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

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**EVIDENCE**

**Thursday, February 22, 2018**

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**Chair**

**Mr. Bryan May**



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

Thursday, February 22, 2018

• (0900)

[English]

**The Chair (Mr. Bryan May (Cambridge, Lib.)):** Welcome.

Pursuant to the order of reference of Monday, January 29, 2018, the committee is resuming its consideration of Bill C-65, an act to amend the Canada Labour Code, harassment and violence, the Parliamentary Employment and Staff Relations Act, and the Budget Implementation Act, 2017, No. 1.

Today the committee will hear from federally regulated private sector unions. Given the size of the group today, we've broken it into two different panels. In the first panel, coming to us from the Canadian Labour Congress, we have Marie Clarke-Walker, secretary-treasurer, and Tara Peel, national representative. From the Canadian Union of Postal Workers, we have Carl Girouard, national union representative, grievances. From the Public Service Alliance of Canada, we have Patricia Harewood, legal officer, and Andrea Peart, health and safety officer.

Welcome, all of you, and thank you for being here today. We know that we've had quite the quick turnaround on this committee, so we really appreciate you making time to be here to help us make sure that this bill is as good as it possibly can be.

We're going to start with the Canadian Labour Congress.

The next seven minutes are yours.

**Ms. Marie Clarke-Walker (Secretary-Treasurer, Canadian Labour Congress):** Thank you very much, Chair.

On behalf of the over three million members of the Canadian Labour Congress, we thank you for affording us the opportunity to present our views on this bill.

The Canadian Labour Congress brings together Canada's national and international unions, along with provincial and territorial federations, as well as over 100 district labour councils, whose members work in virtually all sectors in the Canadian economy in all occupations and in all parts of Canada.

The CLC supports the intention of this bill. Recognizing sexual violence and sexual harassment as workplace hazards and applying a health and safety approach will make workplaces safer. Moving sexual harassment into part II of the code will provide protection for more workers than are currently covered by part III.

We applaud extending health and safety protections to workers on Parliament Hill through the proposed amendments to PESRA.

We do have concerns, however, with parts of this bill. We are concerned that the legislation does not include a definition of "sexual harassment" or "violence". We're also concerned about the proposal to limit the role of workplace health and safety committees. We must ensure that there are enough health and safety officers in the federal sector, that they reflect the diversity of the country, and that they receive appropriate training.

With respect to definitions, we are concerned that this bill does not include a definition of "violence" or "harassment", including "sexual harassment". While the narrative of the bill has been about sexual harassment, the legislation does not make the distinction between sexual harassment and all other forms of harassment and violence. It does not reflect that harassment and violence can be a single incident or a pattern of behaviour, and that a one-size-fits-all approach does not work. We support a broad definition that captures the full scope of harassment and violence.

With respect to the role of the committees, violence at work is a health and safety issue. Applying a health and safety approach to sexual harassment and sexual violence can help make Canadian workplaces safer. The most proven tool in the health and safety tool box is an effective health and safety committee. Limiting the role of committees, the way this bill does, will also limit its benefits and will have a negative, unintended consequence.

In Canada health and safety law requires consultation and participation by health and safety committees. Prohibiting committees from receiving complaints and participating in investigations as appropriate undermines the foundation and will result in less safe workplaces in the federal sector. Section 127 of the code provides the process for resolving all health and safety complaints. After reporting an issue to a supervisor, the employee along with the supervisor shall try to resolve the complaint between themselves. After that, the employee or the supervisor may refer an unresolved complaint to a chairperson of the committee, to be investigated jointly. The word "may" is deliberate; a worker can choose not to refer their complaint to the committee.

The proposed changes will leave workers with limited options if they feel that their complaint is not being addressed. If the only recourse is to file a complaint with a federal inspector, workers may feel pressured to be loyal or to avoid embarrassing their employer, or they may feel uncertain about engaging in this external compliance process. Being able to refer an unresolved complaint to their workplace committee, if they choose to, is important to workers experiencing harassment or violence.

Violence and harassment are not experienced in the same way by all workers. Other forms of discriminatory harassment intersect with gender-based and sexual harassment and make some workers more vulnerable as well. Ensuring workers' confidence that their privacy will be protected is a very important factor to encourage reporting. We are recommending some amendments to build confidence in those privacy protections.

Another barrier to reporting is the fear of reprisals. We know that people fear that reporting will be a career killer. The changes in this bill will put some workers at risk of discipline from their employer for talking to their health and safety committee. Removing the option for a worker to refer their complaint to their workplace committee will leave vulnerable workers without a trusted source of help.

● (0905)

These concerns are amplified, because the bill is silent on a reporting process when the accused is the employer. We know that the intention is to address this through regulation, but it remains a gap.

The code also includes mechanisms for health and safety committees to participate in investigations as they deem appropriate. The code does not require health and safety committees to lead all investigations. It is common for investigations to be conducted by a competent person, as outlined in part XX of the regulations. Health and safety committees have a role to play in identifying the competent person and ensuring that they are qualified and impartial to the satisfaction of the complainant. They have a role to play in determining the essential component of an investigation. In some cases it is appropriate for the committee to conduct the investigation itself.

There has also been a persistent decline in the number of health and safety officers in the federal sector over the last decade. We must ensure that a sufficient number of officers is hired and that the officers receive appropriate training. The inspectorate must reflect a diversity of workers in Canada with respect to gender and gender identity, sexual orientation, indigenous and racialized communities, and persons with disabilities. The recruitment strategy should reflect this.

I want to thank you for listening, and I welcome any questions you may have.

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

We now have, from the Canadian Union of Postal Workers, Carl Girouard, national union representative, grievances.

The next seven minutes are all yours, sir.

● (0910)

[Translation]

**Mr. Carl Girouard (National Union Representative, Grievances, Canadian Union of Postal Workers):** Thank you very much.

I would like to thank the committee for giving us the opportunity to make this presentation today.

My name is Carl Girouard and I have been a Canada Post employee since 1991. I was a letter carrier from 1991 to 2006. I then started to work full-time for the Canadian Union of Postal Workers. I am a national union representative for grievances. I have been taking care of grievances for more than 10 years. Since 2011, I have also been a member of the National Health and Safety Committee, the steering committee, and I have been the union co-chair since 2015.

I must tell you that we have gone through various periods at Canada Post. There are many cases of harassment and violence in the workplace. In my experience, in the 1990s and early 2000s, it was possible to talk to supervisors, and common sense still had a place in those discussions. Right now, our members feel that they are no longer treated as human beings, but that they are seen more as numbers, figures, money.

At Canada Post, violence and harassment take different forms. In some cases, it is violence from the public, from disgruntled customers. There is also violence or harassment between employees. At any rate, I want to talk about the harassment that I call systemic, the harassment generated by Canada Post's system and procedures.

Take, for example, the management of absences and, above all, the management of overtime. At the outset, those two principles may seem laudable, but the way they are applied takes away from their legitimacy.

We strongly believe that Canada Post provides financial incentives to supervisors to reduce costs, absenteeism and overtime. This is what drives them to harass and intimidate our members in the workplace. That is why Mr. Trudeau was asked a question about it in Winnipeg; it is a real problem.

The collective agreement specifies that the measurement of work is based on averages. An average, by definition, implies that 50% of people can be faster and the other 50% can be slower. Yet everyone is required to get the same results, the same average, in terms of time. I will explain why this average itself is problematic.

The guide for supervisors managing overtime includes grids and tools to determine whether problems come from somewhere other than the workers, such as the measurement of work or the route. The disciplinary measures imposed on our members show that those tools are not always used. Canada Post does not take into account the experience, the particular problems that may occur on certain days or any exceptional circumstances. It asks our members to justify the time they claim minute by minute.

So evaluation is problematic. It is important to understand that the evaluation of a letter carrier's daily workload is based on what has happened in the last 12 months. Then there is an enforcement process that lasts six months. As a result, when new routes are implemented in a post office, some time has already passed.

In its own communications, Canada Post says that the volume of packages delivered in 2017 has increased by 22% over the previous year. We see that the curve is going up and we quickly understand why the data are no longer appropriate. According to our analysis, the quantity of packages delivered daily by letter carriers has increased by 70% since 2011; it's still not a long time.

Our members work overtime in good faith, in order to complete their work or to provide good service to the public. It has nothing to do with cases of fraud. I can tell you that, in terms of time worked, if there are cases of fraud, Canada Post takes action and fires the people involved. Our members deserve to be thanked, not bullied and harassed in their places of work.

Canada Post keeps a list of employees who work the most overtime in Canada. I can tell you that, when their name is on the list, they become a target.

• (0915)

In the last 10 years, since 2008, 2,875 grievances involving cases of harassment and bullying by Canada Post supervisors have been referred to adjudication.

We have an employee assistance program, which allows them to get support, to access psychologists, among other things, and to talk to people. In 2016 and 2017, two-thirds of the requests from the CUPW letter carrier group were related to work-related issues, stress situations or social isolation. Some people were even at risk of suicide.

So the situation at Canada Post is alarming. I wanted to take the time to explain it to you.

I will be pleased to answer your questions about Bill C-65 in the discussions that will follow.

Thank you.

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

[English]

Now we have, from the Public Service Alliance of Canada, Patricia Harewood, legal officer; and Andrea Peart, health and safety officer.

The next seven minutes are all yours.

**Ms. Andrea Peart (Health and Safety Officer, Public Service Alliance of Canada):** Thank you.

The Public Service Alliance of Canada appreciates the opportunity to express our views and provide input into Bill C-65. PSAC recognizes that employees who are women, racially visible, and/or living with disabilities face harassment, discrimination, and violence more frequently. Women in particular are almost four times more likely to face workplace sexual harassment in Canada than men. The statistics are even more troubling for indigenous, racialized, and

disabled women. As a result, our recommendations to improve Bill C-65 have an intersectional and gender equity lens.

We applaud the government's intention to improve harassment procedures, protect complainant confidentiality, and—after 25 years—finally extend basic health and safety protections to the staff of the House of Commons, Senate, library, and Parliament as a whole.

While much of this bill is positive, we have recommendations for amendments.

First, the complainant must be provided with a copy of the competent person's report. Transparency is critical for complainants to have faith in the process. However, under the current process, following a part XX violence investigation by a competent person, the complainant does not receive a copy of the competent person's report. In fact, the complainant doesn't receive anything. The complainant must receive a copy of the competent person's report, including recommendations, in order to ensure transparency and procedural fairness.

Our next two recommendations pertain to the regulatory aspect, but are crucially important.

A role for human rights bodies must be included in the selection of a competent person to investigate harassment in the workplace. It is PSAC's experience that many competent persons lack the necessary human rights expertise required to properly investigate harassment on a prohibited ground such as sexual harassment or racial harassment. However, other bodies such as the Canadian Human Rights Commission, the Federal Public Sector Labour Relations and Employment Board, and certain labour board arbitrators already have significant expertise in dealing with human rights complaints and grievances, including sexual harassment and sexual violence. Therefore, it is critical that any regulations provide a role for expert bodies such as the commission to provide or recommend competent persons, and potentially assist in the resolution of complaints.

Next, the regulatory process under part XX must not bar or delay our members' quick and easy access to human rights complaints or grievances, which may offer greater expertise, procedural fairness guarantees, and remedies for complainants. These rights-based mechanisms include the Canadian Human Rights Act, the Federal Public Sector Labour Relations and Employment Board Act, and those in collective agreements to address harassment and violence.

More details on those two recommendations are included in our written submission.

Our next recommendation is to reinstate the health and safety committees' role in both receiving complaints and making informed recommendations by ensuring policy committees receive a copy of the competent person's report. Under the proposed changes, the health and safety committee, and therefore the union, would be excluded from the processes described in the Canada Occupational Health and Safety Regulations, part XX. Receiving complaints is an important function of the workplace health and safety committee. Section 127.1 of the Canada Labour Code provides a process for resolving health and safety related complaints. After reporting an issue to a supervisor, the code provides a mechanism for moving complaints through the internal responsibility system for all health and safety complaints, including violence. However, under the proposed change, workers would no longer be able to bring an issue related to violence or harassment to a health and safety committee for help.

PSAC recommends that the committee's function on receiving complaints relating to an occurrence of harassment and violence be reinstated. We believe this section can be strengthened by establishing that the employee or the supervisor may refer an unresolved complaint to a chairperson of a workplace health and safety committee or to the health and safety representative to be investigated jointly, where consent is provided by the complainant and privacy and human rights are respected.

In addition to receiving complaints, committees are required to investigate hazards. Under existing law, workplace health and safety committees are required to investigate any hazard in the workplace that may lead to injury, including mental injury. However, under the proposed legislation, the jointly administered health and safety committees are explicitly blocked from participating in any activity relating to an occurrence of violence or harassment. We believe this to be a grave error. Instead, we believe that health and safety representatives shall, where appropriate and when requested by the complainant, participate in an investigation relating to an occurrence of harassment or violence in the workplace.

Finally, committees make recommendations for improvement. Workplace health and safety policy committees are an important source of recommendations for improvements. In addition, committees participate in the selection of a competent person, as well as participate in the establishment of essential elements of the competent person's report.

● (0920)

At the very least, we recommend amending the bill to ensure the co-chairs of policy committees receive a copy of the competent person's report, with the complainant's consent, and provided that the privacy and human rights of the parties are respected.

Our final recommendation is to hire and retain a sufficient number of health and safety officers and establish a substantive training system that includes training on privacy rights, human rights, sexual harassment, and domestic violence against women.

Our submission documents the frankly massive decline in the number of health and safety officers since 2005. We also have major concerns regarding the minimal amount of training required for federal health and safety officers compared to provincial-territorial

requirements. As an example, the current training for federal health and safety officers is one tenth of the training required in Ontario.

As this bill commits to establish new specialized health and safety officers, it is crucial that the training program be substantive and robust and that it include special training on equity, sexual harassment, and domestic violence against women. There must be a commitment to hiring not only a diverse group of special inspectors from equity groups but also those with expertise in investigating and analyzing harassment on the prohibited grounds of sex, race, disability, sexual orientation, religion, gender identity, etc. It's also important to hire some special inspectors who speak indigenous languages. Any legislation aiming to improve workplace safety must take into account the specific ways that members of equity-seeking groups, such as racialized and indigenous women, experience harassment and violence and how their particular needs might be addressed in a complaints-and-reporting process.

Thank you. We'll be pleased to answer any questions you may have.

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

Thanks to all of you for staying on time. That was excellent.

We're going to begin the questions with MP Harder.

**Ms. Rachael Harder (Lethbridge, CPC):** Thank you very much.

I'm going to start by coming back to you, Ms. Clarke Walker. You talked about how this piece of legislation might have a somewhat chilling effect, I suppose, in the workplace in terms of reports or concerns coming forward due to the process that has been put in place by Bill C-65. Can you comment on that further?

That's the direct opposite of what this bill is intending to do, so I think it's important for us to get to the bottom of this. Could you help us understand the concern workers might have with regard to coming forward with their concerns?

**Ms. Marie Clarke-Walker:** Workers trust their unions. They trust the people who they have elected or who have been appointed on their behalf to look at health and safety issues. If that whole committee is taken out and if the person they trust is taken out of that equation, then who do they turn to, particularly when the issue may be the employer or their supervisor?

The whole point of it being a joint committee is that either side has people there who they can trust and who they feel comfortable speaking to about the issues that may arise. Again, if you take that out, chances are, as we've heard from a number of people, that they won't complain, and the situation will fester and get worse, because they will feel intimidated to come forward and to say anything about what's happening in the workplace.

**Ms. Rachael Harder:** If Bill C-65 were to be changed to allow a person to not have to go directly to their employer, but rather to be able to seek out the union health and safety committee, let's say, is that the change you're looking for? Or is there a different change that you would be looking for?

• (0925)

**Ms. Marie Clarke-Walker:** First of all, it's a joint committee, so we just want the role of the joint committee as it is now to remain. To take them out of the process, we think, will be more hazardous to the complainant.

**Ms. Rachael Harder:** Okay, but do you see that this legislation will in fact strengthen the workplace? Or would you say that perhaps unions are best positioned to handle it?

**Ms. Marie Clarke-Walker:** I think joint committees are best situated to handle it. It is not a union versus employer situation. We have joint committees in place right now—

**Ms. Rachael Harder:** It needs to be both.

**Ms. Marie Clarke-Walker:** —and we need to have both there to be able to do it.

**Ms. Rachael Harder:** Thank you.

Ms. Peart, you made similar comments in terms of the union and not wanting to be excluded from the process by having to go directly to the employer, and the fact that, again, it could have a chilling effect in terms of the reports that come forward. Is there anything you would add to that?

**Ms. Andrea Peart:** I think I was quite specific in my statement, but we really think that the removal of the participation of the committee, the removal of that oversight of even just receiving the part XX report at the end, is really problematic. I think that those are certainly areas that need to be improved in the bill.

I think it's also worthwhile to recognize that in the current process, the complainant doesn't receive a copy of the report and that's particularly problematic. If you're in a workplace and you file a part XX harassment complaint, it's investigated and there might even be substantive action that's taken, but you wouldn't find out about it. Then you might very well say to your friends and colleagues, "Whatever you do, don't file a complaint because they don't do anything", and that might not have been the case.

That transparency is really important and that's another area where the bill really could improve one of the existing flaws, by ensuring there is that transparency and that the complainant receives a copy of the report so they have that resolution. Then you're again removing some of the barriers that already exist towards coming forward.

**Ms. Rachael Harder:** Thank you.

Ms. Walker, I'm going to come back to you. Another comment that you made was with regard to the definition of harassment and the definition of violence, and the fact that this piece of legislation doesn't define those. It's been promised that it will be defined within the regulations.

You seem to be saying that we should be defining it within the legislation itself. Can you comment on that further and perhaps provide what you would consider a broad definition for violence and for harassment?

**Ms. Marie Clarke-Walker:** Sorry, I don't have the actual definition on me. It's in here somewhere but I can definitely get a definition to you. Can you repeat the first part of the question?

**Ms. Rachael Harder:** Sure. Maybe you can comment on why you feel it's so essential that it's a part of the legislation rather than just a part of the regulations.

**Ms. Marie Clarke-Walker:** If it's right there in the legislation, there is no mistaking what exactly is meant by sexual harassment, by harassment, or by discrimination. It's right there so nobody can have any other ideas as to what it actually means and what it entails.

**The Chair:** Thank you.

Now over to MP Fraser, please.

**Mr. Sean Fraser (Central Nova, Lib.):** Thanks, Chair, and thank you very much to each of our witnesses for being here.

Perhaps I'll start with Ms. Clarke Walker. You described some of the barriers to reporting and specifically you talked about privacy and the fear of reprisals, if my memory serves accurately. You raised the concern about the potential circumstance where complainants are forced to make a complaint directly to their employers.

Are there safeguards in the legislation now or that could be added without eroding the entire structure to prevent that specific scenario from happening?

• (0930)

**Ms. Marie Clarke-Walker:** There are safeguards in the existing legislation that allows them to go to their joint health and safety committees to be able to do that, so they don't have to go directly to their employer, particularly if the employer is the one who's been doing the harassing, discriminating, or violence.

**Mr. Sean Fraser:** On the regulation versus legislation piece, I think both CLC and PSAC had something to say about this, or potentially might have something to say about it. I don't personally have a problem with defining things or laying out the details in regulation. People may differ on that.

One of the things that came up, I think it was during PSAC's testimony, was the need to give the complainant a copy of the competent person's report to protect procedural fairness. I agree. It makes complete sense to me.

Is there a problem with ensuring that takes place by way of regulation after we consult the different stakeholders and put this in place, or is there a need for it to get into the actual legislation?

**Ms. Patricia Harewood (Legal Officer, Public Service Alliance of Canada):** I guess the harm in putting it in the regulation and not in the actual legislation is that the regulation can more rapidly change. It makes it more vulnerable to change, whereas if it's embedded in the legislation, it gives a greater protection to the complainant and to her right to receive a copy of the report. We would want it to be, where possible, in the actual legislation.

**Mr. Sean Fraser:** Where I'm coming from—you may disagree, and I'd be interested to hear if you do—is that, to me, the legislation serves the purpose of creating the framework with the details of the process to follow by way of regulation, both of which have completely equal application as force of law.

I'm anticipating things like timelines, the process, and who gets which document to be embedded in regulation. I think we'd find a lot of common ground on what should be in those regulations. Would you have a problem if the protections that you're looking for made their way into regulation as long as the substance was captured by the force of law?

**Ms. Patricia Harewood:** We wouldn't have a problem. We would prefer that it actually be in the legislation. It's very clearly indicated that in passing this legislation the government is attempting to provide greater protections regarding issues of sexual violence and sexual harassment. Part of that is empowering the complainant. Part of that is empowering, for example, women who face a serial harasser in the workplace, to actually get an investigation done and find out what the recommendations are in that report.

That's why I think it would be better if it were placed in the legislation, but obviously, we're not opposed to it being in the regulations. It needs to be somewhere.

**Mr. Sean Fraser:** Okay, I'm with you.

I'll shift gears a little bit. I have a question that didn't really arise from your testimony, but given who you're here on behalf of, I'm quite curious.

Obviously, the complaints process for different kinds of harms in the workplace could be embedded in a collective bargaining agreement. Is there any problem with the way the legislation is crafted today that would interfere with the ability of unions to negotiate perhaps an even more robust complaints process, or is that something that you would be able to do at the bargaining table if you had an employer who was willing to dance?

**Ms. Patricia Harewood:** One of the recommendations we made... As you heard from Ms. Peart's presentation, the legislation is silent on how it's going to interact with our collective agreements, with complaints processes that are provided under the Canadian Human Rights Act already, and that's a problem. That's why we've insisted that in the regulations we want to ensure that the complaints process does not delay the complainant's ability to access other recourses which may be available to her under our collective agreements, for example, and in addition, under the Canadian Human Rights Act, as an example.

**Mr. Sean Fraser:** Certainly, and my own view is that it would be better to have the complainant be able to choose the process that's most advantageous from the complainant's perspective. If these two processes conflicted with one another to some degree, I would hope

the legislation wouldn't change what was agreed to by the union representatives.

How can we embed that in regulation most effectively?

**Ms. Patricia Harewood:** For example, we've suggested in our recommendation that there is a role for the Canadian Human Rights Commission, which is an expert in human rights, to participate in the selection of a competent person. That's one example. That might actually expedite the process, because where the complainant chooses to file a human rights complaint but also wants to pursue the process under the Canada Labour Code, the involvement of a third party such as the Canadian Human Rights Commission could help to resolve the process through mediation, for example, through some form of alternative dispute resolution.

●(0935)

**Mr. Sean Fraser:** Thank you very much. I think that's my time.

**The Chair:** We'll turn it over to MP Trudel, please.

[Translation]

**Ms. Karine Trudel (Jonquière, NDP):** Thank you, Mr. Chair.

My thanks to the witnesses for their presentations.

My first question is for Mr. Girouard.

Earlier, you mentioned that you could answer questions about Bill C-65, which you have seen. I would like to know your concerns about the limitations and the role of the union with respect to Bill C-65.

**Mr. Carl Girouard:** Thank you.

Of course, we are very concerned that Bill C-65 prohibits the participation of health and safety committees in the investigation process, and prevents them from receiving information. We fully understand the need for confidentiality in order to encourage workers to report problems, but we think it needs to be balanced with the need for unions to properly represent their members and receive at least some of the information, to enable them to contribute to the change of culture in the workplace.

We play an important role and we want to ensure that investigations are conducted fairly, equitably and, above all, impartially. I want to reiterate the importance of the competent investigator principle described in Part XX of the Canada Occupational Health and Safety Regulations, entitled "Violence Prevention in the Work Place": this person has the experience and the skills required to do the job, but they must also be seen as being impartial by both parties, which is very important. It is important to ensure that employers do not conduct their own investigations. This can be problematic in many cases, especially when it comes to sexual harassment and things like that. It is imperative that the person conducting the investigation be impartial.

We have recently found that competent investigators had circulated their reports in health and safety, human resources and labour relations services before making their findings public; those reports had therefore been amended. That's not impartiality.



Confidentiality should exist to protect the victim, not to allow the abuser to hide or to circumvent the bargaining agent or the health and safety committees. This argument is used against us in the workplace, which is very problematic for us.

We are also concerned about the interaction of clauses in the collective agreement with the provisions of Bill C-65. We have an obligation to represent our members. This may include providing support to those who want to complain, or representing someone who is part of the investigative process, as Part XX of the regulations allows. We must also represent people who have been disciplined. There is ample case law on the obligation of unions to represent their members, as well as on the right of unions to have information. If there are no clarifications on this, we wonder what position we are going to be in and what kind of legal debate that will cause.

The bill should also provide more detail on the investigation process. In particular, will the results of the minister's investigation be made public? Can we access it during the grievance process, for example? This concerns us.

We are also concerned about the definitions. We think this is a fundamental aspect that should be reflected in the bill. I have heard arguments that it is easier to change the definitions in a regulation than in a law, and I agree. The important thing is to have clear and precise definitions. Would it be sufficient to include them in the regulations? Possibly. However, if that is really the intent, why not include clear and precise definitions in the bill so that we know exactly what is intended?

● (0940)

**Ms. Karine Trudel:** Will the amendments to the Canada Labour Code proposed in Bill C-65 have immediate effects on the current collective agreements? You talked a little about it, but could you give me more details?

**Mr. Carl Girouard:** Passing the bill will certainly not affect the text of the collective agreement. However, applying it may become problematic in the workplace when our shop stewards try to investigate the complaints they receive. Will the employer tell them that they have no access to information or no right to participate in the process under the legislation? In other words, they will be pushed away just like the local health and safety committees.

That's a concern. A clear bill on this front would reassure us.

[English]

**The Chair:** Thank you.

MP Dabrusin, please.

**Ms. Julie Dabrusin (Toronto—Danforth, Lib.):** Thank you to all of you. You've had really great, specific suggestions, which is helpful for us as we look at it.

Ms. Walker, you referred to privacy protections, and said that you had some suggestions as to how to build those in. I wasn't sure if you'd had an opportunity to actually list those privacy suggestions.

As well, would you prefer to see those in the legislation or in the regulations in terms of how that would operate?

**Ms. Tara Peel (National Representative, Canadian Labour Congress):** One of the suggestions we spoke about was that

certainly if the complainant wishes not to have their unresolved complaint referred to the committee, that is an option. They can take that to another resolution process. I think my colleague from PSAC sort of hinted at this. But at the end of the investigation process, you make sure that the co-chairs receive a complete report of the investigation. Then the worker and employer co-chairs could go through that report and decide which information, if any, should be redacted before it's shared with the other members of the committee or the other people responsible for implementing those changes. That would be a way to narrow the number of people who receive that information while still making sure there's enough information to really get at the systemic changes that need to be made in a workplace and you don't lose that piece of it.

We recognize that only the people who need to see the information should receive that information, and only as much as they need to see. But in terms of excluding the committees from seeing anything other than specific recommendations, all of the information—how we got to those recommendations and who was spoken to, just as in school we're told to show our work—would be important. Limiting that to the co-chairs I think gets to that privacy question without excluding the benefit of having both the worker and employer persons reviewing those recommendations.

**Ms. Julie Dabrusin:** Okay. Thank you.

Both Ms. Peart and Ms. Walker talked about the need for whatever the process is to take into account intersectionality, to take into account diversity. Ms. Peart had specific recommendations about using the Human Rights Commission as one of the means of selecting competent people who would be reflective of those types of concerns.

I'm wondering if you have any other suggestions. I'm also on the heritage committee, which considered systemic discrimination and systemic racism, so that issue, when you mentioned it, was flagged for me. Do you have recommendations beyond the Human Rights Commission piece? What do you think about the resources that might have to be changed if suddenly the Human Rights Commission were handling that piece? As well, is this something that we should be putting in regulations? Is it something that we do as a policy or process as opposed to necessarily embedding it within the legislation?

**Ms. Patricia Harewood:** Full disclosure here: we have been in touch with the Canadian Human Rights Commission and have had discussions with the commission. Certainly in terms of commenting on the budget aspect, it would need to be resourced, but I can't tell you today what that might look like. I think I would wait for the commission to make its submissions on that particular matter.

I did want to speak to the other aspect of our recommendation—namely, not only that the commission participate in the selection of a competent person but also that the regulations do not in any way delay the complainant's access to other mechanisms, including the mechanism under the Canadian Human Rights Commission. The reason we want to insist on this is that, as you may be aware, these different mechanisms actually provide for different remedies. When we talk about systemic sexual harassment, when we talk about systemic racial discrimination, there are very strong systemic remedies that are already available under the legislation—for example, the Canadian Human Rights Act—that are not available under the Canada Labour Code and under part XX of the regulations. We do want to insist on that component as well.

• (0945)

**Ms. Marie Clarke-Walker:** I would just add that I wholeheartedly agree. In terms of resources, there will be training required, extra training, around human rights issues for folks who are part of these joint committees, but as Patricia has already said, the Canadian Human Rights Commission already has people trained to deal with the various intersectionalities and issues that come up with respect to harassment and violence.

**Ms. Julie Dabrusin:** Thank you.

Ms. Walker, I have very little time left, but when I was looking up some information I saw that you are on the International Labour Organization, which is also going to be looking at harassment in the workplace. Do you have any insights for us from what's happening internationally on this issue?

**Ms. Marie Clarke-Walker:** It is very much at the forefront internationally. We will be discussing it in June. We are in the process of trying to get an ILO convention on gender-based violence. That's as much as I can tell you right now. The first discussion happens in June.

We've participated in an experts meeting. My colleague Vicky Smallman, who is here today, participated in the experts meeting. In June, I will be the spokesperson for the Canadian workers. Actually, I'll be the international workers spokesperson, and I'll be happy to provide more information at that time.

When we do our submission, we can also send you some of what's already in a document, but that whole issue around tripartitism and speaking to each other when coming up with any kind of documentation, any kind of convention, and any kind of law or regulation is extremely important. We need to make sure that all sides are heard.

**The Chair:** Thank you.

MP Vandenbeld.

**Ms. Anita Vandenbeld (Ottawa West—Nepean, Lib.):** Thanks to all of you for being here and for sharing with us the benefit of your vast experience in this area in working on these very issues.

For some of the things that you've come up with, certainly on the complainant getting a copy of the report and things like that, either through regulation or legislation, I think we all agree that those sorts of things have to be there in law.

Ms. Walker, I'd like to delve a bit into what you were suggesting in terms of the joint committee, because what I'm understanding from what you said is that you would like to maintain what is currently in existence. Is that correct?

**Ms. Marie Clarke-Walker:** Yes, that is correct.

**Ms. Anita Vandenbeld:** My concern is that yesterday we heard that 22% of people in the public service said in a survey that they've experienced harassment in the last two years, and yet, if I got the numbers right, one third, I think, have not taken any action.

I think we are all very concerned about the people who don't come forward. We can look at the people who are experiencing harassment. Many of them say they don't want to come forward to anybody who is within proximity in their workplace, such as friends of the boss, people who might be working in the same department, and people they're going to have to interact with. We heard yesterday about a tip line that is actually causing more people to come forward, because it's more anonymous. It may be even in another part of the country that the complaint is registered and the process is given.

One of the reasons for Bill C-65, because the current system isn't working, is to have that ability to go external if needed, for people to feel.... It's an irony, but maybe they have more confidence if it's somebody who is not in close proximity.

**Ms. Marie Clarke-Walker:** My understanding is that this bill doesn't necessarily change a lot of things. The only thing it changes is that they don't have the ability to go to the joint committee that has been appointed or elected to deal with those particular situations.

You may very well be correct in terms of people preferring to speak to somebody at arm's length; however, that arm's-length person can still be part of a joint health and safety committee, right? I don't think the way the bill is written now will change the numbers of people coming forward. People are afraid to come forward when dealing with situations that are hurtful.

Whether it's discrimination or harassment, they're afraid. They're afraid of reprisals, so until we do something that shows them, first of all, that the people around them can be trusted, and that we really have their best interests at heart, it's going to continue. If we continue along this particular line with no joint committee, I think it will get even worse. Fewer people will come forward because they will not see anyone there who they trust.

The other piece of it is that maybe we also need to do a lot more training around human rights issues for the joint committees. That was mentioned in my colleague's intervention as well. I think that will go a long way to ensure that more people come forward because, at times, the very best of us, even though we know the legislation and even though we know the law, when we are traumatized in that way, we tend to stay back. If we're going to put forward a bill, we need to make sure that the bill is extremely strong and looks at all sides of the issue.

• (0950)

**Ms. Anita Vandenberg:** My understanding of the bill is that, for the competent third person, there's very little that says who that person needs to be, except that they have to be agreed upon by both parties. Is there anything that would preclude the competent third person from being somebody from the joint committee or somebody like that? It could be that, for instance, if there's a non-unionized environment, they could have an external law firm, or they could have an expert. Is there anything that would prevent it?

**Ms. Tara Peel:** My understanding of the bill is that in legislation, every time it reads "participate in an investigation", the code would be amended to say, "unless it is related to a complaint of harassment or violence". That is not to say that committees are always or even in most cases the right people to lead the investigation, and that's not required now under the code. For "competent person", in many cases, having that be an impartial, qualified third party who understands the legislation is important. When you talk about "participate", that's a broad term.

It's making sure that they have the ability to look at the criteria for who that competent person should be and what skills they need to have, and what the essential components of a competent person's investigation are. We have all heard of terrible investigations where we get to the end of the process and that investigator has not spoken to the right people, not asked the right questions. Having the committee's input at that stage, in terms of participation, will be important so that we don't end up, at the end of the process, whereby the committee has had no input into that and they're given these very limited workplace recommendations to review without being able to impact the process.

Unless I'm misreading the bill, specifically excluding committees by saying they shall not participate doesn't allow the nuance that you need, I think, to be able to say that in a certain case the committee doesn't have the expertise, doesn't have the right skills, and isn't the right body to be leading the investigation. That's currently allowed. I would say the challenge is that, by completely excluding the committee, it doesn't allow you that nuance as you get into it down the road.

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

Now, for six minutes, we'll have MP Genuis, please.

**Mr. Garnett Genuis (Sherwood Park—Fort Saskatchewan, CPC):** Thank you to the witnesses. This has been really interesting testimony for me.

Certainly we all know that this bill is motivated by good intentions, but I'm struck by some of the criticisms of the current structure of it. Maybe just to put a fine point on it, I'd be curious to hear from Ms. Walker or Ms. Peel on this. If the bill were to proceed through committee in its present form without amendment, do you think we would be better off supporting it or opposing it at third reading?

• (0955)

**Ms. Marie Clarke-Walker:** That is a difficult question because there is a lot in the bill that we do support, but there are a lot of things that are missing from the bill that will make it more difficult for the people the bill is intended to help. In our written submission we give examples. I know that PSAC has already provided examples

of things that are missing, that really need to be there in order to truly assist. We've already heard that the minister is open to amendments to strengthen the bill, and we will be putting forward those amendments in our written submission.

**Mr. Garnett Genuis:** In a certain sense, based on what you just said, it's an omnibus bill dealing with the issues around harassment. There are some things that move in a positive direction, from your perspective, and some things that move in a negative direction, so it makes it difficult to assess, on balance, given that you're talking about distinct, different issues and different elements. Is that a fair synopsis?

**Ms. Tara Peel:** Our position is that overall this is a positive bill. There are good things in this bill. With the willingness to be open to amendments to strengthen it, clarifying the role of the committee and ensuring that they are not excluded from the process would make this a pretty strong bill. That would be our position.

As well, allowing for the privacy and the human rights element to deal with these complaints the way our colleagues at PSAC do, those things will all strengthen the bill.

On balance, treating these workplace hazards as workplace hazards, and trying to bring the strength of the health and safety approach, there are definite benefits to that.

**Mr. Garnett Genuis:** I don't want to put words in your mouth at all. I just want to make sure my understanding is right. It sounds like what you're saying is that there are positive elements, there are negative elements, and it would be difficult to assess its net impact in its present form, but you're optimistic about the prospects of it being a positive bill, if amended in the appropriate way.

I see you nodding.

**Ms. Tara Peel:** I think that's fair.

**Mr. Garnett Genuis:** Okay.

Could I zero in a little further on this issue of definition?

I know, Ms. Walker, you said you may be coming back to the committee with a clear definition. It's interesting to me that we don't have a clear definition. It seems pretty fundamental that as we address harassment and violence in the workplace we know exactly what we mean by those things.

Does anybody else on the panel want to give some colour to what the definition of this should be specifically?

**Ms. Marie Clarke-Walker:** May I just say that the current Ontario legislation has a pretty good definition, and there is a definition in part of the Canada Labour Code already. We need to make sure that is infused into this piece of legislation. There are areas in the country that already have pretty good definitions of "sexual harassment" and "violence".

**Mr. Garnett Genuis:** Okay.

Do you have any of those definitions with you? I guess it's easy for us to find after the fact, so thank you.

I'll turn to Mr. Girouard. Part of why I ask this question is that you were talking about harassment that exists at Canada Post. If I understood you correctly, you were talking about harassment in terms of the way in which absences are regulated. Did I understand you correctly that the way in which employers were responding to absences from the workplace could be considered a form of harassment?

**Mr. Carl Girouard:** Absolutely. Most of my presentation was on the overtime portion of it. It's all in the way of threatening, about further discipline, about threatening up until dismissal, these sorts of things. It is really the way that they do it and the way they threaten people that's been a problem.

**Mr. Garnett Genuis:** From your perspective, if an employer says to an employee that based on a certain record of absences, this might lead to dismissal, that it could constitute harassment. Am I misunderstanding that or is it maybe in the tone in which it's presented?

**Mr. Carl Girouard:** I'll give you an example. When we're dealing with a sort of template process and they're talking about a three-day absence and they are threatening to fire you for innocent absenteeism and they are offering you EAP for a cold, and these sorts of things, you see that the process is not really serious and the threat at the end of going to further discipline and going to these things.... But I have to tell you that the main portion of harassment that we're seeing is more on the overtime piece than on absenteeism control, let's say.

• (1000)

**Mr. Garnett Genuis:** For me that further underlines the importance of having a clear definition, having a clear understanding of what exactly constitutes harassment.

I think that's my time, Mr. Chair.

**The Chair:** It's very close. You have about five seconds left.

That takes us to the top of the hour. We have to suspend briefly to switch panels.

I want to thank you for being here today and helping us make sure this is the best piece of legislation we can produce. Thank you.

We're going to suspend for no more than two minutes, guys, so don't wander off too far.

• (1000)

(Pause)

• (1005)

**The Chair:** Welcome to the second panel joining us here today. We have from the airline division of the Canadian Union of Public Employees, CUPE, Marie-Hélène Major, secretary-treasurer; and Troy Winters, senior officer, health and safety. From Teamsters Canada, we have Cody Woodcock, president, youth committee; and Phil Benson, lobbyist, youth committee.

Welcome to all of you. We are going to get going right away with your opening remarks, starting with Marie-Hélène.

The next seven minutes are yours.

[Translation]

**Mrs. Marie-Hélène Major (Secretary-Treasurer, Airline Division, Canadian Union of Public Employees (CUPE)):** Thank you.

The Canadian Union of Public Employees welcomes this opportunity to comment on Bill C-65 and present our recommendations to this committee for consideration.

CUPE is Canada's largest union, representing 650,000 members across Canada. We have federally regulated workers in communications, energy and transportation such as airlines, light rail and ports.

I represent the Airline Division of CUPE with over 12,000 unionized flight attendants.

[English]

I know the work environments of CUPE members expose them to numerous work-related hazards, most of which are well regulated. However, in spite of the demands of their work environment, which we strive to handle, workers should never be exposed to violence in the workplace whether in the form of verbal threats, harassment, physical violence, or sexual aggression and violence.

The close working environment, the occupational power hierarchy, and the spectrum of violence create a complex multi-dimensional issue, which will require close attention to ensure a process is developed that will respect principles of justice, human rights, equality, and privacy in the application of our health and safety laws.

CUPE strongly supports the government's renewed efforts on violence prevention, especially the often overlooked sexually related violence, and would like to echo the positive aspects of this bill as have been expressed by our colleague.

However, as was hinted at earlier, different types of violence will require different solutions, and while aspects of Bill C-65 provide positive steps towards facilitating safe and accountable workplaces and the prevention of violence, CUPE strongly believes that some of the proposed changes will have the opposite effect in the workplace.

Limiting the role of health and safety committees will, in the view of CUPE, lead to a chilling effect on reporting and increase the opportunity for all workplace violence, including systemic harassment, sexual violence, and assaults, to remain unaddressed.

As a case in point, sexual harassment and assaults on women within the airline industry are common experiences for our members. Heavy-handed management tactics, flawed policies, and flight crew power dynamics cause our flight attendants to be very hesitant to report. Frequently, members will come to us for help but wish to remain anonymous. In our experience, it's not only the shame of being a victim that keeps them from coming forward; it's the fear of reprisals. Even after we explain how we can help protect them, they are reluctant to go through the process for fear of experiencing victim shaming and blaming, having to face their aggressor, and potentially losing their job as a result of a poorly conducted investigation. They have no faith in the system's ability to protect them from traumatization and further abuses. In fact CUPE members have, in the past, reported incidents to the union but have prevented the union from moving forward for fear that they will lose their job or that their eligibility for promotion would be reduced.

Ensuring that workers do not experience reprisals from their employer when they report violence, allowing them access to their health and safety committees if they want it, and building in support and transparency for complainants are crucial factors in reducing barriers to reporting.

The role of health and safety committees is therefore, in the view of CUPE, essential for incidents of sexually based harassment and violence.

Thank you.

**Mr. Troy Winters (Senior Officer, Health and Safety, Airline Division, Canadian Union of Public Employees (CUPE)):** We've heard the words of all the parties and have spoken with the dedicated staff of the labour program. I truly believe that everyone here wants to reduce violence. However, Bill C-65 proposes changes to the internal complaint resolution process that ensure that incidents of harassment and violence will not be brought to the joint health and safety committees for investigation or resolution.

Additionally, by changing sections under 134, 135, and 136, the bill reduces the investigative duties of committees and representatives. This is a departure from the rest of Canada, where health and safety law is defined by a concept known as the "internal responsibility system", under which employers lead with the participation and consultation of health and safety committees.

CUPE has always contended that when violence, regardless of the type, happens in the workplace, the health and safety committee should be involved at an appropriate level so that they are able to determine the systemic breakdowns that allowed the violence to occur. For all hazards, health and safety has practised in Canada jointly with employers and workers through the internal responsibility system; for violence it should be no different. If the changes to the ICRP and the duties of the committee under Bill C-65 take effect, workplace harassment and violence will be handled solely by the employer.

As Marie-Hélène has stated, our flight attendants frequently deal with harassment, but we know, and we also hear in the news, about flight attendants being attacked while working on the airplane. We also know the potential for violence to all of our border guards, postal workers, armoured truck drivers, and many in the federal service. Why would we change the law to stop the committee from investigating these incidents? Who is better positioned than the people on the committee who actually operate these flights to help make the skies safe? In the case of sexually based violence and harassment, why would we remove the one legal route that could provide a trusted non-managerial source to help victims and survivors?

The Minister of Labour has stated that the goal is to prevent violence, to respond when violence occurs, and to provide support to survivors. It is CUPE's position that one of the best vehicles to accomplish all these goals is the existing health and safety committee structure. We implore the committee to recommend amending Bill C-65 to allow health and safety committees to do their job around all forms of violence.

We look forward to your questions. Thank you very much.

• (1010)

**The Chair:** Thank you, sir.

Now we have Teamsters Canada.

Mr. Benson, I believe you're going to start us off.

**Mr. Phil Benson (Lobbyist, Youth Committee, Teamsters Canada):** Thank you, Mr. Chair, and I thank the committee for having us before it.

My name is Phil Benson. I'm a lobbyist for Teamsters Canada. With me is brother Cody Woodcock.

Teamsters Canada supports Bill C-65 and endorses the Canadian Labour Congress submission.

Today we will not discuss the bill in our presentation, though in the question-and answer-period, we look forward to discussing issues such as the difference between legislation and regulations, and the role of unions in the workplace. Instead, we are seeking an addition to the bill to make mental health awareness and support mandatory in workplaces.

We propose language for the bill—which you have—as well as suggestions for regulatory change, and a standard.

To be clear, we are not legislative drafters. Teamsters Canada welcomes any language the committee deems appropriate to reach the goal of making it mandatory.

**Mr. Cody Woodcock (President, Youth Committee, Teamsters Canada):** I am Cody Woodcock, a proud Teamsters member, who comes from the rail industry out of Red Deer, Alberta. I currently serve as the Teamsters Canada youth committee president. I am honoured to speak on behalf of 120,000 Teamsters members across Canada, and for all Canadians battling mental illness.

In 2015, the Teamsters Canada youth committee embarked on a social media campaign called "Make it Mandatory" in order to convince government to take action on this issue. The campaign began in response to the Edmonton Hub Mall shooting in 2012, where an individual turned on his co-workers, shooting four and killing three of them. Our committee member was a co-worker at G4S at the time.

It was realized that not only was the shooter in need of help for his mental illness in the workplace, but also something needed to be done for the victims left in the aftermath of this tragedy. Teamsters Canada is concerned that workers and their employers do not receive all the assistance they need in the workplace to stop the stigma and to prevent, accommodate, and support individuals in the workplace who suffer from mental illness.

The youth committee created a seven-part web series that has been viewed over two million times. I encourage all of you to take the time to view these videos at [makeitmandatory.ca](http://makeitmandatory.ca). We are fortunate in our videos to have Prime Minister Justin Trudeau, Thomas Mulcair, Elizabeth May, Murray Rankin, Steven Fletcher, and Rodger Cuzner express their support for taking action on mental health in the workplace. The cause has support from all political parties, as the illness affects people from all walks of life. We have gained support by meeting with over 50 MPs here on the Hill, as well as back home in our own ridings.

We have been supported by the Mental Health Commission of Canada, the United Way, Military Minds Inc, Respect Group, and the Canadian Mental Health Association, as they, too, see the need for action.

In the rail industry, sadly the reality of my job is that crossing fatalities and accidents occur far too often. My co-workers and I must come to terms with having a hand in another person's death. Everyone deals with this tragedy in different ways, but often feel they don't have the supports in the workplace to navigate through these issues. The result can see individuals turning to different vices to temporarily numb the pain or they are forced to leave the industry as they struggle with mental health.

Our goal now is to propose an amendment to start the conversation on how to include a mental health initiative in Bill C-65. The bill seeks to prevent incidents of harassment and violence in the workplace, and to protect employees from these behaviours. We would like to see it go further to protect workers by ensuring everyone has access to support in their workplaces.

The stigma is still very present, and the government must force a discussion about mental health in the workplace. We need all parties to acknowledge mental illness as a disease, as it is no different from any other illness that causes physical damage. By adding the definition of "health" to section 122 to state that health is a state of complete physical, mental, and social well-being would make it that mental health would be formally considered in existing rules, and would be better protected in the workplace.

Thank you.

• (1015)

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

Starting us off with questions is MP Harder, please.

**Ms. Rachael Harder:** I'm going to start with Ms. Major and Mr. Winters.

First, thank you so much to everyone who has taken the time to be here.

I think we would all agree that there certainly is a need for further action within the workplace in order to make it a safe place for everyone, so I think the intentions of this legislation are good. That's what I'm hearing you say, but there are also some concerns that you're bringing to the table, and I want to tap into those a bit.

One of the things I heard you mention was about removing the ability of an employee to go to their health and safety committee

with a concern. Can you talk about the repercussions that would have on the workplace and reporting numbers going forward?

**Mr. Troy Winters:** Under section 127.1, the internal complaint resolution process, the process is to always start with your employer; you always bring a concern to your employer. It's what happens after that we're really the most concerned about. If the person who has made the complaint doesn't feel as though they've received any justification or satisfaction with their complaint, the next step for all other health and safety hazards is to take that complaint to the health and safety committee.

The way the law has been changed expressly forbids and stops that from happening in a way that you don't generally see in legislation. It specifically states that thou shalt not take complaints of violence or harassment to the health and safety committee. By its very nature and definition, we think that limits the number of people who can provide support to a survivor of violence. I'm sure it wasn't the intention of the bill, but it is, as I said earlier, an unintended consequence of that action.

I'll leave it there.

**Ms. Rachael Harder:** I think you're right. I think it is an unintended consequence.

Let's say that we're not able to remedy that unintended consequence through amendments. I know we're certainly planning to bring some amendments forward. My hope is that the Liberals themselves will see the necessity of making some amendments to this piece of legislation.

Let's say, for all intents and purposes, that this doesn't actually happen. The fact that this is forbidden in the legislation the way it is written right now—is that enough for us to vote against this piece of legislation?

**Mr. Troy Winters:** They asked that question before and we were discussing it.

For our members, for the flight attendants who are CUPE members, I would say yes. However, there are such crucial other aspects to the bill. The lack of protection under the Canada Labour Code for staff on Parliament Hill is an oversight that absolutely must be corrected. I can't sit here and tell them that I think they shouldn't have that right and, therefore, that you should vote against this legislation.

To the point of my members, regarding that one change to section 127 of the code, I would say yes to your question, but I cannot sit here and condemn people not to be covered by basic health and safety laws when they should have been covered since day one.

**Ms. Rachael Harder:** I appreciate that.

I want to talk a little bit about the definition as well because it has come up too. Regarding the fact that violence and harassment are not defined, can you comment on whether there should be definitions of that within the legislation, or is it okay to just make the definitions part of the regulations?

If those should be defined, do you have ideas on what the definitions should look like?

**Mr. Troy Winters:** I'm a little more agnostic than my colleagues. Whether it's defined in the regulations or the act, it doesn't matter as much to me; it's the process that matters to me.

We used to have a regulatory development process that was tripartite, where labour, business, and government would sit in a room and hash out what the appropriate words should be in our regulations. This is how part XX came to be. It was a multi-year project. It probably took longer than it needed to, but we ended up with an excellent regulation. That's gone now. Under the previous government, that went away. I guess it was trying to streamline the process, or whatever. Under the current process I would have to say it's probably better to bring it into the act itself.

As for what the definition should be, I was watching the minister speak to the panel the other day and she had some very wise words, saying that we have to be broad in our definitions, that 10 or 15 years ago we wouldn't have considered cyber-bullying. I thought that was an excellent point she raised.

Sometimes the simplest definitions are the best. We define harassment as any vexatious behaviour that an average person ought to have known is wrong. That's a fairly basic definition; maybe it's simple enough. That's just off the top of my head. Unfortunately, I didn't bring my definition book with me, but we do have specific definitions that will be going into our full submission.

• (1020)

**Ms. Rachael Harder:** Okay.

The last thing I want to talk about here is a competent person. A competent person can be put in place, but the qualifications that this competent person should have are not clearly defined.

Does that concern you at all?

**Mr. Troy Winters:** Not as much....

The debate around the competent person is not just that they be competent, but also impartial. For some forms of violence, it could be the case that two members of the committee actually make up a competent team. When one of our flight attendants gets assaulted on an airplane, we may not have to go external. Two members of the health and safety committee could bring enough skills to form that competent person team, with two people, an employer and an employee, doing the investigation. That could be sufficient to meet the competent and impartial level.

**Ms. Rachael Harder:** I guess what I'm asking is—

**The Chair:** That's your time. Sorry.

MP Fortier, please.

[*Translation*]

**Mrs. Mona Fortier (Ottawa—Vanier, Lib.):** Thank you, Mr. Chair.

I will ask my questions in French. You can use the simultaneous interpretation services, if you want.

We have talked at length about the investigative process and the complaint process. I would now like to talk about the prevention process and the culture change.

Will the measures in Bill C-65 strengthen prevention? Do you have any other suggestions?

You can start, Mrs. Major.

**Mrs. Marie-Hélène Major:** Yes, the bill will be useful for prevention. As we said, there are many positive aspects on prevention, and we support them all.

**Mrs. Mona Fortier:** Is Bill C-65 good or should we reinforce it? That's my question.

Do you have any suggestions for strengthening the bill we are currently studying to encourage a culture change? We all agree that we need to change the culture. With respect to prevention, is there anything that we could strengthen in the current bill?

**Mrs. Marie-Hélène Major:** That's a more technical question, so I'll let Mr. Winters answer.

[*English*]

**Mr. Troy Winters:** On the bill itself, the change under the requirements of the employer is an excellent change. Identifying harassment alongside violence in the duties of the employer is an excellent change. The very fact that we're debating this on the parliamentary floor is an excellent change, raises the awareness of this issue, and is, I believe, very beneficial in and of itself.

As for specifics that would improve the bill, honestly that's not something that I've thought too much about. Again, just getting the bill back to where we currently are, with the health and safety committees.... The Canada Labour Code is about prevention. The first line of the code is about how to prevent injuries and diseases related to the occupations they work in, so anything that increases engagement of the committees is good in terms of allowing the committees the ability to work with their stakeholders, whether they're unionized or not, and to get the word out that if there is violence, let's have a talk about that. Getting back to the way things are would be beneficial.

• (1025)

[*Translation*]

**Mrs. Mona Fortier:** Mr. Woodcock or Mr. Benson, do you have any comments to add in response to my question?

[*English*]

**Mr. Phil Benson:** As somebody who has kicked this around a bit, I think there's a big difference between legislation and regulations. Over the past three decades that I've been doing this, more and more people are saying that they'll deal with it in regulations. Fact: what you say here, what your intention is here, and what the minister says in the House mean nothing. This has to be contained in the four corners of the act.

That's why we want a definition of mental health in the section where you talk about definitions. If it is not there in the regulatory process it will not exist.

As for talking about the regulatory process and leaving it to them, there are several issues with that. First of all, we have the consultations: *Gazette*, part I, and *Gazette*, part II. We also have bureaucratic agendas. We have a great deal of people who can influence it, and your legislation isn't bound by the one-in, one-out rule. The one-in, one-out rule says that if you want to bring something in, you have to take something out. For example, you can have protective clothes, but we're taking your gloves; by the way, that's not quite a real one, but the gloves part is.... If you want prevention on the job site, if you want to be preventive, I'd urge you to put the definitions in the act so they will be dealt with.

Otherwise, I'm very sad to say that it will not appear in the regulations. Intentions are not worth a pitcher of warm spit in the regulatory world.

[Translation]

**Mrs. Mona Fortier:** Thank you very much.

Apart from what you are proposing in your presentations on the role of the joint committee, would there be anything else we could do to strengthen the bill before you today? Is there anything else that the committee could study?

**Mrs. Marie-Hélène Major:** The joint committee is what is most important to us.

Our workplace is very complex. It covers the entire world: hotels, planes, transport. It is mostly the youngest employees who are the most vulnerable in all those contexts.

It is important that members receive support from the union and that they know that the union is as active as the employer.

It's very complex on the employer side too. It has the contracts and business ties with hotels. Sometimes, people can suffer various types of abuse. Passengers, as customers, must also be protected. There is also a power struggle between the crew members and the pilot who is in command, and sometimes for good reasons, for very good reasons. That said, investigations often end up being outside our area of jurisdiction. If it affects the pilots, another service takes care of it. It can also come from the client or the hotel. At that point, we have no follow-up. The victim we support cannot therefore be assured that the investigative work is done properly.

[English]

**The Chair:** Thank you.

MP Trudel, please.

[Translation]

**Ms. Karine Trudel:** Thank you very much for your presentations, which were very interesting.

I will speak in French. You can use the simultaneous interpretation service if you need it.

My first question is for Mr. Benson and Mr. Woodcock.

I would first like to thank you for the excellent work you do for the Youth Committee.

I would like to hear more about the amendments you are proposing to the bill, including the amendment to include a definition of "health" in section 122 of the Canada Labour Code.

Can you explain the importance of acting quickly and including that definition?

[English]

**Mr. Phil Benson:** Thank you very much, Madame Trudel, and a big shout-out to Sheri Benson for helping us in a lot of her work.

When we viewed it, there were many different ways to take it. This definition is actually quite soft. In other words, it doesn't put out a lot of details. That's left for regulations and standards. Our position is quite clear, as I stated to the other member, that if the definition is not there, if it is not included in the act, then we'll not be able to address the issue.

You already have what we thought would fit into section 122, that health is "a state of complete physical, mental, and social well-being", but any other language that you want to come up with would be great. I guess in the regulatory world, we would also add an amendment to the Canada Occupational Health and Safety Regulations, adding the three words "and mental health" to subsection 19.1(1). As well, the Canadian standards association already has a wonderful standard for psychological health and safety in the workplace. We thought that would be a great addition too.

Basically, if we do not have a definition like this in the act, it simply will not be dealt with in regulation or in any other way that we could find. If you listen to brother Woodcock on the tragedy of what has occurred, the stigma of mental health is extremely bad. It's stuck with us. I think on this issue you have to look at the support we had, and not just from politicians. The people who spoke on this included Brian Burke, who lost a son, and Sheldon Kennedy, who was a victim of abuse. We had a seven-part series that had leaders in the community, leaders across the country, and not just in politics. Gaining the support of all of those politicians and also all of those organizations says clearly that this is something that people want to see done.

If we don't have this in the act, it simply will not occur. We urge your support for somebody to bring an amendment or a similar amendment. We'll welcome anything that makes it mandatory.

● (1030)

[Translation]

**Ms. Karine Trudel:** In terms of health, when victims or survivors experience harassment or violence in the workplace, the mental, psychological health takes a hit. I understand why you want to see amendments on that. We will work towards that. Thank you for your explanations.

I would now like to turn to Mrs. Major and Mr. Winters.

Since I am a member of Parliament, I fly regularly. In addition, I want to emphasize the excellent work of your flight attendants. I have needed them on a number of occasions. We are lucky to have them. We have excellent service.

A lot of images came to mind when you talked about flight attendants—they are mostly women. When they are inside the plane, they are often alone with a majority male crew. As you said, their work requires them to travel regularly and they often have to sleep in hotels.



I would like to reiterate the importance of including an amendment so that the health and safety committee can process the complaints, but also receive copies of the reports. We have talked about this a lot in the last couple of meetings. I would like your opinion on that.

**Mrs. Marie-Hélène Major:** Copies of reports are one way for us to know that follow-up is done. It's a way for us to be constantly aware. We do not need to have inside information, just to know that something has happened, that we are doing it and that it is doing the right thing. This reassures all the parties.

The joint committee is very important. I will talk about Air Canada. This company does a lot of the work in silos: there are the customers, and then there's Air Canada's business image to protect. There are different situations, and things do not always need to be handled in the same way, for various reasons. If it's between colleagues, it's almost easier. It may sound ridiculous, but it's easier. It becomes more complex when other people are involved. That's when members need to know that someone who works for the company is there to defend their interests.

As the union, we can work for our members, guide and protect them. However, if we are not aware of what is being done, we cannot reassure them.

We do not need to have all the privileged information. We have our representative on the joint committee. He will not disclose the information that he is not supposed to disclose. However, he can confirm that the complaints are being followed up and that what needs to be done is being done. That's what's important. Knowing that we are receiving the reports reassures us that the information is there and that things are being done.

[English]

**The Chair:** Thank you.

MP Fraser, for six minutes, please.

**Mr. Sean Fraser:** I would like to thank Mr. Woodcock and Mr. Benson for their advocacy for mental health in the workplace. Obviously, this is a major priority for just about everybody in Canada, and the uptake we have seen has been very positive over the past decade, really. Of course, there's more work left to do.

Under your proposed amendment, I want to get an understanding of how this would actually work. Who would bear the responsibility to make sure that the mental health supports are there? My mind usually goes to government programming, that this belongs in a budget not legislation, but here you're suggesting that the employer should have a mandatory obligation to provide the support.

Is that accurate?

• (1035)

**Mr. Phil Benson:** Yes. You have our document. If you look at subsection 19.1(1) of Occupational Health and Safety Regulations, we would add "and mental health" in the workplace, so that it becomes part of the workplace committees. It's a matter of getting it into the hopper, where it isn't just something that has been implied, that it's just kind of there, but is actually defined, so that this is what you have to have and it has to be in the workplace committees. That

would mean that it would have to start being addressed under the law.

**Mr. Sean Fraser:** Why is the employer in the best position to provide that suite of support services?

**Mr. Phil Benson:** The workplace committee is made up of two parties. Clearly, we have good and bad employers, and those who are in-between. This is a workplace issue. In work there are two parties—three parties, I guess. There is the employer, the union, and, of course, the worker. Being in the workplace is something that governments just aren't in. That's our job. That's what we're in. It's the best place to have it. It's the best place to deal with it. It's a workplace issue, the Canada Labour Code, part II. It's an ideal fit.

**Mr. Sean Fraser:** If I could shift my focus to Mr. Winters and Ms. Major, one of the items we've been dancing around, but it doesn't speak specifically to a provision in the legislation and I can't let go of, is that if you don't have faith in the process that's going to deal with complaints, it's going to make it awfully difficult to do your job effectively.

Can you perhaps comment on the need to have faith in the complaints process for your members to be comfortable with it and to be able to go to work and be as productive as they can be.

**Mr. Troy Winters:** You're absolutely correct. At one particular airline, I have one very active health and safety person. She's fantastic. She has been around forever. People know that if they go to her, they will get an answer or a result, or that the process will be started. In that particular workplace, it works much better. They have the faith because they know they can go to a place where they will get a positive result.

That goes directly to our concern about removing the health and safety committee members. There will be one less resource.

**Mr. Sean Fraser:** Before I go back to Mr. Benson, who I think has a comment, you described the need to essentially maintain the ability of somebody to go to the health and safety committees. We heard previous testimony that since 2005 there has been an incredible reduction in the number of health and safety officers. It strikes me that without making sure that we're well resourced with the people to do the job, maintaining the health and safety committee would be a paper tiger. This is something that wouldn't restore faith if there's not the people to actually do the job.

Is that fair to say?

**Mr. Troy Winters:** Fewer HSOs will lead to less enforcement. At that point they're going to be prioritizing the most egregious flaws, the worst of the worst. I think they'd have to start marshalling their resources to those most egregious, so, yes, there should be more HSOs. As we've seen in Ontario, when they hired a lot more inspectors—they call them inspectors in Ontario—all of health and safety was improved. More health and safety officers within the federal public sphere would improve all health and safety, including issues with violence.

**Mr. Sean Fraser:** Mr. Benson, you had a comment on the previous line of questioning?

**Mr. Phil Benson:** What do unions do? We're sort of creating an artificial line here on a workplace committee. When a worker has a grievance, there are different routes they can take, but one of course is to go to the health and safety committee, if not to a job steward for a different process. At the end of the day, when you're cutting off the workplace committee from the worker,...the worker is already feeling sexual harassment, mental illness or whatever, as well as isolated and alone. Nobody is speaking for them. Nobody has their voice.

When we're involved as a union, it's not just that we're there; it's what we do: everything from ensuring that the person receives all the benefits, support, and help professionals that they have to having them feel that somebody's on their side; somebody's working for them. Throughout the entire process, whether it's unemployment insurance, Canada Pension Plan, or early retirement, you're going to get a pit bull like me coming to see you, knocking on your door, saying "We're serving you", all of those are services that unions provide to members. When you say "artificially"...because I agree that if for privacy reasons a person chooses not to, that's fine. But to say in law that we're going to cut what a union does to protect membership, to me is just wrong.

• (1040)

**Mr. Sean Fraser:** I have 30 seconds left, so perhaps instead of asking a question, I'll give an invitation. There's one issue I raised with the last panel, about making sure the legislation doesn't interfere with the collective bargaining complaints process. If you have suggestions on how we can ensure that doesn't occur, I'd welcome you to submit suggestions through the clerk.

I believe I'm out of time.

**The Chair:** Thank you.

MP Dabrusin, you have six minutes.

**Ms. Julie Dabrusin:** Thank you to all of you. It's interesting to hear this conversation as it develops.

One of the things that have come through, across all of the hearings we've been having, is the concern about reprisals in harassment and the need to protect privacy being something that makes it a bit different perhaps from other types of occupational health and safety situations. With your suggestions about going to committee, I'm wondering if you have any suggestions about how we can ensure privacy within that situation. There are more people within the workplace, so how do we make sure that people's privacy is being protected in that situation?

I put that to Mr. Winters and Ms. Major.

**Mr. Troy Winters:** I would argue that the committees are doing this work now. Committees get sensitive information all the time, and they don't immediately run around the workplace telling everyone about it. The information may be more salacious because it's sexually driven in nature, or it's about harassment, but it's no different from what the committees are already doing. I think for the most part they're doing it quite well. We have a very good understanding within our committees. Unless there's a particular hazard that they have to let us know about, what happens in the committee, where they develop their recommendations and their resolutions, is committee work. It stays within the committee. I

would argue that that is the system as it is. Having one or two more people knowing, when that will get you to a better resolution, we would argue isn't necessarily something to be too concerned about, because we are doing that now.

**Mrs. Marie-Hélène Major:** Just to add to this, as you said, it's already happening. If they come to us, the union, we have more specific details maybe, but when it goes to health and safety, they don't necessarily need to have...we just share what needs to be shared so they can work on the case. If the employee doesn't want his or her name revealed, it won't be if we don't need it to be. It's just more of a general "what happened and what needs to be fixed and what needs to be worked on?" We don't necessarily share the details if the employee or employer doesn't want us to. It's more about what happened.

**Ms. Julie Dabrusin:** All right.

When you were speaking earlier, you said that sometimes when it's between employees, it's easier. Something that kind of twiggled me when you were mentioning that was that in that situation, the union is representing potentially both the aggressor and the complainant. Does that pose any complications when you're going to committee? How do you make sure that privacy is properly protected and how do you deal with fear of reprisals and the like?

**Mrs. Marie-Hélène Major:** In my experience in our department, if it's two of our members, it's easier, because on our union side we can split and it doesn't get out. Usually, the bigger problem in those cases is when it's taken away from you. If it's two of our members, it's not taken away from us. We address it and we deal with it. We have the information.

It's when it involves a different department—pilots, mainly—and then it goes there and it goes away. It's gone. It's out of our hands. All we get is, "We're taking care of it."

**Ms. Julie Dabrusin:** Phil, very briefly, because I do want to follow up on that.

**Mr. Phil Benson:** It's a matter that's already being dealt with. Privacy law is applied to us as a fiduciary duty, the internal working of unions. If somebody wants to talk out of school, they're not going to be an officer too long.

These are things that we deal with today. These are conflicts that occur. How do we deal with it? We deal with it now. It's not anything new, at all.

I think the aspect of the person having the right to choose is probably positive, but, if they choose to come to us, then all the tools of a trade union must be available to be used. We don't know if we don't know. We have a duty under law. We have a legal duty to make sure that we represent the person fully, and not arbitrarily by a law saying "You can't do this."

• (1045)

**Ms. Julie Dabrusin:** Okay, thank you.

One of the things that struck me yesterday when we were hearing from witnesses—I believe it was Corrections Canada—was that there was a tip line that had been put in place and suddenly the number of cases being reported went up considerably.

When we're looking at this we're doing a bit of a retrospective about what hasn't worked and what can be better. We know that a lot of cases aren't being reported right now. How can we improve that to make sure people are feeling safe enough to report it? Are there any issues with the way things are currently structured, say with committees, that would be making people feel less likely to come forward?

**Mr. Troy Winters:** I guess this could go back to another answer from before on what we could improve.

Within the legislation itself, under section 126 of the act, we all have a duty to report hazards in the workplace, but these reports aren't often treated through the internal complaint resolution process.

If a member comes to me and says we're having this... Well there was one hotel that this one company flew to quite a bit, and it was this one hotel that was causing the problems. We had five or six reports from this one hotel, but we didn't make them individually file. We went to the company and said, "Look, we have five reports in hand. We have to do something about this. We have to get out of this hotel. This is a problem place."

Changing the law so that somebody else—someone within the union or another worker—can bring forward that complaint, so the person who has been assaulted or harassed or who has been the victim doesn't have to be the person to come forward, would be tremendously helpful and make sure it gets captured under the ICRP.

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

Now for six minutes, MP Kmiec.

**Mr. Tom Kmiec (Calgary Shepard, CPC):** Thank you, Mr. Chair. I'm very pleased to be joining you at committee today.

I'm going to start with Mr. Benson and the Teamsters. I did meet with the youth group. You should be very proud of the work that they do. They presented very professionally. It was very, very good.

You mentioned a couple of things about having the definitions in the law and how important it is, because none of the conversations we have here, nothing we say in the debates in the House of Commons, will be material when there are lawyers interpreting what the law actually says. To my understanding, at least one definition is being removed from the Labour Code.

Can you explain how important it is to have definitions written directly into the law, the benefits to doing so, and then maybe your thoughts on that if they're not put into this law through an amendment in the future, the value of the bill going forward without the definitions expressly written out?

I'll make a side note on this. The Quebec HR association has a "psychological harassment" definition that they use. I make the statement that you trust accountants with your money, so why wouldn't you trust your HR or OHS—occupational health and safety—to qualified personnel in an employer/employee environment? You have people on both sides who are qualified to do the job, who

understand what the law says, understand what regulations say, and they have a code of conduct that they personally have to adhere to.

I'd like to hear your thoughts on that.

**Mr. Phil Benson:** Thank you for mentioning you met with the youth group. We are immensely proud of them, and a lot of people on the committee are moving up in the teamster ranks. I'm sure in a few years they will be serving our teamster members well: they're great leaders. Thank you for taking the time and meeting them.

When you draft legislation, people talk about their intention to fix it in regulation. If it is not within the four corners of the act it doesn't exist, and the regulatory process itself is influenced by all sorts of stuff, as I talked about earlier. The reason you need definitions is anything you want to deal with you have to not leave it to that catch-all clause that says the minister can do whatever he or she wishes. It doesn't catch it because if it's not in the act the minister can't do it.

From my experience with other bills, transport and all sorts of them where clearly the intention of Parliament was X, Y, and Z, I thought that's what the legislation said, but it's proven wrong in the regulatory world. Clearly that's not what the regulators thought. It certainly wasn't why some of the people came to the table. It is critical if you intend to do something that you have it in the law. Do not say it will be fixed in regulations, and do not say it will be dealt with in regulations. For example, one of the amendments we're talking about on suggestions in regulations is to just add three words "and mental health" to the occupational, health, and safety of the workplace committee's work. You can't add it if it's not in the act.

This is the last chance we're going to have to do this because opening up an act like part II of the code doesn't happen every day. Other than in the private member's bill, which will probably never see the light of day, this is the last chance you have to fix it, not just the mental health issue, but all issues.

As to the question about whether or not you should not agree with the bill, I think that's a choice you have to make as an individual. I agree with other people that there's a lot of really good stuff in the bill. In general, we support the principle. We'd rather see you make it better. I would urge you to bring amendments to the bill, my friends on any side. If you intend to do it, make sure the bill says it specifically. I urge that, and I haven't done it for so long on the other side. You'll be very surprised that what you thought you put on a piece of paper because you intended to, doesn't end up in regulation.

•(1050)

**Mr. Tom Kniec:** Mr. Winters, you had mentioned—because this segues very nicely—sections 134, 135, and 136, and my colleague asked you the question. In principle we agree with the contents of the bill, but some mechanics inside it that you have right now will potentially harm some of your members in the conduct of harassment investigations in the workplace. On one hand you see good things in the bill, but there are some bad things for your members. Can you describe to me what will happen if the bill passes in its current form? What would a harassment investigation look like in your workplace with these rules in place with no amendments whatsoever?

**Mr. Troy Winters:** It's always hard to predict the future, but at that point it's going to be up to the employers to do the investigation, completely removed from any oversight of the health and safety committee. What will happen? For those who want to follow the law, who want to provide a healthy and safe workplace status quo, we'll have healthy and safe workplaces. For those who do not wish to do that, we are going to have significant problems. We are going to have people who are able to shift harassers around an organization. They can protect; they can hide; they can keep this behaviour under wraps. In all the cases that are coming on television now down in L.A., this is what happened. They just keep hiding it, keep covering it up, and the most vulnerable workers, those who have no voice whatsoever, won't be able to do anything about it because we won't be getting the reports; the committee won't be getting the reports. No one will know what's happening unless the survivor comes out and chooses a different path. Maybe everything would have to go to grievance. Maybe we'd have to arbitrate everything and spend hundreds and hundreds of thousands of dollars in court fighting arbitrations over these matters that should be dealt with easily under health and safety committees.

**The Chair:** Thank you.

MP Morrissey, please.

**Mr. Robert Morrissey (Egmont, Lib.):** Thank you, Chair.

I want to begin with a statement on why are we here today. We're here today because whatever was in place has fundamentally failed too many people. We've heard compelling evidence given by individuals on how the system failed in the best of organizations. That's why our government is here today. Our government felt strongly that status quo was no longer acceptable.

We introduced a piece of legislation to bring the issue of harassment, sexual harassment and physical harassment, to an open forum to discuss it, debate it, and to bring in legislation that would put a process in place to begin to reduce that, because we heard some alarming numbers. It was about 20% of the public service. We heard that within the RCMP, when it became more open, the number went from 400 to 4,000 issues. I want your comment on that.

I sense, from a number of organizations, that there was a lot of push to protect the status quo. The status quo has not worked. I, as a member of this committee, will not support the status quo. I support this piece of legislation. We are here to hear testimony on how we can improve it, but I fully support our government's approach and the minister's approach in moving on this legislation.

I would simply ask you to comment briefly, because there has been some issue of whether we should support the legislation or not support the legislation. Well, I'm very proud to be supporting the legislation. Can we make some improvements? I suspect we can, but at least we have arrived at this state today.

Thank you.

•(1055)

**Mr. Phil Benson:** To be clear, Minister Hajdu and the government deserve full credit for bringing this piece of legislation forward.

We're suggesting some changes in the bill to deal with realities of the workplace and stuff that we do to make it better, that's all. It's something that must be dealt with, mental health. One Canadian in five suffers, with an estimated cost of \$51 billion each year; 49% of people who suffer depression have never seen a doctor; and 50% of Canadians would not tell their co-workers of mental illness, but 72% would talk about cancer. That's the reality for people with mental health, all the problems in work. That's why we want this added to the bill, too. It's to make it better.

This is something that had to be dealt with years ago. It's something internal, and unions have been dealing with it. We've had our mental health and physical and sexual harassment policies in place for quite a while. It's something, as organizations, we are dealing with. We support it. We just urge you to make the small changes needed to make it even better, but full credit for bringing it and dealing with it, and dealing with it quickly.

**Mr. Troy Winters:** I would add that we greatly appreciate what the government is attempting to do here. Adding harassment into part II of the Canada Labour Code is huge. They are only three words in the entire bill, but they're huge and will make a significant difference. We will no longer have to have the argument whether or not committees should be talking about harassment, as long as we fix the other part where committees still get to participate. That is significant, and we commend the government greatly for making that change.

We have to remember that the part XX violence regulations have only been around for seven or eight years, and we've been working our way through the courts deciding exactly what all those words mean. We're just getting to the point now where labour programs release documents on how to interpret and implement this law. We're finally getting the ground underneath us to know how we should be working through these processes, and taking away the committees would be a terrible setback to that whole understanding. It's not that things are perfect there. Certainly not, and there are more people reporting.

I would say it's excellent work to get harassment into the code, but let us keep working under the part XX regulations, the complexities of which we're just now starting to fully understand.

**The Chair:** We only have about a minute and 10 seconds left, so I think we'll shut it down.

I want to thank all of you for being here today. Given the speed at which this legislation is moving through this House, you can see we are taking this incredibly seriously. We still have a lot of work to do to make sure this is the best piece of legislation that we can put

forward, and I appreciate that you clearly have helped us today and given us some stuff to think about. Thank you very much.

To the committee, we will be adjourning this morning's meeting. We will be coming back at noon, sharp, so we have about an hour break. There will be lunch provided at noon, and we'll be finishing up our day this afternoon with the next panels.

Thank you again, and thank you to all those at the back. I appreciate your help today.

The meeting is adjourned.

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