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Chair

Mr. Bill Casey

Standing Committee on Health

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• (1105)

[English]

The Chair (Mr. Bill Casey (Cumberland—Colchester, Lib.)): We will call our meeting number 56 to order. Imagine: meeting number 56.

Today we are doing clause-by-clause of Bill C-211, and then we have a bit of committee business to do after that. We will go right to Bill C-211.

Is everybody ready?

Pursuant to Standing Order 75(1), consideration of clause 1, the short title, and the preamble is postponed until the end, so I am calling clause 2.

(On clause 2)

The Chair: Does clause 2 carry? All in favour?

Mr. Davies.

Mr. Don Davies (Vancouver Kingsway, NDP): Mr. Chair, I think there is going to be one major decision that the committee is going to have to make with respect to this bill. Happily, it's kind of a nice decision to make. I don't think it's a question of intent, ideology, or difference, but one thing that has become very clear through the course of this testimony is that we have two possibilities in front of us with this bill.

One is to create a bill that deals comprehensively with PTSD, or in other words, to have the bill call for the creation of a federal framework on PTSD comprehensively. Or are we talking about creating a federal framework for workplace PTSD? Both are inherently worthy objectives, and both of them I think are important.

I had not planned on moving an amendment or raising that issue at this particular clause, except now that I quickly read it, I think this may be the first time that the committee will have to determine which path we're going to take, because under the definition of "federal framework", the bill says that it "means a framework to address the challenges of recognizing the symptoms and providing timely diagnosis and treatment of post-traumatic stress disorder."

As you'll see later on, I have two suites of amendments, depending on which way we want to go. I'm content with making this a bill to create a federal framework for workplace PTSD. I'm also content to create a framework that would deal with PTSD comprehensively. I will advocate later on for the latter, for a number of reasons that I'll go into then. I think this definition is the first time that we'll have to

make that decision on which path we're going to take, because the way this definition is written, it adopts the comprehensive approach.

I'm going to move an amendment at this time. In fact, I'm going to invite my colleagues to have the debate now, because I think we have to do it here. If we do not intend this bill to be a comprehensive approach to PTSD with regard to all major population groups in Canada, not just those in the workplace, then we should insert the word "workplace" in front of "post-traumatic stress disorder". I'll make the argument why I think we shouldn't do that, but we'll make this decision.

Obviously, workplace post-traumatic stress disorder is a serious issue in Canada. As you'll see later on in the bill, there are certain specific groups that are mentioned as being the front-line victims of post-traumatic stress disorder. They are listed in the bill as veterans, RCMP officers, health professionals, corrections officers....

Am I missing anybody?

• (1110)

The Chair: First responders.

Mr. Don Davies: Yes, first responders who are military personnel, as well as firefighters and corrections officers....

We've also heard evidence, of course, that PTSD can occur from episodic exposure: a woman who was exposed to a vicious sexual assault; refugees who are fleeing war zones and conflict zones and have come to Canada scarred and traumatized by that experience; or first nations, indigenous people. I think we can agree that those people are experiencing PTSD in much the same way as anybody else, but they didn't get that exposure through their workplace.

We heard very trenchant and powerful testimony from every witness, but in particular from our last panel, which told us about the delay that's happened in this area and how important it is to act quickly and in a timely manner for these people. We heard that it's extremely important for these victims to be heard and to be represented. If we take an approach of passing a framework on workplace PTSD, as laudable as that is, what would we be saying to those other groups—indigenous people, women, refugees, and others—who are not included in this federal framework? We would be sending one message to them, that they must wait.

I've heard a couple of arguments that it's better to get this going and not delay. With the greatest respect, Mr. Chair, that is a complete red herring, because nobody is asking for any delay. The amendments that would make this bill comprehensive won't cause any delay or difficulty whatsoever.

This bill essentially calls for the Minister of Health to convene a conference—within a year, I think—and spells out who should be around the table at that conference to begin the process of developing a framework on PTSD. The only question is who is at the table. This bill calls for the Minister of Health, the Minister of National Defence, and the Minister of Veterans Affairs to be present at that table. If we broaden that to include three other ministries, as you'll see later in my amendments, that does not delay anything. It just adds three seats to the table to develop the framework.

It's a chimera and a complete red herring for anybody to argue that broadening this bill at this point slows down anything. It does not. On the contrary, broadening this bill at this point is this committee's opportunity—right now, when the bill is in front of us—to give Canadians the comprehensive PTSD framework that all Canadians have been waiting for. I would argue that not adding these other groups now is actually playing right into the exact trauma that we're warned against. We're warned against not representing people, telling some groups they have to wait while we develop a PTSD framework for others.

Mr. Chairman, I am not going to repeat this argument at each of the different opportunities the committee will have to make this choice, but I will ask every member of this committee to remember that we sit on the committee for health. This bill came to the health committee. It didn't go to public safety; it didn't go to veterans affairs. It didn't go to the committees that one would think are charged with dealing with certain occupations. It came to the health committee, where we are entrusted to make policy for the health of all Canadians.

I would urge my colleagues here and say that, right now, we have a chance—brought by the wonderful work of Mr. Doherty, who has flagged an issue that has been ignored too long, an issue that has devastating impacts on people's lives—to make sure all these voices are heard.

• (1115)

I, for one, am going to very strongly urge that the health committee have this bill leave committee by saying that we have improved the bill by enlarging it slightly to make sure we develop a comprehensive federal framework for PTSD not only for these vital groups that have to deal with trauma every day, but also the three other major groups that have been identified by witnesses at this committee.

It's not a floodgate. We're not talking about 10 or 20 different groups. We're talking about three major groups—women, indigenous people, and refugees—and bringing those voices to the table when we have developed the framework.

I've also heard people say, "Let's just get this done and then we can deal with the rest of the groups later. This will be a framework. Let's just get this framework done." Do you know what message that sends to the other groups? It tells the other groups that they can wait. That's the message it sends: "We could have dealt with you right here, but we deliberately decided that you can wait." If I heard one message from these witnesses in this hearing, it's that we cannot wait.

Waiting costs lives. PTSD sufferers commit suicide. They attempt suicide. They lose jobs. They lose family. We heard the devastating testimony. I, for one, don't want to be a member of a committee who says to any of those groups that they have to wait, all because we didn't take the time to add a few words to this bill. Also, remember, just make sure those voices are at the table when the conference is convened.

I am going to raise this now, and I invite my colleagues' comments and look forward to your thoughts on this. If we don't broaden this framework now, if we do decide we're not going to add these other large demographic groups that are cited as suffering from PTSD, then I submit that we do have to put the word "workplace" in here, because that will then be consistent with what this bill is about. I'll point out for a moment that we heard testimony that women have PTSD at double the rate of men—double the rate—so we're not talking about marginal groups; we're actually talking about the main sufferers of PTSD.

I'm going to pause for a moment and just briefly make a case for the workplace aspect. Don't mistake my remarks for minimizing the importance of having a federal framework for workplace PTSD. That's a laudable goal. I'm going to let Mr. Doherty speak for himself later on if he wishes to, but I kind of think, after listening to everything and judging what I heard from speakers, that this is what he intended. I think maybe he intended his bill to be a bill that creates a federal framework for workplace PTSD, specifically for those people in uniform, in particular, or front-line health professionals, those people who deal with it every day in an ongoing way.

I also want to state, for the record, that I understand that there may be some differences in that PTSD, as these people are exposed to PTSD as a routine and regular part of their job. I'm not sure, at the end of the day, that the symptoms that any person with PTSD suffers with are any different, or that the treatment is any different, or that they need to be recognized any differently, but there is that one occupational difference.

I will urge the committee, though, that if we do seek to narrow this bill to this, that we make the necessary changes to insert the word "workplace" where it's necessary and to eliminate the phrasing in this bill that suggests that it's comprehensive, because that is not only incorrect, it's misleading.

I'm going to refer my colleagues to the summary of the bill. This was the start of some of my confusion. It says:

This enactment requires the Minister of Health to convene a conference with the Minister of National Defence, the Minister of Veterans Affairs, provincial and territorial government representatives responsible for health and representatives of the medical community and patients' groups

—note the reference to "patients' groups"—

for the purpose of developing a comprehensive federal framework

—here I'm going to underline the word "comprehensive"—

to address the challenges of recognizing the symptoms and providing timely diagnosis and treatment of post-traumatic stress disorder.

• (1120)

When you read that, it leads the reader to suggest that we're creating a federal framework on PTSD, period, comprehensively.

I want to refer my colleagues briefly to the preamble.

It starts:

Whereas post-traumatic stress disorder (PTSD) is a condition that is characterized by persistent emotional distress occurring as a result of physical injury or severe psychological shock and typically involves disturbance of sleep and constant vivid recall of the traumatic experience, with dulled responses to others and to the outside world.

That, my colleagues, is the comprehensive definition of PTSD. That applies to everybody—a first nations victim of residential schools, a woman who has been raped, a refugee, or our first responders.

But then it starts narrowing the scope:

Whereas there is a clear need for persons who have served as first responders, firefighters, military personnel, corrections officers and members of the RCMP to receive direct and timely access to PTSD support;

Well, now we start grappling with this. Is there not a clear need for first nations women and refugees to receive direct and timely access to PTSD support? I don't think anybody at this table would suggest that there isn't, but now we start seeing the bill start to narrow.

I won't go through the third paragraph. It just talks about the need for resources. Then the last paragraph is confusing, because I think it attempts to do both, to be comprehensive and specific.

It says:

And whereas many Canadians, in particular persons who have served as first responders, firefighters, military personnel, corrections officers and members of the RCMP, suffer from PTSD and would greatly benefit from the development and implementation of a federal framework....

So there it's suggesting that many Canadians would benefit, including these people, suggesting that there are people who would benefit that aren't included.

By the way, I'm only going to make this speech once, because once we get the issues out and we talk about them, I think we'll get the committee's desire and then we'll make the amendments quickly. I don't plan on speaking to each one of them, but it's the same theme throughout.

Colleagues, we're going to have to change the preamble one way or the other, and I have amendments to do that. I have amendments that will clear this up so that it will deal with workplace PTSD, or provide the opportunity to broaden it to the other groups.

It's unfortunate that I have to bring it up right now in kind of an odd place, but we have to deal with it in the order that we deal with clauses. So, colleagues, with clause 2, I'm going to move, for the purposes of debate, that we include the word "workplace" before "post-traumatic stress disorder."

We'll begin the process by suggesting that the word "workplace" be included within the following definition:

federal framework means a framework to address the challenges of recognizing the symptoms and providing timely diagnosis and treatment of workplace post-traumatic stress disorder.

As you can tell, I don't support that addition, but now is the time to have that discussion, because if it is the will of the committee to narrow this to the workplace setting, then we should start there and put the word "workplace" in. If so, I will live with and respect the will of the majority of the committee.

I hope that we don't add the word "workplace" there, because I hope we can keep the bill comprehensive. Later on I'll be moving a couple of narrow amendments to add the ministry of women, Indigenous and Northern Affairs, and Citizenship and Immigration to the bill, then clearing up the preamble to be comprehensive, unless the committee at this stage decides to add the word "workplace." If at this point we decide to add "workplace," I will move those amendments, but I won't speak to them because I'll understand the direction of the committee at this point.

I will end by saying this, Mr. Chair. Once again, we have an opportunity right now to pass a comprehensive federal framework on PTSD. We have an ability to recognize that this affects a number of major groups and populations in Canada outside of those who wear the uniform, or suffer PTSD as a result of their work.

●(1125)

We have an opportunity to stop the delay. We have an opportunity to represent the major groups. We all know that this has taken too long. As Mr. Doherty and others testified in a very impactful way, time matters in this case. We don't want to have to come back in two, three, four, five, or ten years and then pass a PTSD framework for groups that we know from the testimony in this committee are suffering today.

I will conclude by saying that it's not a big deal to add a few ministers to this. I know I'm going to be hearing from some colleagues that this will complicate matters. It will not. Having the Minister of Veterans Affairs sitting beside the Minister of National Defence.... And by the way, we're going to have to add the Minister of Public Safety to this. I think that's an omission in this bill, because RCMP officers are mentioned, and they fall under the ministry of public safety and national security. We're already going to be adding another chair. We're talking about making sure that, as a committee, the right people are around that table. Whether there are three ministries represented or six, it will not make a difference other than to improve the process to make sure that we're comprehensive.

With that, Mr. Chair, I'll move the motion to add the word "workplace", and I urge my colleagues to defeat it—

The Chair: I can help you out there.

Mr. Don Davies: Okay.

The Chair: It's out of order. I'm advised that you can't make a change in the interpretation section of the bill that's not reflected in the bill. We're going to run into that same thing when we get to the changes to the preamble. There have been some amendments that propose changes to the preamble, but those changes aren't reflected in the bill.

I think we all know where you want to go, and probably most of us agree, but we have a process we have to follow. We have to follow the rules, or it won't work. I think—

Mr. Don Davies: Mr. Chair, I have to challenge that ruling, and I'm going to make a strong argument. That is absolutely incorrect. I can point to sections in this bill that make it quite clear that the bill is related to workplace PTSD. Absolutely: it's right in the bill itself. This bill, as I pointed out, has double features. In fact, I will argue it's poorly drafted. It's confused. The summary of the bill does not correspond to what the bill is calling for.

As I pointed out, it has a dual feature to it. I can't tell when I read this bill whether it is a comprehensive framework for PTSD that involves everybody, or if it is only calling for a federal strategy on PTSD relating to certain specified occupational groups. I refer, Mr. Chair, to the ministries that are singled out in the bill.

• (1130)

The Chair: No, I agree, but you mentioned the wording of paragraph 4 of the preamble, “whereas many Canadians”, which includes all Canadians who might be affected. If you then put the word “workforce” in the interpretation section, that section would then contradict the preamble. You've restricted it in one place, so I have to rule it out of order.

Mr. Don Davies: But, Mr. Chair, if I might say, I agree with that. The paragraph in the preamble very clearly suggests that this is a comprehensive framework.

The Chair: For everybody.

Ms. Rachael Harder (Lethbridge, CPC): Mr. Chair, point of order.

Mr. Don Davies: No, I have the floor. Thank you.

But the second paragraph of the preamble contradicts that. It says:

Whereas there is a clear need for persons who have served as first responders, firefighters, military personnel, corrections officers and members of the RCMP to receive direct and timely access to PTSD support.

The other groups don't?

The Chair: I'm going to take the point of order from Ms. Harder.

Mr. Don Davies: I want to make one more point, if I can, and then I'll cede the floor.

Ms. Rachael Harder: Chair, you have—

The Chair: No, I'm going to go to the point of order.

Ms. Rachael Harder: —to direct this meeting.

The Chair: Yes. A point of order.

Ms. Rachael Harder: Thank you.

With all due respect, Mr. Davies, I understand what you're saying. You've spoken for 30 minutes now. We all understand what you're saying. But you're talking with regard to the preamble, and we all know that changes to the preamble can only be made if substantive changes are made to the body of the bill. We have not discussed the body of the bill, and therefore it is inappropriate to be discussing the preamble at this point in time.

The Chair: Actually, we have a speakers list.

Mr. Oliver.

Mr. John Oliver (Oakville, Lib.): I guess I would like to hear from Mr. Doherty about what his intent was with the bill. He was the drafter of it. What was his aim in this? Then after I've heard that, I

would like to say a few words related to Mr. Davies' distinction here and offer some different perspectives on it.

I would like to hear from Mr. Doherty, if that's permissible.

The Chair: I need the consent—

Mr. Don Davies: On a point of order, Mr. Chair, I'm happy with that, but technically what we're talking about right now is the ruling of the chair that my amendment is out of order. Are we to be directing our comments to that?

What I would ask my colleagues to do is to overrule that ruling of the chair, so at least we can have the discussion about that. We can't really get into the merits of what I was talking about until we determine whether what I said is outside the scope of the bill, I think. For the purpose of continuing debate, I would ask that we overrule the chair so at least we can consider the merits of what I've said.

I just want to say one thing. Ms. Harder is incorrect. I'm raising my amendment at clause 2.

Ms. Rachael Harder: Then why are you not waiting—

Mr. Don Davies: Excuse me, I have the floor, Ms. Harder. I'm talking about clause 2, my proposed amendment to it, and explaining it. But of course the amendment that I've raised—if anybody is following the purpose of my amendments—is an issue that has to do with the confused objectives of this bill. In order to make that argument, I've pointed to various parts of the bill that would suggest to Canadians that this is a comprehensive federal framework, and to others that suggest that it's in fact meant to be occupational. It was in the course of making that argument that I referred to this section of the bill, and there's no rule that says I can't refer to other sections when I'm speaking to my amendment.

The Chair: I think the committee would like to hear from Mr. Doherty, but I need to have unanimous consent from the committee to let Mr. Doherty make a presentation. Do I have unanimous consent?

Some hon. members: Agreed.

Mr. John Oliver: And then it will come back to me?

The Chair: Yes, it will.

Mr. Doherty.

Mr. Todd Doherty (Cariboo—Prince George, CPC): Thank you, Mr. Chair.

Thank you to our colleagues who are here.

Mr. Davies, I appreciate fully your comments with respect to those groups you feel should be included in this bill. I said this before: in no way, form, or fashion do I want to diminish the impacts facing other groups who are suffering from PTSD, whether it is our indigenous population, refugees, or the victims of sexual assault or violence.

My bill was intended for our first responders, our veterans, and our military. Even after having the bill drafted, I realize that perhaps the term “first responders” needed to be broadened. Indeed, in the public safety committee we understand that a first responder could be called a public safety officer. Who's captured in that? This goes to the goal of the bill. We need to make sure our terminology is correct as we move forward, as to who's included in that area.

I will bring it back to some other comments Mr. Davies made, that it is a confusing bill, and that it is misleading in its terminology. I would argue that it isn't, because as you read it, it is talking about a comprehensive framework with respect to first responders, military and veterans, and those who have experienced human tragedy every day. Again, in no way was it to diminish the impact on others who are facing mental health injuries.

My hopes were that we could have a broad discussion, as we have been over the last 18 months, regarding mental health injuries. Indeed we've had a number of different groups come before us, and we heard great testimony from Dr. Sareen that it is different in the workplace versus traumatic incidents, such as those in residential schools or those that refugees face. There was also agreement that getting something in place now—and learning from this process so that we can apply it as we move forward for the greater good—is what we should be doing.

I know that we probably have representatives listening in from those groups that Mr. Davies has mentioned today. Again, I offer my apologies, but my bill was focused on our first responders, our military, and our veterans. My hope was that we would be able to do something—not quickly, but thoughtfully and measured—for those who put their uniforms on every day and make a sacrifice for you and me.

I agree that healthy debate is important. I appreciate those who have written letters. I've had conversations with folks such as the nurses' union and other groups. I have to be completely honest that again, I keep drawing it back to the intent of this bill. Whether Mr. Davies believes it's misleading or not, this was drafted by legal counsel with the understanding of what my goal was. They drafted it with the best understanding of how we could achieve the goal.

I have to believe, Mr. Chair, that they're far more educated than I am, and far more adapted at getting legislation through and writing legislation. That's not saying that it's always perfect. I appreciate the conversation here. I appreciate the opportunity to be able to come and talk about amendments, but I will bring it back to its original intent. It was an act respecting a federal framework on post-traumatic stress disorder—a comprehensive framework for first responders, veterans, and military.

• (1135)

The Chair: There are some amendments to expand it. How do you feel about expanding it to other areas?

Mr. Todd Doherty: I think we would have to look at those amendments as we go through the bill.

The Chair: Okay.

Mr. Oliver, you're next.

Mr. John Oliver: Thank you.

I was happy to hear that bill was really intended to be about workplaces and, in particular, first responders.

Thank you very much for identifying this issue and bringing it forward on behalf of first responders and those who are going into the military, the RCMP.

To Mr. Davies' points and the broader definition of PTSD as it relates to problems outside the workforce, I would point out that PTSD is already a recognized mental health problem in the U.S. in the DSM, *Diagnostic and Statistical Manual of Mental Disorders*, groupings. I haven't been able to find out whether it's part of the case mix groups in Canada, but it would go to the point that people who have terrible calamities in their lives, such as a tragic car accident, have ongoing PTSD symptoms because of it. They go into the mental health system and there are treatment protocols and processes there for them. There's clearly a triggering event. The failures of the mental health system, and the inadequacy of the funding of the mental health system, I don't think, are going to be changed by broadening the application of PTSD in this bill.

To my mind, the people who are struggling and suffering, and those committing suicide, are more the first responders, the military. I just had a mother of a soldier who had returned from, I think it was, Kuwait, who could not get treatment for his PTSD. He thought he had it. It related to the problem of causality. Was there a triggering event?

We heard as well from one of our key witnesses here that it's like the frog in the pot of water that slowly heats up; they don't even realize they're at the point of dying because of the gradual changes. In our first responders, the RCMP and the military, I think first of all there's a culture of their thinking that this is their life, that they should be tough and be able to handle these calamities as they experience them.

Then at the federal level there also seems to be a problem that if there isn't a culminating event, if there isn't a clear moment in time, then the PTSD isn't caused by someone's work. At that point, there seems to be a treatment gap. I think those who are going to benefit the most from the bill are in those groupings that Mr. Doherty identified. I think the best impact we can have is focusing on them.

I would like to see our moving federally to what the Province of Ontario did, which was a presumptive ruling that if you have PTSD and you've served in these areas, it is presumed to be workplace-related. I think this is the first step of this bill, to get to presumption of work-related injury. I think broadening it will take us away from that ultimate goal that I think we've all shared.

I would like to stay with the workplace. I don't know that it needs to be defined. I guess it will come down to what other groups we would ask the minister to include when she's doing the work. I would respect Mr. Doherty's advice to us on that without necessarily having to amend the bill to limit it to the workplace.

● (1140)

The Chair: Mr. Ayoub, you're next.

Mr. Ramez Ayoub (Thérèse-De Blainville, Lib.): I will speak in French, just to be quicker and clearer.

[Translation]

I appreciate Mr. Davies' comment. We received some letters. There are even amendments. We're talking about people who provide healthcare. We talked about including certain nurses.

When we try to be more specific, we end up forgetting certain people. If we don't name them, we forget them. We may feel that they're excluded, when this is likely not the case.

The written word remains, but the intentions don't remain. The initial intention will disappear if it's not written. As Mr. Doherty said, the initial intention was to address issues concerning first responders. I think that's what it says.

Ultimately, the bill requires a number of provincial and federal ministers to focus on the issue, participate in a conference, and table a report. I don't think this excludes the addition of people who feel affected by mental health and, in particular, by post-traumatic stress disorder. I think, around the table, we all have the same intention. There is general agreement in this area.

If we intend to broaden the scope of the bill, I think we must carefully choose the sentences, words and terms to amend it. I don't think this will change the essence of the bill. In my view, we don't prepare a bill for only one category of people. We prepare a bill for all Canadians. Currently, some people are more affected by post-traumatic stress issues. However, this doesn't exclude the others.

Unless we say it's exclusively for this category of workers, which isn't the case, we can only agree to include other people and broaden the scope of the bill from the start. I think we need to find a way to do so.

My question is for the clerk, since it's a technical question. Actually, it's a legal question. Would this create obstacles? Can the committee pass amendments, proceed with the legal amendment of a bill, move in the direction suggested by Mr. Davies, and ensure that no one is excluded, but without delaying the process?

I want the clerk's view. What steps must be taken to broaden the group of people concerned and include as many people as possible in the bill without delaying the process?

● (1145)

[English]

The Chair: Would you care to take a crack at that?

What we're talking about here is this. We have two issues. We have a bill that focuses on first responders and military. Do we want to have a bill that applies to all PTSD across the population? They are two different things. We have to decide what we want to do.

Mr. John Oliver: Mr. Chair, I'd like to make a motion that we move to clause-by-clause review and deal with this clause-by-clause. We'll be here all day on this debate, and we're not doing the clause-by-clause review that we're supposed to be doing. I would move that we proceed now with clause-by-clause review.

Mr. Ramez Ayoub: May I have the answer from the clerk? Is there no way to have the answer to my question?

The Chair: Can you answer that or do you feel comfortable answering that?

The Clerk of the Committee (Mr. Philippe Méla): I can take a crack at it if you want.

[Translation]

I will answer in French.

I must point out that my comments about the bill will be those of a legislative clerk and not those of parliamentary or legislative counsel.

This bill applies to everyone, that is, to all Canadians suffering from this condition. As Mr. Davies said, the second paragraph of the preamble states that there is a certain category of persons whose need for services is more pressing. That means that those people should have direct and timely access to services.

The fourth paragraph of the preamble says that many Canadians suffer from this condition, in particular those working as first responders, members of the RCMP, military personnel, and firefighters. It clearly says that many Canadians are affected, especially certain groups of people, but that it applies to everyone. These provisions can apply to all Canadians, but we are referring here to a particular group for whom additional measures should be taken. I am not sure if Mr. Doherty agrees with me.

As you said, if there is a conference, certain points could very well be raised because they pertain to these categories, while others might be addressed because they are included in the bill. I am not sure if I have answered your question.

In any case, it is a general bill that applies to everyone.

● (1150)

Mr. Ramez Ayoub: My question was more technical. What you are giving us are your impressions of the bill's preamble.

What I want to know is what the technical and legal implications are of adding or clarifying a word in a bill in order to expand the group of people affected.

Is it possible to do that in the preamble?

Would that delay the tabling of the bill?

The Clerk: In my opinion, it all depends on the word you are referring to.

If I may make a suggestion regarding Mr. Davies' amendment, I would suggest that the committee look at the direction its consideration of the bill is taking. As a rule, it is not possible to propose major changes to the definitions in a bill.

The committee can, however, put those definitions aside and see what happens with the rest of the bill. Should the committee decide that the bill must pertain to first responders, military personnel, and other categories only, that could be clarified elsewhere in the bill. It would then be possible to go back to the definitions and to the preamble and add those clarifications where necessary.

On the other hand, the bill could become much more restrictive if it were to apply to those kinds of workers only.

Mr. Ramez Ayoub: As I understand it, if a further amendment is made to expand the group of persons affected, that would not change the bill, but rather would improve it. That might address Mr. Davies' request without changing the bill as introduced by Mr. Doherty.

The Clerk: The change would nonetheless have to be made to the text of the bill before it is made in the preamble.

Mr. Ramez Ayoub: Okay. Thank you.

[*English*]

The Chair: Mr. Kang, you're on the list.

Mr. Darshan Singh Kang (Calgary Skyview, Lib.): Thank you, Mr. Chair.

My question is about the first responders. What is your definition of a first responder, Mr. Doherty?

Mr. Todd Doherty: A first responder would be police, fire, ambulance, paramedic, corrections officers, dispatch, RCMP, and in some instances, it could even be classified as emergency response.

Mr. Darshan Singh Kang: That's why I want to see this bill be more comprehensive. A first responder could be any private citizen too. In my opinion, the person who is there, they are there first because, for example, in the case of Manmeet Bhullar, he was trying to respond to an accident. Another trucker drove by and wiped him out too. If we make this bill comprehensive, meaning it applies to all Canadians, I think it would satisfy the preamble. If in the body of the bill, we could make changes, making it comprehensive once and for all for all Canadians, and not limiting it to those who are in the workplace.... I keep raising this point because we are a diverse country and I think we should consider all Canadians. That's what my concern is. I know we view the first responders as some kind of robot and that nothing affects them, but everything affects them because we are all human beings. I'm lost in all of this.

Mr. Todd Doherty: I appreciate your comments, and your testimony over the last few sessions as well.

I think that when you're able to share personal experiences, bringing them to the table, that's the incredible thing about Parliament. We have people from all walks of life and with different experiences.

I'll again bring it back to the intent of this bill, which was to develop a comprehensive national framework for our first respon-

ders, veterans, and military. My hopes then were that, having the ministers around the table, they could develop a framework that could potentially be applied elsewhere, as we heard from Dr. Sareen's testimony.

The Chair: Okay, I'm going to go back to clause-by-clause.

• (1155)

Mr. Darshan Singh Kang: Sorry, Mr. Chair, very quickly, I agree with Mr. Ayoub's submission. I agree with Mr. Davies too.

Let's proceed with the bill and see where we go with it.

The Chair: We have to do that.

I'm going to go back to the ruling. I've ruled your amendment out of order, and it's not debatable.

Mr. Davies, is this about the ruling?

Mr. Don Davies: Actually, I was on the speakers list before you decided to....

An hon. member: Quickly.

Mr. Don Davies: There is one thing I will say to colleagues in terms of this "quickly" thing. We are parliamentarians and we have a piece of legislation in front of us. We're entitled as parliamentarians, in fact we're obligated, to carefully scrutinize this bill. This idea that after half an hour of talk people are getting impatient, frankly—

Mr. Todd Doherty: On a point of order, Mr. Chair.

Mr. Don Davies: There's no point of order.

An hon. member: There is a point of order.

Mr. Todd Doherty: He's talking about his amendment, which you've already ruled out of order.

The Chair: Sir, you're not a member of the committee. You can't have a point of order.

Mr. Don Davies: Thank you.

Mr. Chair, my point is that where we are at in the proceedings is speaking to your ruling that my amendment to add the word "workplace" is outside the scope of the bill.

I think it has to be revisited, in light of the fact that you permitted the question from Mr. Oliver directly to the drafter and sponsor of the bill. I think the clerk heard very carefully what the intent of the bill was. He said, no less than four times—

Mr. Colin Carrie (Oshawa, CPC): On a point of order.

Mr. Don Davies: I have the floor right now, Mr. Chair.

The Chair: Except that you're debating my decision. You can't debate it; you can call for a vote on it.

Yes, Dr. Carrie.

Mr. Colin Carrie: My colleague is debating his own amendment, which you've already ruled out of order.

The Chair: The only thing you can do is contest my ruling and have a vote by the committee.

Mr. Don Davies: Fair enough, Mr. Chair.

If you would just permit me then to make a brief remark before we go to that vote, because you've asked—

The Chair: Not about that decision.

Mr. Don Davies: Well, frankly, none of the talk that occurred after your ruling should have occurred then.

The Chair: No, it probably shouldn't have.

Mr. Don Davies: You can't selectively enforce that.

The Chair: I'm going to enforce it.

Mr. Don Davies: The point is that—

The Chair: No, you've had the floor, Mr. Davies.

You made your point, and we understand your point.

Mr. Don Davies: No, the point that I'm about to make is that Mr. Doherty himself said—

The Chair: I'm going to go on. No.

Mr. Don Davies: —that he means his bill to be a comprehensive framework for veterans, first responders, and military. He has told the clerk, he's told you, that his bill is for workplace. How can the ruling be that it's outside the scope of the bill to put in the word “workplace” when the proponent of the bill has actually said that?

My second point in speaking to this is that in order to determine the scope of the bill, you must read the bill in its entirety. If—

The Chair: I made my ruling.

You can contest it and ask for a vote on my ruling, but your amendment contradicts the body of the bill.

Anyway, that's my ruling.

Mr. Don Davies: No, it does not.

The Chair: It does. That's my ruling.

Call for a vote.

Mr. Don Davies: I call for a vote to challenge your ruling that to add the word “workplace” is outside the scope of the bill.

The Chair: All right, the motion is shall the decision of the chair be sustained?

(Ruling of the chair sustained)

The Chair: I appreciate what you're saying. We all do. We all appreciate where this is going, but we have to carry on. We have a bill. We have to deal with this bill. We don't have something else.

Now, shall clause 2 carry unamended?

(Clause 2 agreed to)

(On clause 3)

The Chair: We have some amendments to clause 3.

I'm going to go in the order they came in: Liberal-1, from Mr. Oliver. I should say that if Liberal-1 is adopted, NDP-1 cannot be adopted because they address the same line, the same clause.

Shall the amendment Liberal-1—

Mr. John Oliver: Mr. Chair, I'd like to make a modification to paragraph (b) of my motion, where I call for lines 21 to 24 on page 2

being replaced with the following. It would read as it currently does —“[compre]hensive federal framework”—but with the words “that may include” struck and replaced with the words “in relation to” instead. The bill would then read, “for the purpose of developing a comprehensive federal framework in relation to”, and then paragraphs (a), (b), and (c) as follows.

That, I believe, was discussed with Mr. Doherty and is acceptable to him

The Chair: Okay.

• (1200)

Mr. John Oliver: Strike the words “that may include” and substitute “in relation to” in their place.

The Chair: All right.

Mr. Davies.

Mr. Don Davies: I would ask Mr. Oliver to clarify that. My understanding of that amendment is that the current words “may include” mean that the conference that is convened can look at these factors, but may look at things beyond what's listed. That's what “include” means. By changing it to “in relation to”, it would suggest to me that the conference would be restricted to what follows.

I'd like to know if that's the intent of his amendment. I just want to make sure that I understand its meaning. Perhaps after Mr. Oliver answers, the clerk could help us with that.

Mr. John Oliver: I think my words are very clear on this one. It's “in relation to”.

Mr. Don Davies: Then I would ask the clerk to advise the committee what the difference is between “may include” and “in relation to” the following paragraphs. Specifically, am I correct that the legislative meaning of the change would mean that the conference would be restricted to the criteria that follow, as opposed to their just being inclusive?

The Clerk: That would be a legal question. That would be up to the committee to decide. I can only speak on procedure; in terms of what Mr. Oliver is proposing, it is fine. It doesn't go against the scope or the principle of the bill. It just changes the wording, but in terms of the legal meaning, I wouldn't pronounce on that.

Mr. Don Davies: Okay.

The Chair: Do you have a comment or explanation that would help?

Mr. John Oliver: I think we're stuck on the intent of the bill, and I think we need to continue with the clause-by-clause. The motion is quite clear. I think Mr. Doherty has been quite clear in what he was hoping to accomplish with his bill, and I don't think I need to defend my amendment. I'd just like to have it voted on.

The Chair: Okay.

Mr. Davies?

Mr. Don Davies: I have great respect for Mr. Oliver, but his reluctance to explain what his own amendment is intended to mean is somewhat surprising to me. They're his words.

Apparently, we don't have anybody here who can advise the committee on what the difference means, but we know that in legislation words matter. Courts could be called upon to interpret this legislation, and every word has a meaning. Before we vote on this, we need to know what the change means. I will make the argument to my colleagues that the words carry a plain meaning.

By the way, this has nothing to do with the intent of Mr. Doherty's bill. This has nothing to do with the issue we just discussed.

The amendment that Mr. Oliver proposes purports to restrict the issues that would be part of the conference convened by the Minister of Health and limit them to the items that are mentioned after the words "in relation to"—the items in paragraphs 3(a), 3(b), and 3(c).

That may be what's intended, but when you change the word.... As it is presently worded—they'll talk about issues "including" the following—it means they could talk about other things. If you change the word "includes" and say "for the purpose of developing a comprehensive federal framework in relation to" the following, then they are directed only to what follows.

I'm not quite sure why Mr. Oliver doesn't want to acknowledge that, because it's his amendment. The committee has to decide whether we are okay with that. My own view would be that what follows is pretty broad, in terms of directing the conference in what they will be talking about.

Right now, I can't think of anything particularly substantive beyond what's mentioned, but I don't want to restrict them either. When they have this conference, with people who, I presume, are much smarter than I, and who have much more experience with PTSD—presumably that's the purpose of convening a conference with "stakeholders", "representatives responsible for health", and "representatives of the medical community"—I wouldn't purport to limit them right now to what follows. I would direct them to discuss "the following" inclusively, but if something else comes up that they think is relevant, I don't think it's wise policy for the health committee to predetermine and limit that conference in advance, and restrict their framework to what follows, when I'm not sure that it's comprehensive.

• (1205)

The Chair: Thank you.

Mr. Oliver, go ahead.

Mr. John Oliver: I think that the original wording I had—"that may include"—softened it too much. It would have perhaps allowed some things not to occur—it would have entitled the minister and the department not to do some of the things that Mr. Doherty's bill had intended to be done, so I think that it was too soft.

"In relation to" is about an existing connection. It's about a significant association between or among things, but it's not as limiting as Mr. Davies would portray it to be. I think "in relation to" would be "this and other things related to these activities that are intended in the bill". I don't view it as narrowing or limiting. I think it ensures that, at a minimum, what Mr. Doherty would have wanted would be accomplished, and then things that are related to those activities could also be built in and added to it.

I don't see it as limiting. I think it's actually creating a stiffer requirement of the minister, but then it allows some flexibility to broaden that out. To me, that's what "in relation to" means. I don't know why it's so difficult.

(Clause 2 agreed to)

The Chair: I'm now calling for a vote on the Liberal-1 amendment, as amended.

(Amendment agreed to [See *Minutes of Proceedings*])

The Chair: Now we go to NDP-1, and that is ruled out of order because the first amendment passed.

Does clause 3 carry, as amended?

(Clause 3 as amended agreed to)

(Clauses 4 and 5 agreed to)

Mr. Don Davies: Mr. Chair, I had my hand up to speak.

The Chair: Oh, I thought you were voting.

Mr. Don Davies: No, I had my hand up to speak.

I want to move an amendment to the short title. Actually, I'll withdraw that, and I'll move my amendment at the preamble.

The Chair: All right.

Shall the short title carry?

Some hon. members: Agreed.

The Chair: Now we have the preamble. We have two amendments to the preamble. I'm afraid that they are both inadmissible because they expand the preamble without a corresponding amendment to the body of the bill.

Mr. Davies.

Mr. Don Davies: Mr. Chair, my first amendment would change the words of the second paragraph to say:

Whereas there is a clear need for all Canadians suffering from PTSD to receive direct and timely access to evidence-based

That's with regard to evidence-based care.

If I understood you correctly, my amendment to limit this to the workplace was ruled outside the scope of the bill because your ruling is that it applies comprehensively to everybody, and I moved that amendment in the body of the bill at clause 2.

I now move to amend the preamble to say, "there is a clear need for all Canadians suffering from PTSD to receive direct and timely access".

If I understand you correctly, your ruling is that that's somehow improper. I can't tell if this bill is for all Canadians or only for certain groups of Canadians. It appears that the rulings are that it's neither. But surely an amendment that says in the preamble to a bill, which the clerk has just told us is not limited to workplace but is intended to be comprehensive for all Canadians, that the words, "Whereas there is a clear need for all Canadians suffering from PTSD to receive direct and timely access to evidence-based care" are outside the scope of a federal framework on PTSD.... I'm sorry, I find that preposterous.

Mr. Chair, I will point out something as well.

I will refer you to the last paragraph, which by the way I don't move to change. My amendment would still leave the fourth paragraph saying, "And whereas many Canadians, in particular persons who have served as first responders", etc. So they're congruent.

The purpose of amending the second clause is to recognize that there is a clear need for everybody. In the explanation for why the addition of the word "workplace" was ruled out of order, I believe that the clerk specifically said that the second paragraph was not meant to be exclusive, that it's just pointing out some information. So all my amendment is doing is pointing to some information to the effect, "Whereas there's a clear need for all Canadians suffering from PTSD to receive direct and timely access to evidence-based care".

• (1210)

The Chair: I'm ruling it out of order for a different reason. I'm ruling it out of order because of the last part of it, "to receive direct and timely access to evidence-based", which is provincial jurisdiction. We can't expand into provincial jurisdiction for the delivery of health care services.

Mr. Don Davies: Mr. Chair, it's just saying "Whereas there is a need..."

Mr. John Oliver: It already says "direct and timely" in the preamble.

Mr. Don Davies: That's true as well. It already says "to receive direct and timely access to PTSD support". Firefighters are not under federal jurisdiction either, nor are first responders. It's preposterous. I mean it's in order. You can vote it down, but it's certainly within the scope of the bill.

Mr. Colin Carrie: Point of order.

The Chair: I ruled it out of order. I have to deal with that. I've ruled it out of order.

Mr. Colin Carrie: That was my point of order. You ruled it out of order and respectfully we can't debate something that's—

The Chair: I ruled it out of order. If you dispute that order, we'll bring it to the committee and vote on it.

Mr. John Oliver: Could you repeat your preamble?

The Chair: I'm ruling it as inadmissible because it expands the preamble without a corresponding amendment to the provisions. It goes into provincial jurisdiction by saying, "Canadians suffering from PTSD to receive direct and timely access". We can't do that. That's not part of the bill. It's not in front of the body of the bill, and it's not our jurisdiction.

Mr. John Oliver: I wonder if you could break your ruling into two parts. The first part is different from the second part. What was the first part of your ruling again?

The Chair: It says "direct and timely access".

Mr. John Oliver: No, in the first part you said something different.

The Chair: I don't know. It's inadmissible because we cannot expand the preamble. Is that what it was?

Mr. John Oliver: Yes, it's inadmissible because we can't expand the preamble—

The Chair: Without a corresponding amendment to the body.

Mr. John Oliver: Can we vote on that decision first, as to whether or not we support the position?

The Chair: I guess so.

Mr. John Oliver: The second one I would have a problem supporting because the words "direct and timely" are already in there. But the first one I agree with, that you can't expand the preamble without a change within the body of the bill.

Can you separate your ruling?

Mr. Colin Carrie: On a point of order, Mr. Chair, despite the back and forth, you've made a ruling. We're not here to debate your ruling. We should move forward.

The Chair: All right.

I've made my ruling, so that's true.

Mr. Don Davies: I'm sorry, I have no choice but to challenge your ruling. It's incorrect.

The Chair: All right.

I move a motion to sustain my ruling. All in favour of sustaining my ruling? All opposed?

• (1215)

Mr. Don Davies: Can I have a recorded vote, Mr. Chair?

The Chair: Can we have a recorded vote.

Mr. Colin Carrie: On point of order, if he wanted a recorded vote, wasn't he supposed to ask before the vote?

The Chair: I don't know.

The Clerk: Yes.

The Chair: Okay. Thank you.

It's too late.

All right, that's amendment NDP-2. Now we go to amendment LIB-2. Again, it's inadmissible.

Mr. Eyolfson.

Mr. Doug Eyolfson (Charleswood—St. James—Assiniboia—Headingley, Lib.): I'm not going to challenge the ruling. I would just like to say for the record why I had added this.

I'm in agreement that it's difficult to make this inclusive of the entire population. I found there were groups of people who are performing many of the same duties, particularly health care providers. A tremendous amount of our workforce is doing much of the same work. There are similar kinds of work in public health and safety which I thought should have been included. However, if the procedure says I can't make that change in the preamble without a corresponding change in the ruling, I understand that. I just thought it was important that it be added to the bill, and hopefully at some time in the future it might be amended.

Thank you.

The Chair: All right. Thank you very much.

The chair has ruled that out of order.

Shall the preamble carry?

Some hon. member: Agreed.

The Chair: Shall the title carry?

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: Thank you very much.

Thank you, Mr. Doherty. This has been an emotional one for us, and I recognize everybody's position. I do.

Mr. Todd Doherty: Mr. Chair.

The Chair: Yes.

Mr. Todd Doherty: I just want to say that I really appreciate the thoughtful debate that we've had here.

Mr. Davies, you were arguing the points that you made, and believe me, I've had a lot of the discussions with the groups that you've met with over the course of time.

I just want to thank all of you for the debate and the discussion. We still have lots of work to do to get this done. At the very least, what we've done at this point is to continue the discussion nationally, and that hasn't been done to this point, so thank you.

The Chair: Thank you very much.

All right, we'll suspend for a minute.

[Proceedings continue in camera]

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