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Chair

Mr. Robert Oliphant

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• (1100)

[English]

The Chair (Mr. Robert Oliphant (Don Valley West, Lib.)): I'm going to call this meeting of the public safety and national security committee to order. This is our 12th meeting for this Parliament.

Our purpose today is to do a clause-by-clause consideration of Bill C-7, an act to amend the Public Service Labour Relations Act, the Public Service Labour Relations and Employment Board Act and other acts, and to provide for certain other measures, which has been referred to this committee.

I just want to begin by thanking the committee for its diligence in this consideration of the bill. All members from all parties have participated, I think, extremely well. This has been under a very tight timeline, with a Supreme Court decision that required the legislation to come and be passed very quickly in this Parliament, and you've met the challenge so far. We'll see how we do today.

We have heard witnesses and we're now ready to go through the bill clause by clause.

Since this is the first time that this committee, or in fact any committee in this Parliament, has done clause-by-clause consideration of any legislation, and because we have a fair number of new members of Parliament, I thought I'd just take a few minutes to explain how this process works and how we actually consider a bill so that you can have it in your head as we go. I apologize to the veterans on the committee who have been through this many times before.

As the name indicates, this is really an examination of all the clauses in the order in which they appear in the bill. I'll be calling each clause successively, and each clause—there are just over 70 clauses—is subject to debate and then a vote, so we'll be voting as we go through, and then there will be a final vote on the bill itself. If there are amendments to the clause in question, I'll recognize the members who have proposed them—and we have received some amendments—and they can explain them.

Also, we have guests, witnesses who have been invited today for their expertise, to help us particularly with those amendments. I will be giving them an opportunity to speak at the time amendments are proposed so that they can help clarify any issues, and members can question them.

I also want to recognize that any MPs who are here and at the table will be recognized by the chair to speak. That includes, on either side of the table, obviously the voting members of the committee, meaning those who are the members here representing

their parties, but anybody who is here can also ask a question for clarification or to further the understanding of the committee.

When no further members wish to intervene on a particular amendment, the amendment will be voted on. Amendments will be considered in the order in which they appear in the package each member has received from the clerk. If there are amendments that are consequential to each other, they will be voted on together. There may be one exception to that, but we'll get to that.

In addition to having to be drafted properly in a legal sense, amendments must also be procedurally admissible. I could be called upon to rule amendments inadmissible if they go against the principle of the bill or beyond the scope of the bill, both of which were adopted by the House when it agreed to the bill at second reading, or if they offend the financial prerogative of the crown.

Also, if you wish to eliminate a clause of the bill altogether, that's not an amendment. Rather, the proper course of action at committee is to vote against that clause when the time comes, not to propose an amendment to it. If you choose to vote against a clause, I will simply call the clause and then you can vote yea or nay.

We'll go slowly today, maybe a little bit more slowly than we will the second or third or fourth bill that comes here. I want you all to feel very free to stop me in the process if you're not understanding either the process or the substance of what we are doing.

If you decide not to vote on a clause and say that you want to consider it later, we can hold it till the end of the meeting. I may seek permission and unanimous consent to group some clauses together if there have been no amendments to them. We'll see how we're doing on that as we go.

As I told you earlier, the committee will go through the package of amendments in the order in which they appear and vote on them one at a time, unless we decide that they should be voted on together. Amendments have been given a number—in the top right-hand corner of the pages—that indicates which party they came from. There's no need for a seconder in order to move an amendment.

• (1105)

Once an amendment has been moved, you will need unanimous consent to withdraw that amendment. Obviously we have amendments that came in by the deadline. That doesn't mean that other amendments are not eligible in the course of deliberation today. You can propose other amendments as we go. We always prefer it if they're in writing, and if they're in writing it would be preferred for them to be in both official languages. However, a verbal amendment would also be in order.

During the debate on each amendment, subamendments are allowed. You can move them. Subamendments do not require the approval of the mover. There's no such thing as a friendly amendment, by the way.

We'll follow the strict rules of procedure with regard to subamendments. A subamendment will be considered first and it will be voted on, then we will vote on the amendment if it's still standing, and then we will vote on the clause itself. Another subamendment may be moved, or the committee may consider the main amendment and vote on it.

Once every clause has been voted on, we will then vote on the title and the bill itself. If the amendments are adopted, an order to reprint the bill will be required. I will be asking you for that permission so that the House has a proper copy to use at report stage.

Finally, you will have to ask me to report the bill to the House, and I'll ask for your permission to do that. The report contains only the text of the adopted amendments as well as an indication of any deleted clauses.

Are there any questions about our procedures before we begin?

It's a smarter-than-average committee, so I'm pretty hopeful as we go through this.

Again, thank you.

I also want to thank staff who are serving the members through this process. Your work has also been really good as we've been doing it, so thank you for doing all of that.

We're set to begin.

This is consideration of Bill C-7, An Act to amend the Public Service Labour Relations Act, the Public Service Labour Relations and Employment Board Act and other Acts and to provide for certain other measures.

We're now going to consider the first clause.

Right now we have no amendments that have been received for clauses 1 through 32. What I'd like to do is see if there is unanimous consent to present clauses 1 through 32 and to see if we can vote on them together. I would need unanimous consent to do that.

(On clauses 1-32)

[*Translation*]

Mr. Nicola Di Iorio (Saint-Léonard—Saint-Michel, Lib.): Do we adopt the clauses in English and French?

• (1110)

The Chair: We adopt them in both languages. Actually, we have to adopt them in one language and it works for the other language.

[*English*]

Do I have...?

Go ahead, Ms. Gallant.

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC): I have a question about one of the clauses. It doesn't mean I'm going to dispute it or anything. I simply have a question in regard to employee organizations. I believe it's paragraph 3(1)(a) in respect of

RCMP employees who are not RCMP members or reservists, and overall the organization before and after.

The Chair: I'm going to take this question and not assume we don't have unanimous consent for the moment. Then I'll check on unanimous consent, because we may still get unanimous consent. I just want to make sure we do that.

Sorry, give me a minute. It's paragraph 3(1)(a). Okay.

Mrs. Cheryl Gallant: This is in reference to the previous organization, SRRP. We heard in testimony that it was stood down without any advance warning, and for this period of time there has been no recourse for RCMP members, no entity to go to.

I'm wondering who gave the order. Where did that order to stand down the SRRP originate?

The Chair: Mr. Paulson, would you like to comment on that?

Commissioner Bob Paulson (Commissioner, Royal Canadian Mounted Police): Yes. That came from me.

Mrs. Cheryl Gallant: The reason I ask, Mr. Chairman, is that within days we had the CBC come out with this whole issue of that scandal at the college. After that point, the members have not had a chance.... They've had nobody to go to because SRRP was dissolved at that point.

I have no further questions.

The Chair: Would you care to comment on that?

Commr Bob Paulson: Yes. Thank you, Chair.

That's not entirely accurate. The decision to terminate the SRRP was part of a phased-in transition to the interim model, which is the members' representative group that will carry us to the point at which somebody is certified.

In fact, not all of the SRRP had been phased out or decommissioned or terminated by that point; there was quite a careful transition so that there was always representation available to the members.

In the case you're speaking of, there were public servants involved. Those are folks who are already represented by certified bargaining agents, and they were properly engaged as well. That is thus not quite an accurate representation.

The Chair: Are there any other questions on that point?

I just might ask this, then: if the process of certification takes a considerable amount of time, are you confident that you have in place a system that will last until certification, if it should actually take place?

Commr Bob Paulson: Yes, I'm very confident.

The Chair: We'll be watching.

Yes, Ms. Damoff.

Ms. Pam Damoff (Oakville North—Burlington, Lib.): Just along that same line, one of the comments the witnesses made was that they required the dues that were paid into it in order to take things to litigation. Will the new organization have any kind of money to pursue anything, if complaints come forward?

Commr Bob Paulson: I think you're referring to the legal fund, which was a completely separate sort of arrangement from the SRRP.

Ms. Pam Damoff: Oh, yes, I'm sorry. You're right.

Commr Bob Paulson: Similarly, it continues to be a separate and distinct entity, which I think may be attached to one of the respective bargaining agents; I don't know.

The interim model will be funded by the force, by the government, but not in the sense that it would duplicate a legal fund.

The Chair: Go ahead, Mr. Blaikie.

Mr. Daniel Blaikie (Elmwood—Transcona, NDP): Can you provide some of the rationale for having terminated the automatic checkoff for the legal fund? Presumably nothing substantial has changed from the point of view of needing that fund or in the way the fund works, so why make it more difficult for the fund to operate now?

Commr Bob Paulson: Thank you for your question.

The intent was not to make it more difficult. The intent was to make the playing ground fairer.

There are all sorts of connections and networks and relationships that lead to prospective bargaining agents. One could argue, if one took another's viewpoint, that allowing that body to continue to collect funds would be a disadvantage to another prospective bargaining agent and therefore an unfair labour practice.

Our whole philosophy in this transition phase, as you deliberate over this bill, is to make sure that the organization is as neutral and as distant from allegations of favouritism or unfair practices as possible. That required separating ourselves.

It is similar with lack of access to our GroupWise or our email system. It has to be fair for everyone who is looking to be a prospective bargaining agent. That's the reason behind that change.

• (1115)

Mr. Daniel Blaikie: It sounds to me as though the legal fund has been a long-standing institution within the RCMP for decades. It's not itself seeking to organize, is it? I don't know what the relationships are here, but there is a substantive matter of legal protection and access to resources for RCMP members in the interim. It could be a long interim.

Is there not a sense that because this eliminates or makes more difficult some substantial protection for RCMP members, there is an obligation to make sure that the interests the legal fund serves can continue to be served in that interim period?

The Chair: If you have a quick answer, I'll allow it. I am going, though, to push us into the matters at hand in the bill. I believe we're moving outside our clause-by-clause consideration. We have a long discussion. If you'd like to answer that quickly, I'll allow it, but then I'm going to ask us to move on to the actual matter at hand.

Commr Bob Paulson: Very quickly, there are existing mechanisms within the Government of Canada that provide for legal protections and defence of members.

That is quite separate from the legal fund. The legal fund is plainly outside the organization and attached, arguably, to certain other

interests. We therefore wanted to distance ourselves and provide a fair playing ground.

[*Translation*]

The Chair: Thank you very much.

Let us now continue with the matter of unanimous consent.

[*English*]

Do we have unanimous consent to consider clauses 1 through 32 together?

Hearing no dissent, I would like to ask the question.

Shall clauses 1 through 32 carry?

(Clauses 1 to 32 inclusive agreed to)

(On clause 33)

The Chair: We're now going to move rather expeditiously to clause 33, for which we do have amendments. That's on page 12 of the act.

Mr. O'Toole has an amendment to clause 33.

Would you like to present the amendment now?

Hon. Erin O'Toole (Durham, CPC): I think it's been submitted.

The Chair: Then I'll draw your attention to the amendment that's been submitted.

Would you like to speak to it?

Hon. Erin O'Toole: This was an amendment we raised at second reading debate in the House and certainly in this committee as well.

We feel that in any democratic organization, in the certification process for a bargaining agent or the vote for a bargaining agent, a secret ballot process should be in place to allow all members to express their own opinion on certification.

In the briefing that parliamentary secretaries were kind enough to have with departmental officials, we were informed that all previous certification votes of public sector bargaining agents had been done by secret ballot. We're aware that there's a concurrent bill, C-4 on the order paper, but for this particular certification, given that employee choice was one of the key considerations in the Mounted Police Association of Ontario Supreme Court decision, we feel that line 3 on page 18 should be replaced with a direct reference to a secret ballot representation so that all members of the force have their say.

• (1120)

The Chair: Clause 33 is quite a lengthy clause. It's one of our longest clauses, if not the longest clause in the bill.

We are on page 18. It is under proposed subsection 238.13(2), which begins:

The Board may certify an employee organization referred to in subsection (1) as the bargaining agent for the

and then line three would be replaced by:

group only if it is satisfied on the basis of the results of a secret ballot representation vote that a majority of the employees in the bargaining unit who have cast a ballot have voted to have the employee organization represent them as their bargaining agent and that the employee organiza-

Are there any comments or questions?

Mr. Blaikie.

Mr. Daniel Blaikie: If we're going to refer to the Supreme Court judgment, it was silent on the method of choice. It doesn't say that choice means 50% plus one and it doesn't say that it means a secret ballot.

I think there's a long history. What's really at stake here is the principle of card check and whether card check is a good certification. What's also at stake is the question of whether RCMP members are going to continue to be treated differently from other workers.

I think the Supreme Court decision was clear that part of what was wrong with the previous law was that RCMP members have a right to bargain collectively. They have a right to be treated the way other workers have been treated, and that means certifying under the rules that obtain for other workers.

I would respectfully disagree that there's a special case to be made about the method of certification for RCMP members. If it's good enough for every other federally regulated group to certify under a card-check system, then it's good enough for RCMP members. I don't think that there's anything extra or special that you get out of having this particular system for RCMP members and not for everyone else.

I think it's appropriate in this context, because the real issue is card check. Card check was brought in partly because we know that when you have a fixed date for a vote and a lead-up to the vote, in some cases—not to say every employer is going to do this—it creates an opportunity for the employer to engage in various types of intimidation in the lead-up to the vote. Having a card check system is a protection for other workers. I think RCMP members deserve the same protection. For that reason, I don't support this amendment.

The Chair: Go ahead, Ms. Damoff.

Ms. Pam Damoff: Mr. O'Toole mentioned that Bill C-4 is already being considered before the House. I agree with my colleague from the NDP that the RCMP shouldn't be treated any differently from anyone else. Bill C-4 will cover them, and it should cover everyone, including the RCMP. I won't be supporting the amendment.

The Chair: Go ahead, Mr. O'Toole.

Hon. Erin O'Toole: Well, Mr. Chair, I'm rather disappointed. We're in this room all intimate and tight together to try to forge a consensus. With regard to the position Ms. Damoff just outlined, which was that they would be treated differently—a position that Mr. Blaikie echoed—I would remind you that our briefing told us that all previous certifications of the public sector unions were by secret ballot. This would be treating them consistently.

I think that's important to note.

I would also note that my friends in the other parties are in Parliament not through a card check of their voters and their constituents but by their secret ballot vote, which is a fundamental tenet of our democracy.

It bothers me that we would suggest the federal government and the federal government unionized work environment would have the

same sort of intimidation stories you hear in relation to some private sector unionization efforts from years ago with unfair labour practices and so on. This is a professional police force whose employer will be the government. I think the concerns about intimidation have no basis in reality for public sector unions. The only true way to see what individual members feel is to give each of those individual members the right to a secret ballot.

We seem to think it's okay to elect us to this place in that manner. Mr. Eglinski, who spent over 30 years on the force, has said, as has the survey that's before us, there is not a consistent position, so why do we fear giving members that choice?

I'll let it stand, and if people vote against it, I guess they do, but they're suppressing democracy.

● (1125)

Mr. Daniel Blaikie: Before we vote, I take your point. I'm proud of the federal government and I'm proud of the RCMP, but I don't think that kind of emotional indignation has a role in setting good process. Good process for certification should be set according to our conception of what a good process is.

I take it you have some arguments on process that I disagree with, but I think that trying to introduce this notion that somehow we're offending the institution by asking questions about what a good process is or that we're slighting RCMP management or the federal civil service and Treasury Board to say these things may happen is wrong. We need a good process that protects people trying to organize, regardless of our feelings about the employer. I think good employers understand that, and I have confidence that RCMP management and civil service management won't take it the wrong way, Mr. O'Toole.

The Chair: Ms. Gallant.

Mrs. Cheryl Gallant: Thank you, Mr. Chairman.

I would like to remind my colleagues on the opposition as well as the government side that the requirement to unionize was as a consequence of a Supreme Court ruling and was not as a consequence of the majority of RCMP members wanting this type of method to govern the way they protect themselves. With many, the SRRP was fully engaged and representing their needs.

That said, once the decision—by the Supreme Court, and not as a consequence of a vote by all members—came down, there was a survey done in 2015. The legislation that was put forth recently does not reflect the answers to that survey. In fact, what the members wanted was their own stand-alone legislation. They did not want to be lumped in with the other civil servant type of deal.

Thank you.

The Chair: Go ahead, Mr. Mendicino.

Mr. Marco Mendicino (Eglinton—Lawrence, Lib.): First of all, I'd like to thank my honourable colleagues across the way for their offerings this morning. I have some trouble reconciling the case for workplace democracy in the face of the record of the past administration, an administration that introduced legislation to end strikes and to impose wage restraints and wage caps on unions that were trying to bargain for better wages and better benefits, but we'll leave that aside for a moment.

I want to take a moment to respond to Ms. Gallant's comments about workplace democracy and the Jolicoeur consultation report that came out. I want to point out a few important stats.

Of the members who were polled, 77% said it was of great importance, or it mattered a lot, that they have a bargaining unit. It's true that 65% of the RCMP wanted a bargaining unit that represented only the police force, and I think we'll come back to that. Also, 62% wanted a single national bargaining unit and didn't want regional bargaining units. As well, 83% wanted the principal mandate of the bargaining unit to be RCMP-focussed, while 80% strongly agreed or agreed they should have binding arbitration. I say that in contrast to any kind of suggestion there isn't a critical mass of RCMP members who want to achieve the collective bargaining rights that are being considered today.

The Chair: Mr. Blaikie is next, and then Mr. Eglinski.

Mr. Daniel Blaikie: The Supreme Court decision didn't require unionization of the RCMP. What it required was that unionization of the RCMP was not prohibited.

We hear, "Have RCMP members already pronounced or not on whether they want a union?" Well, they weren't allowed to pronounce on that, and still aren't, until we pass a bill that allows them to. The certification process is the process by which we will come to know whether a majority of RCMP members want to have a union. We need a good process to be able to do that. The card-check system is a private system. They'll sign their card in private. It will be submitted. That's another way for them to privately express their desires with regard to whether or not they want to have a union.

I think that's an important distinction. Part of what we're doing here is enabling a process whereby RCMP members will be able to pronounce with authority whether they want a union. The court didn't decide that. We're trying to set up a process so they can decide that for themselves.

• (1130)

The Chair: Go ahead, Mr. Eglinski.

Mr. Jim Eglinski (Yellowhead, CPC): Thank you, Mr. Chair.

A lot of the numbers you gave out are correct. The members out there do want to see one united bargaining unit, but there is a decisive split within the members of the RCMP out in the field when you talk to them.

A lot of the younger members feel unsure of how they're supposed to vote when they're working in the rank structure. Their management in the field detachments where they work are older than they are and have an understanding that is different from what they have. They want to see a change, but in the police atmosphere we're very private about our individual concerns.

I think if we don't give them that secret ballot, they are going to feel very uncomfortable about which way to go. With a secret ballot they're going to give a very honest feeling towards whether they want to be unionized or not. I think that's the crucial point here. The rest of it all comes after that.

Yes, your numbers are correct in the sense that they want to see one body looking after them, one body representing them and stuff like that, but they're very concerned about whether that needs to be a union or whether it doesn't need to be a union. It's very important, I believe, to the members to know they can do that and feel secure by doing it with a private, secret vote.

That's no different from you and me, and no different from when you are going to vote on a new leader for your party in the next year and a half and we're going to vote for a new leader in a year or a year and a half.

Mr. Marco Mendicino: We have one for the very foreseeable future.

Mr. Jim Eglinski: You're lucky you don't have to go through what we do.

It's very important. When you're doing it within house, you want to be private. You want to be secure that it's not going to cause ramifications down the road.

Thank you.

The Chair: I'm going to hear Ms. Gallant, and then I'm going to check the pulse of the room.

Mrs. Cheryl Gallant: Thank you, Mr. Chairman.

Perhaps my question is best posed to the parliamentary secretary.

My question is, should the vast majority of members vote this legislation down, this particular type of certification? Would it be rammed down their throats anyhow, or we would we go back to the drawing board and draft something that is more like what they had originally intended?

The Chair: Would either parliamentary secretary care to comment?

Ms. Joyce Murray (Parliamentary Secretary to the President of the Treasury Board): That's a pretty big hypothetical, so....

The Chair: Mr. O'Toole.

Hon. Erin O'Toole: In interests of making sure we have time for adequate consideration of everything, I think the Conservative Party will summarize our position.

If you actually look to the court decision, which I hope all members of the committee have read—I'm sure they have—you see that employee choice was the cornerstone. The two elements of why we're here today and why we have Bill C-7 were employee choice and sufficient independence.

I think we don't have any concerns about the independence. For the staff relations program, the court did not think it was independent enough, so the new bargaining agent will be independent.

The other element was employee choice. To get there, employees need the choice. There is no better way: the fundamental tenet of democracy is the secret ballot, so that nobody—employer or union organizer—knows an individual officer's opinion on the subject. Even the survey we're debating, which Mr. Mendicino referenced as well, asked individual people for their opinion on things. They weren't just signing a card presented by someone walking around the room.

The choice should be something that people are able to reflect on in private. Then we will be satisfied that if members vote in favour of a bargaining agent, we will know that is the will of the force.

If people vote this down, I think they're essentially depriving front-line people in little detachments across this country of their ability to weigh in on this decision that is impacting them and their families.

• (1135)

The Chair: Go ahead, Ms. Murray.

Ms. Joyce Murray: Thank you, Mr. Chair.

There's a point that I would like to make sure is also considered in this discussion, and it is that the clauses in the bill do not dictate whether it would be one way or another at certifying. In fact, it gives the opportunity to the Public Service Labour Relations and Employment Board to determine that, based on what is most appropriate at the time, so it doesn't restrict it to one or the other.

As well, the key issue here is that there is another bill before the House, Bill C-4, which has the intention of restoring the certification and decertification options and processes that were in place for employee groups before they were changed by the previous government through Bill C-525.

There is a Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities. It has the responsibility for reviewing Bill C-4, so these discussions about whether Bill C-4 is preferable to the previous government's Bill C-525 on these matters are going to have a full airing at that committee. That's where I think we should leave it.

The Chair: Mr. O'Toole, are you going to summarize your opinion again?

Hon. Erin O'Toole: Well, I would ask that the clerk weigh in. This committee and Parliament are seized with Bill C-7. I could bring Bill C-whatever in the future. We don't do bills in tandem, so Bill C-7 is as it stands, as the law stands now, and does not reflect how a Parliament may change related laws through a different bill. This is not cross-referenced. We are permitted to provide this amendment as the law stands today.

The Chair: You're permitted.

I think there's an opinion that another bill that will cover it, so I think the comments are in order. I think they're helpful. Both sides are helpful.

I don't like to cut debate, but I'm sensing that everything has been said.

Go ahead, Ms. Gallant.

Mrs. Cheryl Gallant: I have one question for the parliamentary secretary: why does she think it's a foregone conclusion that the vast majority of the membership is going to vote in favour of this?

The Chair: I didn't hear that, but could you...?

Ms. Joyce Murray: Well, perhaps Ms. Gallant can clarify. Is it that the membership of Parliament would vote in favour of Bill C-7, or...?

I'm not clear on what you're asking.

The Chair: I think I can clarify. I think you heard it differently. I think Ms. Gallant was talking about the members of the RCMP voting and I think Ms. Murray heard it as the members of Parliament voting on a bill. I think it was the use of the word "member" that was confusing. I think that's what happened there.

Ms. Joyce Murray: If it's the members of the RCMP who were being referred to, through the chair, the intention of this bill is to set out a framework to satisfy the Supreme Court ruling with respect to the opportunity to be represented, so I wouldn't be speculating personally on whether the members will take advantage of this opportunity or whether they will not. The purpose here is to provide that opportunity. We know that the majority of the members who were surveyed would like to see the opportunity available.

The Chair: Very good.

Mr. Eglinski.

Mr. Jim Eglinski: I won't take long, but you mentioned that the earlier question she asked you was related to the members in the field. What would happen if they vote this down? Suppose they decide they don't want a union; where are we at? Are we back here two years down the road or three years down the road?

Ms. Joyce Murray: I think that's a speculative question, a "what-if". That is not the business of this particular bill, which aims to satisfy the requirements of the Supreme Court and to do so in a way that respects the dedicated members of the RCMP and provides them with an opportunity to have employee representation, and that's what the committee members are doing their very best to conclude.

• (1140)

Mr. Jim Eglinski: Thank you.

The Chair: To further clarify your summary—

Hon. Erin O'Toole: Okay, guys. I promise this is my last time, Mr. Chair.

I will endeavour to answer my colleague who, as I said, had three decades on the force himself, so he understands these issues far better than any of us.

The issue is if the employee choice element is provided in secret ballot and, although it's probably unlikely, if it is voted down by the rank and file in the force across the country, Bill C-7 in passing in whatever form would still have the framework if in the future they then opted for it. It would still be there, but the employees would not certify the bargaining agent that would have had certain abilities granted by Bill C-7, so we could still pass this.

It's our position that we should be giving choice to those individual members, the men and women across the country serving on our behalf in sometimes very dangerous and difficult circumstances. That's fully compliant with the Supreme Court decision; in fact, it's a fundamental tenet of it. Bill C-7, all of this stuff, and then the tack-ons on clauses 40 and 42 that we're going to talk about later would still exist.

That will be our final volley, I think, on this issue.

The Chair: Do we feel we've had a fair discussion on this amendment?

Then I'm going to ask the question.

Hon. Erin O'Toole: Can we have a name vote?

The Chair: Shall the amendment, which is the first amendment to clause 33, carry? All in favour...oh, you asked for a recorded vote.

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

The Chair: We continue on, then, with clause 33.

We have another amendment to clause 33. Two more amendments to clause 33 have been submitted. Mr. Blaikie and the NDP have submitted the first one, which is also on page 18 as NDP-1. Mr. Blaikie, would you like to comment on your amendment as you've presented it?

Mr. Daniel Blaikie: Yes, please. Thank you, Mr. Chair.

I don't know if this would be in order, but the first two amendments are largely the same. They're to give clarity to the same term. If you would like to consider them together, I'm not opposed to that. I don't know if it's in order.

The Chair: Smart people are advising me that we should take them separately.

Mr. Daniel Blaikie: Sure.

The Chair: We'll take them one at a time. There's a slight difference to them, so they should be considered separately.

Mr. Daniel Blaikie: The purpose of this amendment is to add to the section beneath requirements for certification that says "for greater clarity". It's also to provide greater clarity as to what exactly "affiliation" means. The law as it reads now is vague with respect to affiliation, and vagueness cuts both ways. I think it would be right for us to give a more definite shape to what exactly "affiliation" is going to mean.

If RCMP members choose to certify, it's going to be a new union that represents them. There is currently no national union that has as its mandate to represent only members of the police. It may be that this union will want to avail itself of some of the expertise that already exists in the labour movement. This could come in the form of a service contract or in some other form, even space-sharing. If a union is certified to represent RCMP members, it's going to have to spread across the country and to remote and rural areas. It may be that it would be helpful to co-operate with other friendly organizations to get space that they otherwise wouldn't immediately have a budget to rent.

To have the vague term "affiliation" hanging over their head when trying to do that would be of concern to that organization. "Affiliation" also appears in the clause having to do with revocation

of certification. If you have a new organization and you're trying to resource yourselves and extend your reach across a vast country, you may want to have some help and allies.

I think we could do them a favour by making it clear what "affiliation" means and by creating some space for them to avail themselves of those opportunities. This could be in the form of co-operation in getting space on a pro bono basis or by entering into a service contract. It could also be by entering into a lease agreement with another union that already has space. Right now, if you just say "affiliation", it could be brought against them that by leasing space from another union they're now affiliated with that union.

I think that would be ridiculous. It's incumbent on us to create space within the legislation to permit that kind of association, which is not one that, in my view, would jeopardize the independence of that organization. It's simply a service contract. They would be free to make such a contract with commercial interests. I don't think it makes sense to potentially prohibit them from renting space from another organization simply because it's a union and not a private landlord.

I think we need to bring clarity to what "affiliation" means so that it's there at the outset. This way, if it's brought into being, they will be able to use resources available to them without the threat of having a decertification action brought against them.

• (1145)

The Chair: Thank you.

The others have had a couple of days to read the amendment.

Mr. Di Iorio.

[*Translation*]

Mr. Nicola Di Iorio: Mr. Chair, I thank my colleague for his comments. I appreciate his efforts to arrive at legislation that is even more impeccable. However, I cannot agree with him. I have some points to bring to my colleagues' attention.

First, in my opinion, we have to distinguish between attempting to clarify and attempting to restrict. An attempt to clarify involves wanting to make the understanding of certain concepts clearer. However, clarification can end up restricting the scope of a provision. I see restrictive elements here. That is why I cannot support my colleague's attempt to amend the bill.

Moreover, the notion of affiliation has been interpreted by tribunals that specialize in labour law. So there is rich and abundant case law to guide the specialized tribunal in charge of implementing the legislation.

Something else is important for the notion of affiliation, in the light of what I have just said. Let us not forget that not only representatives of a number of informal associations, but also members of the Royal Canadian Mounted Police, have expressed the desire for an independent entity, if unionization takes place. True, we have heard from the United Steelworkers, who came to express their point of view, but I have not heard either members of the Royal Canadian Mounted Police, or senior management, or members of the public, expressing any support for the case they were making.

However, I have heard a lot of testimony about the specific, unique and distinct nature of the Royal Canadian Mounted Police. A number of community organizations, as well as the Royal Canadian Mounted Police leadership, have made reference to the RCMP's paramilitary nature, a nature that is unique in our society.

In the light of those facts, let me simply give you one concrete example. The Royal Canadian Mounted Police is called upon to respond in order to keep the peace and maintain order, as well as to stop individuals from committing certain actions. It may have to use force. In this, we were guided by the consideration that police officers must not find themselves in a position of conflicting loyalties or interests, or that any possibility of reprisals be involved. That could be the case with an affiliation or attachment to any organization whatsoever, and from the fact that they took action because their superiors ordered them to do so. They are in a paramilitary situation where they must obey and follow the orders they have been given. Therefore, they must not be subject to any other authority.

For those reasons, I cannot support the proposed amendment.

Thank you.

• (1150)

[*English*]

The Chair: Thank you.

Mr. O'Toole is next, and then Mr. Blaikie.

Hon. Erin O'Toole: I think I speak for Conservative members, Mr. Chair—or I may be corrected if they want to weigh in on these amendments—when I say that the amendments certainly contradict the basic direction given in the survey, in that members want an RCMP-specific union that will be able to serve the unique needs of a paramilitary organization, as was canvassed at length within committee testimony. That is consistent with direction from the Supreme Court, which has said the Wagner model is not required in all situations and that as long as employee choice and independence are met, the bargaining agent can be narrow to the group impacted by the bargaining.

I would also suggest that despite some of the nice comments about sharing boardrooms and things like that between one union and another, the power imbalance that leads to the need for a union now exists in the creation of these mega-unions that lump together a whole series of workers who do not have shared interests, whereas the collective of the mega-union has weight and power vis-à-vis the employer. In the case of the RCMP, we really want to make sure the needs of the front-line members are respected by a unique and specialized bargaining agent, but this is the creep of other unions trying to then subsume or affiliate, and I don't see that being in the members' interests at all. It clearly runs contrary to the survey and to the intention of Bill C-7, so we'll be opposing both amendments for that reason.

The Chair: Mr. Blaikie.

Mr. Daniel Blaikie: I think it might serve the committee well if I read parts of the amendment, because I think some of those concerns are very clearly addressed in the amendment itself. When we talk about whether it would be the RCMP union being part of... I think

actually the term at the turn of the last century was One Big Union, but I don't think this amendment would permit that at all.

We say that:

an employee organization is considered to be affiliated with a bargaining agent or other association when:

The employee organization would be affiliated if it:

joins or becomes a member of a bargaining agent or other association;

The employee organization would also be affiliated if it:

is bound together with or controlled by a bargaining agent or other association through constitutional obligations; or

the employee organization engages in a relationship with a bargaining agent or other association in which the other party exercises a substantial degree of control, direction, or restriction on the activity of the employee organization.

I hear your concerns. I completely agree with the argument that it should be a separate union for police officers. I think the fact that they're authorized to use force creates a very different situation, but I think this clarification on what affiliation would mean protects that. That's the point and the purpose of it.

I do definitely hear that argument, but I also think we need to give some certainty to a fledgling organization so that if it does partner with other organizations that have expertise in what the RCMP organization would be just beginning to do, it would not be held over their head. I strongly disagree with Mr. O'Toole suggestion that this is the thin edge of the wedge. The provisions in this amendment very clearly rule out the kinds of associations that Mr. O'Toole has articulated—clearly.

I would say the rebuttal to that argument is right in the amendment.

The Chair: I hate this, but I'm just going to ask the analyst a question.

I don't remember hearing this request from any of the organizations that came forward—

Mr. Daniel Blaikie: Actually, if I may, in the MPPAC submission there is a section called "Proposed amendment on affiliation". I'll save the committee's time by not reading it out, but there's an entire section on affiliation.

The Chair: Right. I didn't remember that. Thank you.

Mr. Daniel Blaikie: A lot of the wording for this comes right out of the MPPAC submission. It's not anything to do with the steelworkers—

The Chair: Okay. I just wanted to check that.

Mr. Daniel Blaikie: —conspiracy theories notwithstanding.

• (1155)

The Chair: Mr. Di Iorio.

[*Translation*]

Mr. Nicola Di Iorio: Mr. Chair, I would like to reply briefly.

I understand Mr. Blaikie's comment, but, while he mentioned clarifying the amendment, he does not mention the lack of the right to affiliation, or that he is defining affiliation, and doing so restrictively. That is why I cannot support his amendment.

[English]

Mr. Sven Spengemann (Mississauga—Lakeshore, Lib.): Thank you, Mr. Chair.

Maybe in an attempt to reconcile the two positions, I'll say that in a very general sense this is the introduction of a significant culture change into the RCMP and its operating environment. It's a judicially mandated imposition or insertion of a culture change, welcome in many respects but nonetheless judicially mandated.

I think it's very important that there be lots of interpretive room for the respective boards and tribunals to figure out what it means to be affiliated, to take into account the unique nature of the force but also the interests of the members. To be overly restrictive, not necessarily in the sense of going down a prescribed path but just in the sense of fettering the discretion of the boards that will look at the legislation ultimately....

I think it may be better to move in a direction of leaving interpretive room as this culture gains traction and gains buy-in from both management and labour.

The Chair: Can you summarize your summary?

Mr. Daniel Blaikie: As a quick response, I am sympathetic. Perhaps on other amendments I'll be making a similar argument, an argument that we should leave more interpretive room to the collective bargaining process and to arbitrators. However, in this case, it's exactly because of the types of concerns raised by Mr. Di Iorio and Mr. O'Toole, which I thoroughly respect—that is, the independence of this organization—that I think we do actually need some language.

We wouldn't want the interpretation happening at the arbitration level to permit situations that might actually bring that independence into question. This is a way to give clarity and protect the independence of some future RCMP union, but it would also make it clear that not all kinds of what may be construed as affiliation are impermissible.

I make no apologies for the fact that this amendment does try to define affiliation for the purpose of protecting the independence of that organization and then shows where there is room to engage in other kinds of activities that might otherwise be construed as affiliation.

The Chair: Go ahead, Ms. Murray.

Ms. Joyce Murray: Thank you, Mr. Chair.

The Liberal members on the committee have made very strong arguments for why this is something that can be interpreted by the Public Service Labour Relations and Employment Board. Not only is there jurisprudence on the word, there is also an opportunity to learn as the new culture change happens.

I want to point out another concern that I have about this potential amendment. It is that by being overly specific in the definition of "affiliation", we risk not capturing other inappropriate affiliations. For example, it's not that I'm suggesting that this will happen, but there could be a situation in which an RCMP employee association exercises control over another organization not involved in police matters. This also would create that vulnerability in terms of the RCMP members needing to do their job without having divided

loyalties. By being overly specific, you actually open the door to inappropriate affiliations that you haven't specified rather than allowing the board to make a determination as needed on a case-by-case basis.

The Chair: Thank you.

I'm sensing the steam going out of this discussion. I'm going to test that as I want to make sure you have a chance to speak, but if I don't hear any more questions, I'm going to call the vote.

With respect to the first NDP amendment to clause 33, shall the amendment carry?

All in favour?

Would you like a recorded vote? Okay.

(Amendment negated: nays 8; yeas 1)

The Chair: I'm going to suggest we move quite quickly to the second NDP amendment on clause 33. I think the discussion that we have just had on the first amendment probably applies to the second one. If you are prepared, I would ask if we can go to a vote on it.

• (1200)

Mr. Daniel Blaikie: I'll say a couple of quick words, if you don't mind.

First of all, I'll emphasize again that this is something that actually came out of submissions by the MPPAC. I would say that there are some concerns about affiliation and the independence of the organization if it enters into agreements with other organizations, as the way the law is written right now there will be a question about whether a new union can enter into some kind of service contract or other agreement with a union.

However, that is not the case with a commercial lease. We're not asking about the RCMP union renting space from a landlord and thereby putting the independence of that organization in question because they now have a debt to pay to their landlord or something like that. I don't see why it would be different if they're contracting for services with the union. Just because it's another union doesn't create any more conflict of loyalty than with a landlord or other commercial service providers.

The problem with the legislation right now is that it discriminates against other unions as potential offerers of goods or services. Mysteriously, we're not concerned then about contracts with other organizations that may well also wish to exert an influence over that organization. I think there's a serious disjunct there.

I would say in response to the parliamentary secretary that I am frankly less concerned about the RCMP union exerting control over other organizations. That happens in the real world. What's important about these amendments is that they protect the RCMP union, which represents the people who are authorized to use force, from having pressures exerted on them. I do think there's a qualitative distinction there. I think it's the one that Mr. Di Iorio very eloquently put earlier.

If we accept that argument, then it's not a bidirectional road. We're more concerned about how it goes in one direction than in the other. We're more concerned about the organization that represents people who are authorized to use force having pressure exerted on them than pressure through a service agreement or other commercial arrangement that they might be exerting on someone else.

That's my response to some of the other points that were out there.

The Chair: Go ahead, Ms. Damoff.

Ms. Pam Damoff: I'm very confused by what it says in here, that the new RCMP union can't rent space from someone. Am I missing something?

Unions rent space all the time to other unions and to businesses, so where does it say in here that they can't do that?

Mr. Daniel Blaikie: It's the vagueness around the term "affiliation". That was the concern expressed by the MPPAC. It was that "affiliation" isn't defined in this act, which means it's open to definition.

If we take affiliation in its sort of basic semantic sense, it's some sort of association or relationship, so without further definition, "affiliation" could mean potentially any kind of association or relationship. That's why I say it's meant to be in the section that provides greater clarity. It's just to specify here is what it's not, or here is what it is.

It would be anything that constitutionally joins that group to another group. It would be anything that puts it underneath. It would be anything that allows another organization to exercise a substantial degree of control, direction, or restriction. Once we know that, then things that don't engage those clauses would be seen as acceptable forms of affiliation.

It's a problem of vagueness. It's not that those arrangements are explicitly precluded from the legislation; it's that that's how it could come to be interpreted. From my point of view, that's something that will hang over the head of a start-up of a union that's looking to resource itself across the country. It's not like it's starting in one local. It is different. It's not like it's starting in a factory that will be the only place where it has to serve its members. It's going to have to serve members across the entire country, in some of the most remote corners, and it's going to need to figure out how to have the resources to do that.

As the act reads right now, someone could bring a decertification action against them if they do rent space, and then that would be another headache they would have to deal with. It's expensive, because now that's going to be litigated. All of that distracts from them actually getting on with the job of representing RCMP members. I think we could do them a favour now by providing clarity on what affiliation means so there's less of that kind of risk as they prepare to represent RCMP members.

• (1205)

The Chair: Mr. O'Toole.

Hon. Erin O'Toole: Thank you, Mr. Chair.

I think we're ready to vote. Mr. Blaikie's eloquent arguments here remind me of the Mackenzie King quote: affiliation if necessary, but not necessarily affiliation. He said it about conscription, but....

I think we've addressed it. We're prepared to move on a vote.

The Chair: Okay, then. We're looking at the second NDP amendment to the 33rd clause.

Would you like a recorded vote?

Mr. Daniel Blaikie: We might as well, Mr. Chair.

The Chair: We will then have a recorded vote.

Shall the amendment carry?

(Amendment negatived: nays 8; yeas 1)

The Chair: That amendment is defeated.

We'll go now to the third amendment. It's still on clause 33, on page 20, and it's to remove a portion of clause 33.

Mr. Blaikie, would you like to speak to that?

Mr. Daniel Blaikie: Yes, thank you very much.

This amendment would effectively remove from the bill the itemized list of exclusions on collective bargaining. I think we've heard, with the exception of some of the folks at the table today, pretty much a consensus from the stakeholders that these exclusions are both unnecessary and unwanted.

These exclusions stand in the way of bringing to the table most if not all the issues that inspired the court case that brought us to this point. We've heard from witnesses that RCMP members are overwhelmingly concerned about issues having to do with their workplace safety, they're concerned about harassment in the force, they've felt that for a long time they haven't had a voice at the table, and they were looking to collective bargaining as a way to remedy that.

They fought in the court for a long time and at great expense to get to a point where they could bring those concerns to the table, and I think they have been disappointed, and rightly so, to see that the bill that would allow them the right to collective bargaining denies them the right to bring those concerns to the table, giving them a kind of Pyrrhic victory, Mr. Chair.

Therefore, I think it's important for us to do justice to the concerns of the members who were motivated to pursue that lawsuit and to the concerns of all the many members who have contacted me and I'm sure other members of this committee to express dissatisfaction with Bill C-7, and in particular these exclusions. I think we should take them out of the bill. I don't think they're necessary, Mr. Chair. I think there are a lot of protections within this bill already for management and for what we've been calling the unique role of the RCMP as a national police force.

We don't need to preclude at least bringing those issues to the table. There's a process that's going to decide whether the proposals of the employees are reasonable or not. It's a process that's governed by binding arbitration, with an arbitrator who in no small part because of this act will be required to consider the unique role of the RCMP as a national police force, the state of budgetary policies of the government, and a number of other things.

Allowing members to bring those concerns to the table doesn't create an outcome; it just allows them to bring those things to the table. Management doesn't have to agree with their proposals. Those proposals can go to binding arbitration. If they're reasonable, they may pass. I'm not personally opposed to the idea that reasonable proposals would pass, even if management happens not to like them. That's what collective bargaining is all about, Mr. Chair. It's not for us to try to prejudge the outcome of those things by deciding what is and what is not going to be on the table.

We may well hear arguments about management rights, and there are prerogatives for managers. No one's denying that. We're saying there's already a process in place that's going to protect those prerogatives. We don't need to double-down on the protection for management with these exclusions.

The other thing that ends up happening when we try to legislate these exclusions is that we are now taking off the table.... We could agree here. I would say it doesn't matter, because we're not at the table and these things should be decided at the bargaining table, but we could agree that it would be nonsense, say, to negotiate the type of shoe that RCMP officers are going to wear on the job. I haven't heard, from the people who have come as witnesses who support the idea of collective bargaining and reject these exclusions, that they want to get down to that level, and I don't think they would. I'm pretty confident that if they brought that proposal to the table and went to binding arbitration, it would be thrown out.

We heard earlier, in arguments against my other amendments, that there's a robust process and there are precedents and there's jurisprudence and there's a whole history with respect to collective bargaining, and that can decide what affiliation means. Well certainly, then, the same process that other members trusted to determine the nature and extent of affiliation could be trusted to determine whether or not certain proposals are reasonable with respect to the unique nature of the RCMP as a national police force, and the other interpretive constraints.

•(1210)

That's something that should happen at the bargaining table. What would be reasonable is a proposal—which may or may not get through the binding arbitration process—that we'd like a joint committee of employees and employers to collaborate on equipment purchases. Maybe the final decision rests with RCMP management, but at the very least there would be a process whereby employees could have a meaningful opportunity to have their views considered. That would be a reasonable clause in a collective agreement.

In looking at information from the MMPAC, we noticed all sorts of things that could be excluded through certain provisions in collective agreements with police forces across the country. They're different, and that's fine. They represent things that have to do with the particular institutional culture of the police force, as well as the

personalities, people, and workplace cultures that went into forging whatever those agreements were.

What I'm saying is we don't need these exclusions. We don't have to try to figure out all the details—what may or may not happen at the bargaining table, or what would be a reasonable offer. What we need to do is empower members and management to sit down at the table to figure out solutions in their own workplace, and in this case, less is more.

To those who are concerned that this will mean that unreasonable proposals will go through, I would say that there are many layers of protection for management here. We can get rid of the exclusions. That would allow proposals to be brought to the table, and I'm sure the interests of the RCMP as a force will nevertheless be respected in that process.

There is another thing we can do by getting rid of these exclusions. I think that we've heard clearly that there are some, and I'm one of them, who believe that these exclusions are not consistent with the spirit of the decision in the court case, even if they are consistent with the letter. This is something that has yet to be determined. Maybe they're not consistent with the letter.

What that means is another court case. Those are expensive and they take time. Meanwhile, RCMP members are going to be denied the right they felt they had won in January of 2015 with the Supreme Court decision that granted them collective bargaining. This is going to lead to further frustration and a further sense of helplessness on the part of members. It will also lead to further costs, costs to those bringing the suit and costs to the government. The amount will depend on whether the government decides to defend decisions all the way through, if it is the case that the government is on the losing end of those legal arguments.

I think we have an opportunity here, not only to do justice to members and not only to do justice to the process, but also to avoid unnecessary costs in time as well as money with further legal challenges. This is why I think it would be wise of the committee to pass this amendment and to let members get on with the business of bargaining in their workplace.

•(1215)

The Chair: Thank you.

I have Ms. Damoff and Mr. O'Toole.

I also am going to give a chance to any of our officials who might want to weigh in on this issue. I'm not sure whether you want weigh in on it now or after you've heard another round of questioning.

We'll have someone speak from the Liberals, then one or two from the Conservatives. After that, we'll turn to the officials.

I informally received a request from the Liberals that the officials be here to discuss this topic. The Conservatives requested a discussion of another topic. I want to make sure that we have a chance to speak on both of them to help the committee.

Ms. Damoff.

Ms. Pam Damoff: I could leave it open for some of my colleagues if they wish to speak to certain exclusions. The one I have a concern about is the one on harassment. This is singled out. Because the officials are here, I would like to hear what would happen if those words were excluded and why they need to be in there.

I have a concern that we're sending a message to the women in the RCMP, as well as women considering getting into the force, that by leaving that exclusion in there, we're sending them a message that we don't care what's been going on.

When I look at your report, I see that 25% of our harassment cases are unresolved. You have a lot of women in there who want something done and want people to take a stand on it. I applaud what you're doing so far.

The Chair: May I remind to you address the chair?

Ms. Pam Damoff: I am so sorry.

Through the chair, I applaud what the RCMP has been doing so far, but looking at the growth in women in leadership, it's still not good at all. I guess, Chair, that my question is, through you to the RCMP, what would be the impact of removing those words?

I am confident that when the minister appeared here, he went through a number of steps that he was going to be taking to address that issue, but I want to send a strong message to women in the force and to those thinking of joining that it is a harassment-free workplace.

The Chair: We'll hold that discussion for a moment until we hear from Mr. O'Toole, and it will give a chance for the officials to be thinking about the full list of exclusions, and particularly the one on harassment.

I want to give notice to the parliamentary secretary and anybody else. You might also be thinking about whether you have any comments you would like to add.

Mr. O'Toole.

Hon. Erin O'Toole: Thank you, Mr. Chair.

I want to thank Mr. Blaikie for his passion. If we have a secret ballot vote one day amongst members of the House of Commons and unionize, he'd be a great shop steward.

Some hon. members: Oh, oh!

Hon. Erin O'Toole: He's very passionate.

Look, the Conservatives said at the outset, and I said in my speech, Mr. Chair, that we were going to work with the government to meet the timelines needed on Bill C-7. I think that the minister, in consultation with senior leadership, has given strong consideration to all elements of Bill C-7, including exclusions.

We heard repeatedly, even from very pro-union association members, about the unique nature and the paramilitary nature of the RCMP and how those operations are critical to our public safety and public security, and that has to be considered as a unique element for the bargaining environment.

I'll also remind members and Mr. Blaikie of what we heard from witnesses. I remember the gentleman from the Quebec association. I asked him how many of his best friends from Depot are now management—inspector and above—and three of four in his group are. I say that because the unique nature of the chain of command means that this isn't a typical management-employee relationship. They wear the same uniform. They have the same concerns.

Also, it doesn't matter if you're the commissioner or another senior leader; you have concern about the operational safety of all of your people, whether you've met them or not. That's the inherent aspect of uniformed service that is consistent among the military, police, firefighters, and paramedics, and we have to recognize that part here.

We've heard from some people who have frustrations with management. Of course, but this is a unique environment where they could be alongside a senior leader in a precarious situation, and I think everyone would agree that regardless of rank, there is a compassion for the men and women they serve alongside, for their comrades, and that has to be part of this consideration.

They will never cut corners on safety. I know that. We can have a whole range of concerns and things like that, but these exclusions were carefully considered and I think are appropriate. Also, once a framework is done, there's nothing to preclude future Parliaments from examining other issues, but I think that as we start off, this is an appropriate balance, given the unique need.

Finally, I share Ms. Damoff's concern about harassment. I think all MPs do. We want to make sure that cases are resolved and there's no fear about attracting more bright young women into the force. I will say that the minister is seized with it. I will say that I think the RCMP is seized with it. We're going to continue to see progress and can push for more progress.

I do think we need to exclude it, because then any element of the operational nature of the RCMP—a posting, a promotion, a disciplinary matter—will be framed as harassment. Some may well be, but I think we can start to continually improve and strengthen the system for investigation, for discipline, and for a culture of openness about it without putting this in. I really think that will impact operations in terms of a grievance process and that sort of thing. I think we can still really push on that issue without putting it back into this bill and potentially disrupting the operational structure of this paramilitary force.

For those reasons—and my colleagues may want to weigh in after management as well—we'll be opposing the amendment.

• (1220)

The Chair: Go ahead, Mr. Erskine-Smith.

Mr. Nathaniel Erskine-Smith (Beaches—East York, Lib.): Thanks, Mr. Chair.

While I think Mr. Blaikie's amendment likely goes too far, I actually have serious concerns with the exclusions as they exist, for the simple reason that in all the evidence we heard, we heard repeatedly that these exclusions as they relate to workplace safety specifically are major issues that unions are not going to be able to put on the table when they collectively bargain.

We heard management come and give testimony, and I specifically asked what things other police associations have excluded from their collective agreements through legislation. We were told there would be a chart provided to us to allow us to make that determination. I have not received that chart to date. I still don't have an answer to my very basic question as to why we can't have these exclusions that apply to workplace safety issues so that pay and benefits and workplace safety would all be on the table.

When management is answering the concerns of Ms. Damoff, I would appreciate their answering both why we have not received that chart and why including workplace safety specifically on the table would be a problem for operational efficiency.

As a final point, keep in mind that we have factors, including the fiscal constraints on government and operational efficiency, that an arbitrator is already going to consider, and these factors already weigh in favour of government at the end of the day. Keeping that in mind, again, why is workplace safety an issue at the bargaining table?

The Chair: I will comment that the chart was apparently sent out last night, just to let folks know. We know that it is quite late in our process. We're under a very tight timeline, but if the committee's going to need more time, we'll take the time we need.

Go ahead, Mr. Spengemann.

Mr. Sven Spengemann: Thank you, Mr. Chair.

Could I maybe just put a marker down for a question with management? If the exclusions were to stand as they are, in management's view, would the issue of workplace safety, or elements thereof, be one that could be bargained?

• (1225)

The Chair: By the way, my vision for the officials when they speak is that it could be interactive. They won't just make a presentation and then walk out. We can continue that discussion.

Go ahead, Ms. Murray.

Ms. Joyce Murray: I'm looking forward to our experts' response to some of these very good questions and very legitimate concerns. There are just a couple of things that I want to add to the conversation.

One is that when Mr. Blaikie was speaking about the exclusions, I got the impression that he believed that this was something unique to the RCMP framework for labour relations, but in fact the regime that's been set out in Bill C-7 is consistent with the fundamental framework for labour relations and collective bargaining for the federal public service. Bill C-7 includes exclusions with respect to the RCMP members that already apply to other public servants, and those are things like staffing, pensions, organization of work, and assignment of duties. Having consistent policy for federal public servants is one principle, I think, that this bill provides.

Other issues, such as workplace safety and harassment, have been brought up. I want to point out that those very important issues are ones for which the members have recourse under other acts. Excluding them from Bill C-7 doesn't mean members would have no other recourse for these very important concerns that they have. Having been the defence critic for two years and having colleagues

working on RCMP harassment concerns, I know that they're very valid concerns.

I'll give a brief list showing that there are collaborative, solution-oriented, problem-solving processes in place for many of the concerns. One example is the RCMP pension advisory committee under the RCMP Superannuation Act, which deals with pension benefits. We also have the labour-management consultation committees under the Public Service Labour Relations Act, which deal with workplace issues such as harassment and disclosure of wrongdoing, and the occupational health and safety committees under the Canada Labour Code, which are responsible for employees and employers working together on developing and monitoring workplace safety programs and for dealing with safety concerns and safety issues, among other things.

I just wanted to put that element on the table. There are some existing processes for collaborative problem-solving that are backed by statutes and provide a space for members to bring their concerns forward.

I look forward to hearing other perspectives from the expert witnesses.

The Chair: I think this may be a good time, then, to hear from either Treasury Board or RCMP or public safety officials regarding this point. I think you probably have heard the questions. There's a set of questions around the exclusions in general, and then there are some specific questions about whether the exclusions could be restricted more than they are in this list, particularly with regard to your plans around harassment, which is a concern that every single member of the committee, from any party, has been expressing.

It's over to you.

Ms. Manon Brassard (Assistant Deputy Minister, Compensation and Labour Relations, Office of the Chief Human Resources Officer, Treasury Board Secretariat): To start I'd like to provide a context piece to this legislation by looking at the overall labour relations framework for the Government of Canada.

The RCMP, our national police, are part of the federal framework of the labour relations system. One of the big issues for a labour relations regime when it is in the public sector is the public interest. In the private sector, the bottom line is the money, and if you give too much or ask too much, in the end there's no business. In a government situation the proxy, if you want, is to consider what is in the public interest.

Therefore, since the beginning of negotiations—so since about 1965 or 1967—there's been in place a framework that says that it is in the public interest that certain things not be negotiated. I insist on that, because what has been presented in Bill C-7 is a mirror image of those decisions that have been made over time.

For instance, the Public Service Employment Act, which deals with staffing, and the Public Service Superannuation Act, which deals with pension, say that those are not negotiated. It is the same across the public service; they're not negotiated.

It's the same thing for classifying positions. That's in the Public Service Labour Relations Act, the PSLRA.

The Financial Administration Act, or FAA, provides for the overall responsibility of Treasury Board, and it deals with the determination and control of the establishment, of how we do the work. When you look at this—and I will let the commissioner speak more specifically to what it means in an RCMP reality—the law enforcement technique is nothing but assigning duties and classifying positions. These are things that are not negotiated in the overall scheme in the light of the public interest.

Transferring positions, which is another exclusion, is again a staffing matter. Appraisals and probation are staffing matters, which explains why in this particular context they would mirror what is being done and not be negotiated. The same thing goes for discharge and demotion.

Requirements regarding the carrying out of duties of an RCMP member or reservist are again just typical employer rights.

I think it is important to have this in context. We've been negotiating in the public service with those restrictions for many, many years and through many, many rounds. It hasn't been a particular problem. Because of other legislation that provides for other forums, you don't want to necessarily go over them a lot, given that the parliamentary secretary has already done so, but I think it is important to go back to the labour-management relations committees. They are mandatory under the Public Service Labour Relations Act. Every department needs to have one. The RCMP has one as well, and the union is there to bring to the attention of management every single issue that they wish to.

There is an OSH committee, an occupational health and safety committee, that can bring to management's attention all of their issues related to safety. It's safety, I think, writ large there.

With regard to the pension advisory committee, there's a similar one in the public service for other kinds of issues related to pensions.

Therefore, there is no lack of forums. The forums are there, and there is a duty on management to take them into consideration, but also to keep in mind what is in the public interest overall to provide working conditions mindful of the other obligations vis-à-vis the public interest.

That sort of covers the framework under which labour relations and negotiations are set.

I'll turn it over to the commissioner regarding the RCMP.

• (1230)

Commr Bob Paulson: Thank you. I'll try not to duplicate that, and I'll try to focus on the two areas that you had expressed interest in: harassment and workplace safety.

To emphasize that and to go back to the committee's observation in respect of shoes, there are ample and clear statutory requirements for management to have these committees and to attend these committees, which I do with the other unions right now, and had done with the former labour-management regime, the SRR. That's where our new policy on shoes came from. We spent a lot of time giving members freedom, and it came from representations in that committee, where they wanted the freedom to have different kinds of shoes. Those are the kinds of issues discussed there.

I digress a little bit.

Getting back to harassment, let me just put the frame around that: of all of our harassment complaints, 55% have male complainants, and the lion's share of our harassment relates to abuse of authority and interpersonal conflict in the workplace.

Male complainants file 55% of our harassment complaints, so obviously 45% have female complainants, but of that 45%, 16% are female versus female. That's not particularly instructive, but I think it's important to have some sort of context around the demographics of our harassment situation.

For us, harassment now has been linked with conduct, and I think that's the case in all police forces, and in fact many organizations across Canada. Conduct and harassment are excluded across the police universe, except in respect of how it's framed in some sort of expression of non-support for harassment in some collective agreements. The actual mechanics and the actual way in which harassment is being managed is subject to Bill C-42, which has joined our conduct regime with harassment.

What's important to understand, in the RCMP particularly, is that we had operated formerly under the Treasury Board's guidelines for harassment, and that had created two regimes. Bill C-42 was seen to be an effective and efficient means of joining the conduct regime in the RCMP with harassment.

Noting that harassment is, as all members of the committee have observed, a very important consideration, harassment in the RCMP has been given a sort of direct path to externality, an external review in the form of our external review committee. There is a path for complainants to go there, and there are specific provisions within our conduct regime to handle harassment in a way that is starting to give results and that we hope to improve upon.

Again, with harassment and even with conduct, there are committees that we will have to participate in. People from the bargaining agent will sit at that table and participate in the refinement, both in terms of specific cases and also in systemic issues that are raised to that committee and acted upon, with the authorities we already have.

There's nothing inconsistent with the profession in terms of conduct being excluded from bargaining, but it's also statutorily overseen and requires many of these opportunities for engagement with records, with accountabilities that fall directly to management and to some extent to the bargaining agent.

There is very robust backstopping to many of these issues that are being excluded.

• (1235)

The Chair: Go ahead, Ms. Damoff.

Ms. Pam Damoff: I guess my question would be, if we were to exclude that, would it hamper your ability to deal with harassment the way you are now? You've put in place a number of programs fairly recently, within the last few years, through which you're starting to implement things within the force. Are those subject to legislation or would we hamper your ability to go forward with that approach if we were to remove the exclusion on harassment?

Commr Bob Paulson: Well, the short answer is yes. As I say, because harassment is now joined with conduct, that issue is governed by statute. Any sort of effort to negotiate on harassment would hamper our ability to deal with it in the manner in which we are dealing with it now.

The Chair: I'm giving a little bit of leeway on this, because the actual amendment is on all exclusions right now. I did want to have a bit of a general, committee-of-the-whole kind of discussion on this point, but I'd like to keep our discussion right now on this amendment, which is on all the exclusions. If that passes or fails, then we will be able to have a motion, if people want, on a specific set. I just want to make sure we're okay on our process, because I'd like to keep it on this one. I did give leeway.

No one was taking advantage, I just want to say.

Let's just now have a bit of discussion back on the whole amendment, which is to delete all those lines, from lines 7 through to 19, which would essentially take out the exceptions to the collective bargaining process.

You have a further comment, Mr. Eglinski, and then we have Mr. O'Toole.

• (1240)

Mr. Jim Eglinski: Thank you, Mr. Chair.

By excluding these areas.... I hope you can wrap yourself around what I say.

Commissioner Paulson is in charge of the RCMP, and as the command structure drops down, you have detachments spread across Canada. I was fortunate in my 35 years to have commanded five different detachments, from a corporal's to an inspector-sized detachment. I worked on every one of these that are listed, usually on a weekly basis, dealing with discipline among the members.

If I had had to go back and negotiate with the union every time I had to discipline a member or look do an appraisal, that would have been very disruptive. To be a good commander, I needed to have some tools so that I could make it safe for the community and safe for the members policing in that community. These are the fundamental basics of making an operation operate well and operate better. If you take those away and put up roadblocks so that we out in the field....

I'm a long way from Ottawa when I'm commanding a detachment—the last detachment was Fort St. John—and the commissioner is relying on me to make decisions on these. I am accountable to him. The detachment commander has to report all the way up the line; his work is being supervised. There's a strong accountability in place.

If you take these basic eight out, it will be very difficult for any commander, whether he's in charge of the RCMP at Tuktoyaktuk, in charge of Fort St. John, or in Gold River, which was my first command. I was a corporal with one other member, and we worked very closely. I had to use these fundamental principles as a commander and was expected to use them as a commander. If you take those away, such that I have to negotiate every time I have to discipline and deal with one of my members, it's going to destroy the element of command in the field.

Thank you.

The Chair: Mr. O'Toole is next, and then Mr. Di Ioria.

Hon. Erin O'Toole: Mr. Chair, nobody says it better than somebody who has served in that environment, which is being in uniform and within the chain of command structure, as I outlined.

In the interests of time in addressing clauses 40 and 42, as you know, the Conservatives will vote down Mr. Blaikie's amendment. We said right away that we would work with the government to move this through quickly.

These exclusions are critical.

The Chair: Go ahead, Mr. Di Ioria.

[*Translation*]

Mr. Nicola Di Iorio: Thank you, Mr. Chair.

Once again, my thanks to Mr. Blaikie for the quality of his arguments. However, I cannot agree with him. Let me go over some basic facts. The labour relations model to which Mr. Blaikie is referring—and this is not a criticism—dates back to the 19th century, the age of the industrial revolution. Since then, it has been adapted many times. Think about it: we see it being used by professional athletes, medical specialists and home child caregivers. However, in each case, the model was adapted to reflect each community's special circumstances.

We cannot lose sight of the text of the legislation. It specifies that the collective agreement cannot include some items and then lists a series of restrictions. The Supreme Court made a point of saying that the model is not a unique one. In keeping with that, I would like to go back to a point that Mr. Blaikie has raised. He said that they are preparing to return to the Supreme Court. No certified employee association can actually go directly to the Court. If the case is before the courts and is subject to adjudication as well as to litigation, a process has to be followed.

But let me reassure Mr. Blaikie and any other group or association by saying that this is the beginning of our mandate and, as a result, we will be able to see how the system in place evolves. As I said, this is not a unique model. Some aspects of the model being developed are addressed in other pieces of legislation or through other mechanisms.

In its ruling, the Supreme Court did not say that this is unacceptable. On the contrary, it took the time to reiterate what it had said in other decisions, that it is not a unique model. Bear in mind that the Court, in its wisdom, has set a very tight deadline for action to be taken and the bill to be passed. So we are faced with this constraint, and that is why I agree with Mr. O'Toole. We have less than a month to ensure that the legislation comes into force. That is an extremely tight deadline. We had asked for a longer time, but the associations whose case is before the Supreme Court were imposing conditions that we could not honour. Hence the tight deadline we have to work with.

Thank you, Mr. Chair.

•(1245)

[English]

The Chair: I'm going to just check on something, because I have an inkling of something that may be right or may be wrong. Ongoing concern has been expressed—I actually think throughout our debate and not just today, but by every member of the committee from every party—about the safety and well-being of RCMP officers with regard to harassment in particular. Everyone shares that concern. I suspect they would like something to come from the RCMP on that.

I'm just going to test this. I've been checking, and we could just take a moment to suspend this debate and entertain a motion requesting that the RCMP do something like that for our committee and come back at a specific date to update us on its procedures on harassment in particular. Then we could resume this discussion on this bill clause by clause and get it done. It does take unanimous consent from the members of the committee to suspend this clause-by-clause study to entertain a motion requesting that the RCMP do that.

Hon. Erin O'Toole: Mr. Chair, I'm not clear. Are we going to vote on this amendment first?

The Chair: No, we would actually just suspend our debate at this moment, and we could then have a vote on the amendment, which very frankly I suspect might give comfort to some people with regard to this amendment. There's a concern about the amendment and those issues.

Hon. Erin O'Toole: Mr. Chair, the Conservative position is quite clear. It's Mr. Blaikie's amendment, so his position is quite clear. This is the government's legislation, so I'm not quite sure why we need to do that. We have our chaperones at the end of the table. I think we've heard particularly from Ms. Brassard about the force being bound by numerous pieces of legislation that address the concerns we all have. I really think we just have to vote this down and get moving.

The Chair: All right, I'm not getting unanimous consent. That's fine. I just wanted to check. We do have to continue on this.

Hon. Erin O'Toole: On that, I don't want to be seen as a cynic. We're more than happy to have the committee study the issue of harassment in more depth and to call back and learn the various pieces on occupational health and safety. We can explore all of those as a committee, but right now we're seized with Bill C-7. That's why we're not giving unanimous consent.

The Chair: I have Mr. Erskine-Smith and Mr. Mendicino.

Mr. Nathaniel Erskine-Smith: I just want to ask a follow-up question regarding the chart, which I now have.

The Chair: Let me just hold you there. We're going to continue now with the consideration of this amendment, just so you know.

Mr. Nathaniel Erskine-Smith: If the exclusions take working conditions and workplace safety off the table, and the chart I now have before me suggests that other police associations.... I can't see another police association within this chart that does the same thing. I recognize that the act that governs public servants does just that, but I'm at a loss as to how I as a member of Parliament would come to the determination that such an exclusion is acceptable, given this chart before me.

The Chair: Mr. Mendicino.

Mr. Marco Mendicino: Thank you very much, Mr. Chair

•(1250)

I actually haven't seen the chart yet, but I will take a look at it in due course.

I'll just quickly summarize, and I'd like to hear from the commissioner. I think we've been sort of nibbling around what the central concern is at this moment, which is, going forward, the plan on harassment. That's what I want to come to. Just to summarize how I'm working through this using a methodology that hopefully makes sense, we have a Supreme Court of Canada case that says that the RCMP is entitled to collectively pursue workplace goals.

Bill C-7 is the response to that Supreme Court of Canada decision. I think there should be some consensus in this room that achieving a harassment-free and discrimination-free workplace is a workplace goal. We have some examples of other police associations that do bargain regarding this issue. I don't think there's any dispute about that. This is not unprecedented. We also know that the RCMP has a suite of tools at its disposal to address harassment and that some progress has been made.

What I think we're debating right now is the net benefit to the RCMP of leaving harassment off of the bargaining table as you continue to use the existing tools.

The Chair: I'll just give a reminder to address the chair.

Mr. Marco Mendicino: Thank you, Mr. Chair, and through you to the RCMP, I just want to make sure I have the witness's attention. It is in no way meant to be disrespectful of your administrative authority in this forum, sir, but to really focus the committee on the suite of existing tools you have and any other initiatives you may be contemplating in consultation with the minister, who I know is very grasped with this priority, as well as the President of the Treasury Board. What is the plan going forward?

The Chair: Please be very quick.

Commr Bob Paulson: First of all, if other police forces mention harassment in their collective agreement, they have what we call aspirational clauses. They don't negotiate the legal conduct regime that deals with harassment, so they don't have in their collective agreements a statement that says they're against harassment. Who is going to be against that?

In terms of going forward, because of the new legislation that we have—a couple of years old now—harassment is tied to our conduct, and it's basically what I said a little while earlier. We continue to build on a number of initiatives within the organization that were heretofore developed in conjunction with the existing representative systems and will continue to be developed and deployed in conjunction with a new bargaining agent, should there be one, in accordance with the legislated requirements to include those bargaining people in those processes, but they are, in effect, overseen by legislation and therefore would be excluded from a collective agreement in any case.

The Chair: Thank you.

I'm going to now suggest that we actually be very much targeted on this amendment. It could be subamended if someone wants to; however, what I would like to do now is simply determine whether or not we are clear on the amendment, which is excluding all of these items, and whether or not we are prepared for a vote on the third amendment of the NDP.

Mr. Blaikie.

Mr. Daniel Blaikie: I think I have more to say on the amendment before we move to a vote, which I think is consistent with the desire you've just expressed to focus on the amendment.

Let me start by saying that I respect the work the RCMP has been doing on harassment in the workplace. I think that's great. I commend those efforts, and I hope they're ultimately successful. I don't see us needing to know all the details of the RCMP's plan for dealing with harassment outside of collective bargaining in order to make this decision.

Part of the point is that whatever process is obtained for dealing with harassment in the RCMP should include the ability to bring issues to the collective bargaining table. That's part of what we're trying to decide on today. Whether the issue is harassment or something else, we can affirm today by voting for this amendment that ground-level RCMP members have a role to play in determining those things at the bargaining table.

I would say that not only is that something the RCMP management can tolerate, but I think it's also an opportunity for the force to have an avenue whereby ordinary members' voices can be heard in that process and brought to the table.

I want to address a few other points that have been made. I'm not going to make them in any particular order or address them in any particular order.

For Mr. O'Toole, I appreciate his experience in the military and in uniform. We've heard some compelling emotional appeals from Mr. O'Toole today, but I think it's important when we talk about process to take some of those emotions out.

I've been in workplaces where I have friends in decision-making capacities. It doesn't mean the workplace doesn't need a good process. It's not to impugn the motives of any members of the RCMP to say we need good workplace processes. There are problems within the RCMP. We know there are. They're well documented. If trust in fellow members in uniform was sufficient to ensure members were always going to treat each other appropriately, then we wouldn't be having the concern that is evident here today about harassment, including concern from Conservative members.

I hear you on that, but it's demonstrably not enough simply to trust in that, or we wouldn't have any problems that needed discussing within the RCMP.

It's clear that even though that spirit of fraternity exists—and that's important, and it's an important part of the organization, and it's important to foster that—it is not a substitute for good processes in the workplace when things don't play out according to that spirit of fraternity. I think it's important that we not lose sight of that.

Part of the peripheral issues or comments around some of the issues of harassment have also said these are things Parliament can come back to. There's nothing stopping Parliament from initiating other studies. There's nothing to stop management from undertaking various initiatives within the workplace. I would return to the point that the advantage of removing the exclusion and allowing employees to bring these issues to the bargaining table is that we might be able to have these issues resolved in the workplace and not have to come to Parliament. Let's do it and resolve it with the people who are living the job, living the circumstances, and experiencing whatever problems there are in the workplace first-hand.

I'm an electrician. I'm proud to be here. I'm proud to be able to contribute to the future of my national police force. I'm not an RCMP member and I haven't been on the ground, but there are many who have been. The point of the decision, and what the point of this legislation should be, is to let them in at the bargaining table to be able to address those issues directly as they see fit and to give them a voice.

We've heard there are already a number of processes existing, whether it's for harassment or tribunals for pension or whatever else. It's clear to me from what we've heard from our witnesses, if those were sufficient—if for nothing else, if we leave out substantive outcome—to have RCMP members feel their concerns were being appropriately and sufficiently addressed, then we probably wouldn't be here, Mr. Chair.

We are here because all of those existing artifices, many and grand as they are, Mr. Chair, have clearly not led to outcomes that make RCMP members feel their interests have been fairly and adequately represented. That was part of what the Supreme Court decision was meant to address: the fact that all of this existing infrastructure for addressing this problem and that problem isn't doing the job, in the opinion of many members.

● (1255)

That's why they want a bargaining agent: to be able to raise those concerns at the bargaining table.

This does not mean—

The Chair: I'm going to check on our time here. Mr. O'Toole would like to speak as well, and we will need to continue if we want to get through this today. I want to check how much more you think you need to say.

Mr. Daniel Blaikie: I just want to make sure I say everything that needs saying, Mr. Chair. I don't want to prejudge how long that may take.

The Chair: Just make sure that we are staying on things that you have not yet said.

Mr. Daniel Blaikie: I will do my best.

The Chair: That's my only requirement. It has to be some new argument, as opposed to a repetition of the argument you've already made.

Mr. Daniel Blaikie: That's fair enough.

I respect Mr. Eglinski's experience. I think it's an asset to have that at our table. He mentioned how it is difficult for management to have to deal with issues of discipline. I think it would be a mistake to understand this process as mandating a separate negotiation with the union every time you're engaging in disciplinary conduct. With his management experience, he will know there are policies in place, and managers have to act in accordance with those policies. All this does is allow those policies to be set in collaboration with a bargaining agent at the bargaining table. That's what's different about this.

While I appreciate his experience, he would not have had experience with a collective agreement as an RCMP manager. I just want to reassure him that having a collective agreement and having some provisions around the items that are in the exclusion would not cause him to have to enter into separate negotiations every time he acted in his managerial capacity.

We've heard in part when talking about this extra infrastructure that it exists and is already in place for public service bargaining, so all these things apply, and there are other provisions that would apply to RCMP members as federally regulated workers. However, that position runs against the basic grain of argument that we've heard from members of the other parties at various times, including me, Mr. Chair, that there is a unique nature to the RCMP.

On the one hand we want to say the RCMP is unique and we need all these special provisions and we need to exclude certain things from bargaining and it's okay to exclude them because they'll just be like every other civil servant in having access to all the other things and can avail themselves of everything else that other civil servants have. There's a fundamental tension there, because we've heard from witnesses that they don't necessarily expect or want to be treated like any other public servant and clearly feel that those existing mechanisms have not served them well heretofore, so I don't feel that those arguments to the contrary are compelling at the end of the day.

• (1300)

The Chair: Thank you.

Mr. Daniel Blaikie: The last argument I'll address, after a dramatic pause, Mr. Chair, is that of time constraints. We've heard this before.

I am aware, despite the length of this speech, that we are under time constraints and that those are mandated by the Supreme Court. I don't think that's a reason to make bad law. I think these exclusions will not deliver on what RCMP members were hoping to get. If we pass this amendment today, I'm sure we can pass the rest of the bill expeditiously and we will meet that timeline. I do not believe that these time constraints mitigate in favour of keeping these exclusions. In fact, if anything, they mitigate in favour of getting rid of them because we are in a hurried process.

Here I would say less is more with respect to hurried legislation. I think there is a whole history of collective bargaining and decisions and precedents that we can rely on to protect RCMP management from unreasonable proposals that could come forward from a union, if it forms, and that we should not try to task ourselves, particularly under time constraints, to try to foresee every event that may happen at the bargaining table.

The point of the process is to have a process that happens in the workplace and for those people who are in the workplace to be able to address those concerns that come up. As non-RCMP members, we don't have to try to foresee everything that's going to come up at the bargaining table. We can empower members to do that themselves.

In this case, with respect to exclusions, especially because of our time limit, less is more.

The Chair: Thank you.

Mr. O'Toole is the only one on my list of speakers now.

Hon. Erin O'Toole: Mr. Chair, I appreciate my friend's comments. I think his father was famous for filibustering, and I think it's a genetic trait.

What I would propose is that we vote on this and then set a new meeting time to do clause by clause properly, because I do know that we're likely already over time. We're in an unprecedented situation, in that I think we're delaying this vote because the government members may not support their own legislation during what I think you said is the first clause-by-clause consideration of a bill from the new government. This is a very interesting development.

However, we can't be here forever, and the Conservatives are clear about where we stand.

The Chair: Could I check on our time?

My suspicion is that if we had about another 20 minutes, we may be able to finish this. If we voted on this amendment now, clumped the next clauses together and got clause 33 done, and then got to clauses 40 and 42 fairly quickly, I suspect we could get through it if we had about 20 more minutes.

Go ahead, Mr. Parliamentary Secretary.

[*Translation*]

Mr. Michel Picard (Parliamentary Secretary to the Minister of Public Safety and Emergency Preparedness): As a courtesy to the experts before us, I think we will take the time we need instead of limiting ourselves to 20 minutes. They will be able to answer other questions. I think we can take advantage of their presence now so that we don't make them come back for another meeting.

In terms of the assumptions about the positions of the two sides, I think it is a little early to determine who is leaning which way.

[*English*]

The Chair: That seems to be an argument to have a vote on this amendment.

Go ahead, Ms. Damoff.

Ms. Pam Damoff: I'll be very brief.

Just to wrap up my earlier concerns, I won't be supporting the amendment. I do have confidence in the minister and what he is doing with harassment. I would like the committee to entertain at another point having the RCMP come back and update us on harassment, but we won't deal with that right now.

• (1305)

The Chair: I've had a nodding from the commissioner, so I think there's an agreement that we may get to that formally.

What I'd like to do, then, is vote on amendment NDP-3, which is on clause 33.

Mr. Daniel Blaikie: May we have a recorded vote, please?

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

The Chair: Are there any other comments on clause 33?

Shall clause 33 carry?

(Clause 33 agreed to)

(On clauses 34 to 39)

The Chair: I'd like to suggest that we consider clauses 34 through 39 together. Is there agreement to that? There are no amendments to them.

Some hon. members: Agreed.

The Chair: Shall clauses 34 to 39 carry?

(Clauses 34 to 39 agreed to)

(On clause 40)

The Chair: Now we come to clause 40. Can we link clauses 40 and 42 together? No?

We'll keep them in sequence, then.

Let's consider clauses 40 and 42. I'm going to preface this discussion by saying I would like some comments from our witnesses about clauses 40 and 42. I don't think it's a big secret that concern has been raised from all parties about the appropriateness of putting these clauses into this particular bill. There is, I think, fairly strong concern that has been expressed through our testimony about these two. We wanted to give you an opportunity to talk about the ramifications of this committee deleting clauses 40 and 42.

You might want to do them together while we're considering clause 40.

Commr Bob Paulson: Thank you, Mr. Chair.

I do have some prepared remarks that I'll read briefly, which should cover the issues.

First of all, thank you for the opportunity. The health and safety of our members are crucial considerations in the work we do. Every day, our members get put in harm's way, and it is our responsibility—indeed, it is my duty—to take care of them when they are injured.

Our members have been covered under provincial and territorial basic health care plans since April 1, 2013. These plans do not cover occupational injuries or illnesses. The RCMP has been administering these occupational injury claims internally.

However, as Minister Goodale noted in his opening comments to the committee on April 12, the employer should not be the final arbiter of whether the injury of one of its employees occurred on the job or not, nor of what types of benefits he or she is entitled to, to support recovery.

Provincial workers' compensation boards are leaders in providing care to injured workers. They have vast experience in working with police service organizations, provincially and municipally. RCMP members would receive uninterrupted, dedicated, and responsive treatment similar to what they currently have.

The RCMP will, through its internal disability management program, work with these provincial boards to ensure that the specific demands of RCMP members are clearly communicated and that return-to-work planning reflects the physical and psychological requirements of today's front-line policing.

If members need to be relocated before the end of their care, which is not uncommon for other federal employers covered by GECA, members would continue to receive care from the workers' compensation board in their new duty location.

The RCMP will pay the full cost of all expenses associated with a member's claim, plus an administrative fee to the workers' compensation board.

We want to get this right. That is why we, with the full support of our contract partners, meaning the provinces, territories, and municipalities we serve, have asked for these provisions to come into force at a date to be fixed by an order in council, so that we can continue our work with Employment and Social Development Canada's labour program, as well as workers' compensation boards and Veterans Affairs Canada, to ensure a smooth transition for our members.

This significant legislation will allow the RCMP to focus our efforts on our core mandate, the primacy of our police operations and what we do best, which is to protect Canadians.

Thank you.

• (1310)

The Acting Chair (Hon. Erin O'Toole): Thank you, Commissioner.

Mr. Di Iorio, go ahead.

[*Translation*]

Mr. Nicola Di Iorio: Thank you, Mr. Chair.

I think we can reassure some members about our positions. In fact, there have been changes to the way we should proceed. I am referring specifically to the content of clauses 40 and 42. The Liberals would definitely be ready to remove those clauses from the bill.

I mention that because it might shorten the debate.

[*English*]

The Acting Chair (Hon. Erin O'Toole): I appreciate that, and I got that indication yesterday in the minister's response to my question on striking 40 and 42.

Is there any other discussion or questioning for the commissioner?

Mr. Blaikie, go ahead.

Mr. Daniel Blaikie: For the record, I will say that on the eve of having a new bargaining agent for RCMP members, this is something it makes sense to hold off until it can be discussed at the table.

[Translation]

Mr. Nicola Di Iorio: In that case, we are ready to vote.

[English]

The Chair: Do we have a list of speakers?

Hon. Erin O'Toole: Mr. Chair, I think our concerns have been expressed, and through the witnesses, we explored this issue from the introduction of the bill. I think this is something that RCMP management can bring forward in separate legislation beyond the collective bargaining agent elements of Bill C-7.

If the government is willing to strike clauses 40 and 42 for the purposes of Bill C-7, we appreciate their willingness and we are ready to vote.

The Chair: Would anyone like to comment? I think we have had much discussion about this, but we're just going to do clause 40. That's what you're going to tell me; I can feel you doing that.

What I would like to do, then, now is ask—and I get the right wording—shall clause 40 carry?

(Clause 40 negatived)

The Chair: We'll do clause 41 now, and then we'll do clause 42.

Shall clause 41 carry?

(Clause 41 agreed to)

(On clause 42)

The Chair: I suspect clause 42 has had the same discussion over several meetings.

Shall clause 42 carry?

(Clause 42 negatived)

(On clause 740)

The Chair: You'll notice that if we skip through to the end of the bill, we have clause 74, which implicates what we have just done. We will now have to deal with clause 74 that says,

Sections 40 and 42 come into force on a day to be fixed by order of the Governor in Council.

This is consequential, so I will then read into the record: seeing as clauses 40 and 42 have been defeated, clause 74 is also defeated as it is consequential to both these clauses.

(Clause 74 negatived)

The Chair: Now we will vote. People are hungry.

Hon. Erin O'Toole: I have a meeting.

The Chair: Is it important?

Hon. Erin O'Toole: All my meetings are important.

The Chair: Let's just stay here. It's a new world.

Hon. Erin O'Toole: It certainly is. It's good to see a strong and effective opposition.

The Chair: It is a new world that shows you how Parliament is working. It's quite wonderful.

Now I'm going to ask that we consider clauses 43 through 73. Shall they carry?

(Clauses 43 to 73 inclusive agreed to)

The Chair: Now we have some enabling motions.

Shall the title carry, which is Bill C-7, An Act to amend the Public Service Labour Relations Act, the Public Service Labour Relations and Employment Board Act and other Acts and to provide for certain other measures? Such an uninteresting name compared to the old names.

Some hon. members: Agreed.

The Chair: Shall the bill, as amended, carry?

Some hon. members: Agreed.

The Chair: Shall the chair report the bill, as amended, to the House?

Some hon. members: Agreed.

The Chair: Shall the committee order a reprint of the bill, as amended, for the use of the House at report stage?

Some hon. members: Agreed.

The Chair: I just want to check to see whether you want to present a formal motion requesting the RCMP to bring a future report or simply state that as a matter of concern.

•(1315)

Ms. Pam Damoff: I don't think I need to make a formal request.

The Chair: I think the RCMP is very aware of some concerns we have. We probably have a long time until certification. In the meantime we will be vigilant, as we know you are. We may be asking for a more formal update on the issue of how the RCMP is handling issues of harassment.

I want to close by thanking you.

Hon. Erin O'Toole: We did it under 20 minutes?

The Chair: We did it under 20 minutes.

I want to thank you again for your work on this bill. It is exceptional. I think we had a good debate. We will be proud to present it in the House, and it will go to third reading.

The meeting is adjourned. Thank you.

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