including the cross-jurisdictional sharing of data and the need for agreements in this area. The implementation of electronic health records and prescription drug databases has simply got to be accelerated. We have to establish targets. Their uptake has to be encouraged, and we have to have a pan-Canadian awareness of the importance of these databases and regular reporting of the progress obtained in moving towards these databases. We have a number of recommendations in our report in this regard. Of course, the report makes recommendations only on the issue of access to anonymized health data across jurisdictions by all relevant stakeholders.

Another major category, honourable senators, is abuse, misuse and addictions. I'm going to focus here solely on prescription pharmaceuticals that are addictive. To be blunt, many of them are nothing more than legalized heroin. As a chemist, I find this quite remarkable because, in my courses in this area in university, I was able to show slides of reliefs on tombs where the Sumerians had drawn pictures of their nobility. On their belts were hanging batches of poppy heads. In other words, heroin and its relatives have been used since at least 2000 BC to deal with pain. In those days, there were no alternatives to pain.

• (1620)

I might just remind honourable senators that in the late 1800s and early 1900s, heroin was widely used in home remedies. In fact, the simplest way to keep teething children quiet was to put one of the fancy elixirs on the gums of babies and, of course, it worked marvellously. The Bayer laboratories of the day actually had a series of ads with pictures of the boxes of their prescriptions, one of which was aspirin and another of which was Bayer heroin.

Well, ladies and gentlemen, honourable colleagues, after Collier's revealed the problems of the so-called patent medicine era of the late 1800s and early 1900s, major reforms occurred in this area. By the way, the so-called patent medicine era of the famous people in buggies going door-to-door had nothing to do with patents. It was simply a term used to try to convey that these were really legitimate pharmaceuticals. Well, they're back; and this time they're patented. While intended to be used for the most serious forms of pain, they are widely prescribed now for all pain and have led to serious drug abuse in this area.

We believe that a number of steps can be taken and should be taken immediately to help reduce this impact. We believe that such a problem warrants an awareness that should be included in the National Anti-Drug Strategy. Imagine: Prescription drugs should be included in the National Anti-Drug Strategy.

Public awareness campaigns must be undertaken and physicians must be made much more aware of the significance of their prescriptions. Clear pieces of evidence show that some physicians

prescribe remarkable numbers of prescriptions in this area, and the numbers of pills prescribed are often in the hundreds in a single prescription. This needs to be a risk factor within Health Canada's drug assessment of risk factors. There must be reassessment of approved drugs that turn out to have high addiction or abuse potential.

The committee recommends strongly with regard to tamper-resistant formulations becoming a condition of market approval. That is, there are ways to chemically put these pills together that they are not easily reused, powdered and smoked in various forms of addiction.

We believe there needs to be special labelling for addictive pharmaceuticals. There are a number of recommendations we make in the report in this area and we believe that these are important recommendations.

Another major category that some of you may be familiar with but many may not is the issue of increasing antibiotic resistance. Almost every one of you is aware that in your local hospitals there have been shutdowns in certain areas because a major bacterium is loose for which there is no immediate treatment. This is now a serious issue worldwide; and it's not really surprising.

The minute a new antibiotic is on the market, nature immediately starts to develop a resistance to it. We have to take careful measures to ensure that the resistance doesn't develop rapidly. You have all been advised to take your full prescription. That is critical to do so that hopefully every bug in your system will be terminated by the prescription. If that doesn't happen, some bacterium may develop resistance and then multiply and go abroad.

It has become a serious worldwide health threat. The issues here are of such significance that we believe there needs to be an implementation of a renewed national action plan with a focus on public awareness campaigns, coordinated surveillance efforts, and improved public reporting; but we believe a number of significant steps must be taken directly, such as a meaningful reduction in the use of antibiotics as growth promoters in food-producing animals. The reality is that you can buy truckloads of antibiotics if they're simply being used in feedlots without any prescription whatsoever. We think that in the animal area, it must come back to simply prescribing antibiotics for the health of animals and not to be used as food producers.

We believe that there must be enhanced motivation for research in developing new antibiotics and that the government has a role in that. It may surprise honourable senators that there is very little profit incentive to develop new antibiotics because they are so common, so cheap and largely in the generic area; so there is no real motivation for the basic research to lead to new pharmaceuticals.

If honourable senators think that I may be exaggerating in suggesting that this is a major threat to humanity and could take us back to the days of my childhood and earlier when even a scratch could wind up being fatal, let me tell that you the Global Network of Science Academies, a worldwide global network of science academies, calls it a global pandemic and calls for worldwide action.

Britain recently declared antimicrobial resistance to be a threat to the country's security and economy on a par with terrorism and climate change; and that is in a public report on that area. Honourable senators, this is a serious area for which your committee has made substantial recommendations.

Counterfeit and substandard drugs comprise another area. The issue of counterfeit drugs is not easily controlled by any government because they are largely sold through the Internet and to people who want something very cheap. We believe that actions can be taken and that the federal government needs to bring about a coordination of provincial jurisdictions as many jurisdictional issues are within the provinces. The federal government could take the lead here and ultimately develop changes that could lead to more effective regulations and the prosecutions of any illegal practices over which we may have jurisdictional authority. We call on the Minister of Health and law enforcement officials to develop an international treaty to facilitate global enforcement.

Substandard medicines, colleagues, are labelled appropriately but do not meet the quality requirements of Health Canada, and that's being generous as they may not even have the active ingredient they claim to have, even though they've been authorized, or maybe have it but not in the quantity and purity required. We make significant recommendations in this area.

While we have normally high regard for the testimony of Health Canada officials, we have the gravest concern for the answers to questions posed by the committee in this area. I don't want to suggest for a moment that they were deliberately misleading, but they wound up not being what we had thought they were; or they provided an answer not to the actual question asked, but to another area. We have made serious recommendations in this area.

We believe there is no excuse for there not being significant batch testing of pharmaceuticals entering this country. If you think that it's not serious, just look at the problems that the Minister of Health had under the old health regulatory act before Bill C-17 in dealing with the Apotex issue, which dealt with pharmaceuticals produced in a country that we reviewed in our study.

Honourable colleagues, drug shortages are another unintended consequence. Drug shortages today largely come about because of the way that drug ordering is broken down into provincial jurisdictions, provincial formularies and the race to the bottom cost by pharmacies and by provinces that have eliminated a number of the incentives for building stockpiles across the country and at least a two-week supply of pharmaceuticals in pharmacies. The incentive for that is gone, so it's often on a next-day delivery.

There are many issues that we can't reasonably and totally control, but we believe that we can have the Food and Drug Regulations require more notification of drug discontinuances, review the drug shortages website, and implement changes that will improve its effectiveness and usefulness. We believe there needs to be a great deal more information on therapeutic alternatives, and ensure that drug formularies in the provinces include therapeutic alternatives. In most cases, there is an alternative to the drug approved and preferred by provincial formularies.

• (1630)

Honourable senators, there were other issues we dealt with in groups and environmental impacts. Fortunately, prescription pharmaceuticals are at this time a low-impact factor in the environment as opposed to some other major household uses and non-prescription issues that are used often in domestic circumstances. We call on the Minister of Health and the Minister of the Environment to clarify their respective roles in this area, and we recommend that Health Canada implement a public awareness campaign that encourages the proper disposal of unused prescription medicine.

Finally, honourable colleagues, the other category —

May have another five minutes?

**Hon. Senators:** Agreed.

**Senator Ogilvie:** The final area I would like to emphasize here is polypharmacy, which is an unintended consequence. In other words, people, particularly the elderly with chronic diseases, and often a number of them, are often prescribed numerous prescription pharmaceuticals, and some of them are contraindicated. Of course this is an area that could be corrected easily if there was an electronic health record for the individual, another of the reasons we urge this be done in the shortest possible time.

The issue of multiple drugs is a serious one, particularly, as I have indicated, in certain areas. We make a number of recommendations for the Minister of Health to encourage the provinces and territories to implement appropriate training and continuing education of health care workers, many of whom don't think of this when they prescribe a drug, to even ask how many other pills you have. If there is not an electronic database available, there is no easy way for them to check. We urge them to encourage regular updates in the prescribing guidelines and require patient medication reviews, which is that is the individual patient's medication be reviewed regularly, particularly in the area of multiple prescriptions.

Honourable colleagues, we place this report before you. We believe that it, along with its predecessors, contains significant, important recommendations on issues of importance to the health of Canadians, and I urge your support for this report.

**Hon. James S. Cowan (Leader of the Opposition):** Will Senator Ogilvie take a question?

**Senator Ogilvie:** Certainly.

**Senator Cowan:** I want to thank you and the members of your committee for the excellent work. I read the report, as I have the earlier reports, and it is first-class work. You are to be congratulated on that.

My question is whether the committee feels that there is more they can do, now that the reports are completed, to publicize the work you have done to make sure there is a broader public awareness of the excellent work. There are lots of reports that are

excellent and they end up being pigeonholed or gathering dust on a shelf, and it's a shame for most of those things. Certainly, I think it would be a good move if the committee at least considered some sort of an effort to undertake speaking engagements, organize seminars or some other means of publicizing the good work you're doing and drawing public attention to areas where, as you say, there is a lack of understanding and there are some dangerous consequences. I wonder if the committee has considered or would consider that to be appropriate?

**Senator Ogilvie:** Thank you, honourable senator, for the question. It's an excellent question. I am very pleased to say this is an issue that committee members, and certainly the steering committee, are seized with. I'm delighted that Bill C-17 has passed because both the minister and officials in Health Canada testified that our reports have had a significant role in the contents of that, and it is gaining a great deal of public attention as a result of some of the events that have become publicized in recent times. Second, these reports have been getting a fair amount of attention in those circles for which they are really important, not necessarily headlines in the local newspapers, but in a number of areas.

Finally, the steering committee will be considering bringing an overall summary report to the Senate, and through that, if we develop it, we intend to deliberately identify a focused public awareness campaign on the work of the committee. I should also say that as chair I've been invited to and have spoken already, and I have a number of speaking engagements coming up. I believe the deputy chair has also been invited to speak to a number of groups, and we have both been interacting with a number of the members of the press who are more active in these narrow and specific areas.

**Hon. Jim Munson:** To follow on my leader's question: Take it on the road. It's a great speech. You delivered it in this room where there is no television. Did you have a news conference today? Will you have a news conference? It's extremely important that this message get out on social media, having our Senate Communications tweet this, blog this, Facebook this. Get it out there because that's where a new generation is getting their information. This is a very good report, and I would hope you and the Deputy Chair, Senator Eggleton, take it on the road and sell it.

(On motion of Senator Fraser, for Senator Eggleton, debate adjourned.)

## STUDY ON INTERNATIONAL AND NATIONAL HUMAN RIGHTS OBLIGATIONS

### SEVENTH REPORT OF HUMAN RIGHTS COMMITTEE ADOPTED

The Senate proceeded to consideration of the seventh report (interim) of the Standing Senate Committee on Human Rights (Study on issues relating to human rights and, inter alia, to review the machinery of government dealing with Canada's international and national human rights obligations), tabled in the Senate on June 19, 2014.

**Hon. Mobina S. B. Jaffer** moved the adoption of the report.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

(Motion agreed to.)

## HUMAN RIGHTS

### BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON HOW THE MANDATES AND PRACTICES OF THE UNHCR AND UNICEF HAVE EVOLVED TO MEET THE NEEDS OF DISPLACED CHILDREN IN MODERN CONFLICT SITUATIONS—EIGHTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the eighth report of the Standing Senate Committee on Human Rights (budget—study on the UNHCR and UNICEF regarding the needs of children in conflict situations—power to hire staff and to travel), presented in the Senate on June 19, 2014.

**Hon. Mobina S. B. Jaffer** moved the adoption of the report.

She said: Honourable senators, the study is focused on the mandates of the UNHCR and UNICEF regarding displaced children in armed conflict, using the Syrian crisis as a case study. This study is looking at the situation of children as internally displaced people within Syria and as refugees, primarily in Turkey, Lebanon and Jordan.

As senators are undoubtedly aware, the situation for refugees as a result of the Syrian crisis is complex and constantly changing. Travel to the region will provide access to the individuals on the ground living the situation day to day as opposed to the higher-level officials in the headquarters of international and non-governmental organizations based in other countries. The value added for the study would be that such witnesses may have more concrete, practical solutions and improvements to suggest. They see things at a micro level of specific communities and can provide information that goes beyond theory and plans to really understand how programs are being implemented, and how the mandates of the UNHCR and UNICEF are working or could be refined or adjusted.

Honourable senators, as you are aware, our government is spending substantial monies supporting the UNHCR and UNICEF, and the committee believes it would help to find out exactly how those organizations are carrying out their mandates.

• (1640)

Further travel provides access to more local and lower-level officials faced with the refugee crisis who may be able to speak more openly than higher-level officials or diplomats in Ottawa who have more policy level and organizational interests to represent.

Finally, travel can also provide access to the refugees and internally-displaced people themselves, to hear their perspectives as the receivers of assistance about how UNICEF and UNHCR and other organizations are meeting or not meeting their needs.

The reasons for travel are that the role of UNICEF and UNHCR varies in each country, depending on a number of variables. By going to more than one country, it will be easier to determine what issues these countries have in common with respect to the mandates of these two organizations and which issues may be of particular interest in an individual country context.

Travel to Lebanon and Jordan will allow the committee to gain information on the situation of displaced children in a country with official refugee camps, in the case of Jordan, and one without official camps, and that is Lebanon. Travel to Turkey, which is the other country with the largest refugee populations from Syria, is not envisaged because of its unique situation. The government has taken on the roles generally undertaken by international organizations. As such, Turkey is not reflective of the general division of task and does not provide a good case study in terms of broader lessons.

Honourable senators, the committee and certainly steering are very much aware that travelling to Syria is very dangerous and therefore we are not going to be asking to go to Syria.

As is customary, the budget has been prepared using the cost of full-fare airline tickets for the full committee. Should this budget be approved, the committee will take all steps to purchase reduced-fare tickets and minimize costs.

The committee is very conscious of the security considerations in Jordan and Lebanon and will work with security partners and with Foreign Affairs to address issues at the time of travel. If the trip cannot be done safely, it will not be done.

Thank you, honourable senators.

**The Hon. the Speaker:** Are honourable senators ready for the question?

Is it your pleasure, honourable senators, to adopt the motion?

**Some Hon. Senators:** Agreed.

**An Hon. Senator:** On division.

(Motion agreed to and report adopted, on division.)

[Translation]

## SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

### MOTION TO AUTHORIZE COMMITTEE TO STUDY THE TEMPORARY FOREIGN WORKERS PROGRAM—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Ringuette, seconded by the Honourable Senator Jaffer:



That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to:

Review the temporary foreign workers program and the possible abuse of the system through the hiring of foreign workers to replace qualified and available Canadian workers;

Review the criteria and procedure to application assessment and approval;

Review the criteria and procedure for compiling a labour market opinion;

Review the criteria and procedure for assessing qualifications of foreign workers;

Review interdepartmental procedures and responsibilities regarding foreign workers in Canada;

Provide recommendations to ensure that the program cannot be abused in any way that negatively affects Canadian workers; and

That the Committee submit its final report no later than March 31, 2015, and retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

**Hon. Diane Bellemare:** With leave of the Senate, I would like to request that the adjournment continue to stand in my name for the remainder of my time because I have not quite finished my response to Senator Ringuette's motion.

(On motion of Senator Bellemare, debate adjourned until the next sitting of the Senate.)

[English]

## UNEQUAL ACCESS TO JUSTICE

### INQUIRY—DEBATE CONCLUDED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Jaffer, calling the attention of the Senate to the issue of poverty in Canada — specifically unequal access to justice.

**Hon. Mobina S.B. Jaffer:** Honourable senators, I have moved this inquiry and Senator Fraser has spoken. As there are no further senators who want to speak on this, I would like to end this inquiry.

**The Hon. the Speaker:** No further senators speaking to this inquiry, the inquiry stands debated.

(Debate concluded.)

## MYANMAR

### PERSECUTION OF ROHINGYA MUSLIMS— INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Jaffer, calling the attention of the Senate to the persecution of the Rohingya Muslims in Myanmar, and the mandate of Canada's Office of Religious Freedoms.

**Hon. Mobina S.B. Jaffer:** Honourable senators, I have been working on this issue. As you know, the issue of the Rohingya Muslims in Myanmar is changing daily, and I am still working on this issue. I would ask that this debate be adjourned for the rest of my time.

(On motion of Senator Jaffer, debate adjourned.)

## RWANDA CENTRAL AFRICAN REPUBLIC

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Dallaire, calling the attention of the Senate to the clear and present links between the genocide in Rwanda and the crisis in the Central African Republic today.

**Hon. Mobina S.B. Jaffer:** Honourable senators, Senator Dallaire had started this inquiry. As we know, the issue in the Central African Republic is still very volatile. I am studying this issue further, and I would ask to adjourn this debate until a further time.

(On motion of Senator Jaffer, debate adjourned.)

(The Senate adjourned until Wednesday, October 29, 2014, at 1:30 p.m.)

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