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OFFICIAL REPORT
(HANSARD)

Tuesday, February 18, 2020

The Honourable GEORGE J. FUREY,
Speaker

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THE SENATE

Tuesday, February 18, 2020

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

Prayers.

SENATORS' STATEMENTS

THE LATE JEANNETTE RUNCIMAN

Hon. Donald Neil Plett (Leader of the Opposition): Honourable senators, I rise today to say a few words about a terrible tragedy that has occurred in our Senate family. I've been doing this far too often.

Our former colleague Senator Bob Runciman lost his beloved wife, Jeannette, in a tragic accident in the hospital parking lot in their hometown of Brockville, Ontario, on Thursday afternoon. Bob was with her at the time. Bob and Jeannette would have celebrated their fifty-sixth wedding anniversary on March 14.

Bob devoted his life to public service, serving 9 years on city council, 29 years in the Ontario Legislature and more than 7 years in the Senate. He had a distinguished career at Queen's Park, serving in numerous senior cabinet posts as interim leader of his party and as house leader of the official opposition for many years. Many of us remember him as a tremendous asset to this chamber, particularly as the firm but fair chair of the Standing Senate Committee on Legal and Constitutional Affairs for several years.

Bob always said his career would not have been possible without the love and support of Jeannette. The political spouse pays a price far greater than most people can comprehend: the time alone, the extra parenting burden because their partner is away and the family events with an empty chair because duty has called.

Jeannette Runciman was Bob's rock. She was always there for him. He accepted her counsel above all others. They were a true partnership — a great love story.

Barry Raison, Senator Runciman's long-time policy adviser, said that Jeannette's wicked sense of humour and outgoing personality opened a lot of political doors for Bob, particularly in the early years. She had sound political judgment, and Bob always relied upon her advice. Barry said that she would often vet speeches Barry had written for Bob and make changes for the better.

Around the riding, she was often seen cutting ribbons and giving speeches with her beautiful smile and shining personality. Jeannette's environmentalist efforts did not go unnoticed around town, as she worked with local volunteers to collect recyclables prior to the installation of blue boxes. She volunteered with Brockville cleanup crews for many years and volunteered as a teacher's assistant at a local school.

After the better part of four decades spent in Toronto and Ottawa, Bob was looking forward to properly thanking her for the support she had given him over his political career. They treasured their time together, as they could finally enjoy all those special moments that most families take for granted. He loved spending time with Jeannette; their two daughters, Sue and Robin; and their families at their cottage in the Thousand Islands.

Unfortunately, Jeannette was diagnosed with cancer not long after Bob's retirement, but she was a fighter and an optimist. Her quick wit and lively sense of humour never deserted her. They were determined to enjoy the time they had, confront this challenge together and live life to its fullest.

And then tragedy struck on Thursday afternoon around 2 p.m.

Honourable senators, let us all keep Bob, Sue and Robin in our prayers and hope they will find comfort in the love and support of their friends and family. Thank you.

[*Translation*]

BLACK HISTORY MONTH

Hon. Marie-Françoise Mégie: Honourable senators, as you know, February is Black History Month.

This year's theme is "Canadians of African Descent: Going forward, guided by the past," based on the United Nations' recommendations in the context of the International Decade for People of African Descent, from 2015 to 2024. Those recommendations encourage governments to take concrete action to promote and protect the human rights of people of African descent. These measures must be established in the spirit of recognition, justice and development.

The symbol chosen for 2020 is the Sankofa bird. This mythical bird of Ghanaian origin symbolizes the wisdom, knowledge and memory of the people. It invites us to reflect on the past to build a successful future where we protect, teach and promote the richness of the cultures of black communities. It inspires our young people to become agents of change in our multicultural society.

This month, let's learn more about our history in order to better understand the unique issues and challenges facing black Canadians. Let's participate in celebrating their heritage. Let's highlight their contributions to our society.

• (1410)

Honourable colleagues, it is in this spirit that I invite you today to the exhibit entitled "African-Canadian Literature in the Senate of Canada," which will be held tomorrow from 4 p.m. to 6 p.m. in Room B-45.

The exhibit is part of the commitment made together with my colleagues, Senators Bernard, Moodie and Ravalia, to highlight the contributions of Canadians of African descent to our country's culture. We urge you to discover their achievements, hear their voices and learn about their realities and their perspectives.

This event was organized in collaboration with Intercultural Mosaic, a non-profit organization based in Ottawa dedicated to promoting the cultures of communities from Africa and the Caribbean.

I look forward to seeing you there.

[*English*]

Honourable colleagues, I am looking forward to seeing you all there. Thank you.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Bernard Besong, winner of the Bronfman Award in Canadian Studies at Mount Saint Vincent University. He is the guest of the Honourable Senator Boehm.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

CANADA'S KIDS

Hon. Robert Black: Honourable senators, I rise today to tell you about a recent experience I had at a school in Ancaster, Ontario. A few months ago, I received a letter from Joseph, a Grade 5 student at Immaculate Conception School. Joseph said that his class was learning about the Senate in social studies class and he wanted to know more about what we do. I wrote a letter back to Joseph, and my colleagues in my office arranged for me to visit the class when I was in the area a few weeks later.

While I was at the school, I also got the chance to meet a group of students in Grades 4 to 6 who call themselves Canada's Kids. They are students who are interested in learning more about our country. The group started in October of 2016 and had 67 students in that first year, which, as a student pointed out, was fitting since Confederation was in 1867. Over the four years it has been going on, there have been 185 students involved as members.

The students take every opportunity to learn about Canada and to spread the knowledge within their school community. Once a month, the group shares a morning announcement with facts about Canada. They have met with their local member of Parliament, performed songs about Canada at school events and they have even made a time capsule that they plan to open in 2043.

In addition to their learning and teaching, Canada's Kids undertakes various fundraising initiatives. One year, they made and sold magnets to raise money for a local veterans' association. Between their sales and a penny drive, they presented a veteran with a cheque for $850 at the end of the year.

This year, the students made bag tags with red and white braided yarn and beads. They can be used for luggage, as zipper toggles or even as bookmarks. The proceeds will be used to help a class from a local school who wouldn't otherwise be able to go on a class trip, and they will be visiting a museum in the Ancaster area. Following my visit, I sent one of these tags to each of my fellow Ontario senators.

Just last week, for Valentine's Day, the students participated in the Valentines for Vets program, and they also sent cards to local nursing homes.

On behalf of all senators, I want to say thank you to Canada's Kids for their great work. I chose to highlight them today as one example of the many amazing groups of students across Canada whom many of us get the chance to engage with and who want to make ours a better country for us to live in. Thank you.

[*Translation*]

THE LATE HONOURABLE JEAN BAZIN

Hon. Leo Housakos: Honourable senators, former Senator Jean Bazin passed away on December 12.

Mr. Bazin received his law degree from Laval University in 1964, making him a member of that famous class that includes so many people who influenced Quebec society in the decades that followed, such as Brian Mulroney, Lucien Bouchard and our former colleague Pierre De Bané. Mr. Bazin was then admitted to the Barreau du Québec in 1965. He was appointed Queen's Council in 1984 and he was awarded the prestigious title of Advocatus Emeritus by the Barreau du Québec in 2011.

Jean Bazin began his career as a lawyer in 1965 at the Montreal law firm Byers Casgrain, now known as Dentons. He continued to practice law there until he died. He helped many Quebec businesses to grow by always providing them with sound advice. He also acted as an arbitrator in commercial matters and as a mediator in several areas.

As president of the Young Bar of Montreal from 1970 to 1971, he set up the Bureau de l'assistance judiciaire du Barreau de Montréal, which is now known as Aide juridique. He was the administrator of many societies and associations, including the Canadian Unity Council, the Laurentian Bank , and the Société générale de financement et Investissement Québec.

What is more, Mr. Bazin was always involved in politics, particularly as part of the Conservative Party. Mr. Bazin campaigned tirelessly in the barren wilderness that Quebec represented for the Conservative Party in the 1960s and 1970s. He played an essential role in helping his friend Brian Mulroney take office. Even last summer, he loyally participated in our party's activities.

From 1986 to 1989, he served in the Senate as a Conservative. He was the Deputy Chair of the Standing Senate Committee on Foreign Affairs and a member of various other senate committees.

Today, I want to pay tribute to Jean Bazin, the brilliant lawyer and former senator, as well as to the man who was a friend and mentor, who willingly took me under his wing when I was a young political organizer. He always supported me in my political career and my professional life.

I want to thank Mr. Bazin for his devotion to building Quebec and Canada. I want to thank him for his unwavering support for the Conservative Party and its ideas. Lastly, I want to thank him for his advice and support.

Honourable colleagues, please join me in paying tribute to Jean Bazin and extending our sincere condolences to his loved ones. Thank you.

[*English*]

JOSEPH LEWIS

Hon. Paula Simons: Honourable senators, in 1799, Joseph Lewis, an employee of the Hudson's Bay Company, arrived in what is now Alberta. He was 27 years old, but he'd already had a life of adventure.

Born in 1772 in Manchester, New Hampshire, at the age of 20 he had made his way to Montreal where he joined the North West Company, the HBC's great rival. He was a Nor'wester for four years until he jumped ship — or perhaps I should say jumped canoe — and went to work for the Hudson's Bay Company. He signed a three-year contract as a steersman at a salary of £20 a year and paddled and portaged his way west until he arrived in Alberta to help Peter Fidler found Greenwich House, an HBC trading post near Lac La Biche.

One other interesting thing about Joseph Lewis: He was black. When you picture voyageurs, I know you probably don't imagine them as Afro-Canadian, but black fur traders and explorers were very much a part of our history. The North West Company and the Hudson's Bay Company attracted adventurers from all over, young men of energy and ambition seeking fame and fortune.

Records being scarce, we don't know whether Lewis was an escaped slave or a freeman who was looking for a better life than the new United States could offer. But perhaps we shouldn't be surprised that he headed for the western frontier, where he might hope to be judged by his abilities and not his race.

In the summer of 1810, Lewis joined Joseph Howse on his expedition across the Rockies to the Columbia River. Joseph Lewis wasn't the first black man to cross the continental divide. That honour belongs to York, the Virginia slave who accompanied Lewis and Clark on their 1803 Pacific expedition. But Joseph Lewis belonged to no man. He crossed the Rockies, strong and free, though slavery in the British Empire would not be abolished for another 30 years. When the Howse expedition returned to Edmonton House in July of 1811, they brought back a bounty of furs, valued at £1,500, and priceless intelligence about what they had seen in the West.

Now, Joseph Lewis wasn't the only black voyageur of his era. Stephen Bonga was a fur trader and interpreter who took part in the Bow River expedition in 1822. He was the grandson of Michigan slaves. Glasgow Crawford, another HBC employee who was black, spoke English, French and Iroquois, and worked as a cook and middleman at Fort Chipewyan from 1818 to 1821.

[*Translation*]

Joseph Lewis may have left the most lasting Canadian legacy, however. He and his Indigenous wife, whose name, sadly, we don't know, had two daughters and a son who later settled in the Red River colony as members of the Métis Nation.

• (1420)

[*English*]

As we mark Black History Month, let the story of Joseph Lewis remind us that black history is Canadian history, and Alberta history too.

ROUTINE PROCEEDINGS

PARLIAMENTARY BUDGET OFFICER

ECONOMIC AND FISCAL MONITOR — FEBRUARY 2020— REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the report of the Office of the Parliamentary Budget Officer entitled *Economic and Fiscal Monitor — February 2020*, pursuant to the *Parliament of Canada Act*, R.S.C. 1985, c. P-1, sbs. 79.2(2).

[*Translation*]

CONSIDERATIONS REGARDING THE 2020 TAX AND SPENDING REVIEW—REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the report of the Office of the Parliamentary Budget Officer entitled *Considerations Regarding the 2020 Tax and Spending Review*, pursuant to the *Parliament of Canada Act*, R.S.C. 1985, c. P-1, sbs. 79.2(2).

[*English*]

AUDITOR GENERAL

RESPECT IN THE WORKPLACE—REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the report of the Auditor General of Canada to the Parliament of Canada entitled *Respect in the Workplace*, pursuant to the *Auditor General Act*, R.S.C. 1985, c. A-17, sbs. 7(5).

SENATE ETHICS OFFICER

INQUIRY REPORT TABLED

Hon. Dennis Glen Patterson: Honourable senators, I have the honour to table, in both official languages, the Inquiry Report of the Senate Ethics Officer, dated February 18, 2020, concerning Senator Victor Oh, pursuant to paragraph 48(2)(a) of the *Ethics and Conflict of Interest Code for Senators*.

CRIMINAL RECORDS ACT

BILL TO AMEND—FIRST READING

Hon. Kim Pate introduced Bill S-214, An Act to amend the Criminal Records Act, to make consequential amendments to other Acts and to repeal a regulation.

(Bill read first time.)

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

(On motion of Senator Pate, bill placed on the Orders of the Day for second reading two days hence.)

GREENHOUSE GAS POLLUTION PRICING ACT

BILL TO AMEND—FIRST READING

Hon. Diane F. Griffin introduced Bill S-215, An Act to amend the Greenhouse Gas Pollution Pricing Act (farming exemptions).

(Bill read first time.)

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

(On motion of Senator Griffin, bill placed on the Orders of the Day for second reading two days hence.)

[*Translation*]

L'ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE

MEETING OF THE POLITICAL COMMITTEE, MARCH 5-6, 2019—REPORT TABLED

Hon. Éric Forest: Honourable senators, I have the honour to table, in both official languages, the report of the Assemblée parlementaire de la Francophonie concerning the Meeting of the Political Committee, held in Djibouti, Republic of Djibouti, from March 5 to 6, 2019.

MEETING OF THE COOPERATION AND DEVELOPMENT COMMITTEE, MAY 3-5, 2019—REPORT TABLED

Hon. Éric Forest: Honourable senators, I have the honour to table, in both official languages, the report of the Assemblée parlementaire de la Francophonie concerning the Cooperation and Development Committee Meeting, held in Phnom Penh, Cambodia, from May 3 to 5, 2019.

MEETING OF THE PARLIAMENTARY NETWORK ON HIV/AIDS, TUBERCULOSIS AND MALARIA, NOVEMBER 18-19, 2019—REPORT TABLED

Hon. Éric Forest: Honourable senators, I have the honour to table, in both official languages, the report of the Assemblée parlementaire de la Francophonie concerning the Parliamentary Network on HIV/AIDS, Tuberculosis and Malaria Meeting, held in Kinshasa, Democratic Republic of the Congo, from November 18 to 19, 2019.

[*English*]

CANADA-UNITED STATES INTER-PARLIAMENTARY GROUP

CANADIAN/AMERICAN BORDER TRADE ALLIANCE CONFERENCE, MAY 6-7, 2019—REPORT TABLED

Hon. Michael L. MacDonald: Honourable senators, I have the honour to table, in both official languages, the report of the Canada-United States Inter-Parliamentary Group concerning the Canadian/American Border Trade Alliance Conference, held in Ottawa, Ontario, Canada, from May 6 to 7, 2019.

WESTERN GOVERNORS' ASSOCIATION ANNUAL MEETING, JUNE 10-12, 2019—REPORT TABLED

Hon. Michael L. MacDonald: Honourable senators, I have the honour to table, in both official languages, the report of the Canada-United States Inter-Parliamentary Group concerning the Western Governors' Association Annual Meeting, held in Vail, Colorado, United States of America, from June 10 to 12, 2019.

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

PARLIAMENTARY MISSION TO PORTUGAL, APRIL 15-18, 2019—REPORT TABLED

Hon. Mohamed-Iqbal Ravalia: Honourable senators, I have the honour to table, in both official languages, the report of the Canada-Europe Parliamentary Association concerning the Parliamentary Mission to Portugal, held in Lisbon, Portugal, from April 15 to 18, 2019.

THIRD PART OF THE 2019 ORDINARY SESSION OF THE PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE AND PARLIAMENTARY MISSION TO ITALY, JUNE 24-28, 2019—REPORT TABLED

Hon. Mohamed-Iqbal Ravalia: Honourable senators, I have the honour to table, in both official languages, the report of the Canada-Europe Parliamentary Association concerning the Third Part of the 2019 Ordinary Session of the Parliamentary Assembly of the Council of Europe and Parliamentary Mission to Italy, held in Strasbourg, France and Rome, Italy, from June 24 to 28, 2019.

FOURTH PART OF THE 2019 ORDINARY SESSION OF THE PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE, SEPTEMBER 30 TO OCTOBER 4, 2019—REPORT TABLED

Hon. Mohamed-Iqbal Ravalia: Honourable senators, I have the honour to table, in both official languages, the report of the Canada-Europe Parliamentary Association concerning the Fourth Part of the 2019 Ordinary Session of the Parliamentary Assembly of the Council of Europe, held in Strasbourg, France, from September 30 to October 4, 2019.

[*Translation*]

THE SENATE

NOTICE OF MOTION TO ENCOURAGE CANADIANS TO RAISE AWARENESS OF THE MAGNITUDE OF MODERN DAY SLAVERY AND RECOGNIZE FEBRUARY 22 AS NATIONAL HUMAN TRAFFICKING AWARENESS DAY

Hon. Julie Miville-Dechêne: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, given the unanimous declaration of the House of Commons on February 22, 2007, to condemn all forms of human trafficking and slavery, the Senate:

(a) encourage Canadians to raise awareness of the magnitude of modern day slavery in Canada and abroad and to take steps to combat human trafficking; and

(b) recognize the 22nd day of February as National Human Trafficking Awareness Day.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY THE SITUATION IN HONG KONG

Hon. Leo Housakos: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Foreign Affairs and International Trade be authorized to examine and report on the situation in Hong Kong, in light of last year's pro-democracy demonstrations, when and if the committee is formed; and

That the committee submit its final report no later than May 31, 2020.

[*English*]

QUESTION PERIOD

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

INVESTIGATION INTO UKRAINE INTERNATIONAL AIRLINES PS752 TRAGEDY

Hon. Donald Neil Plett (Leader of the Opposition): Honourable senators, my question is for the government leader in the Senate. Leader, the rail system for passengers and commercial trade alike through much of Canada is at a standstill due to protesters blocking the lines. Our farmers, who have dealt with so much hardship over the past year, need a functioning rail system to get their products to market and to receive machinery.

Leader, what did the Prime Minister do last week while our country almost ground to a halt? He was overseas warmly embracing the Iranian foreign minister and bowing his head to the regime's chief apologist.

Leader, the families of the 57 Canadians who lost their lives when Iran shot down their plane last month are said to be rightfully outraged. We can only imagine their pain at the Prime Minister's behaviour.

Senator Gold, what exactly did the Prime Minister accomplish by shaking hands and making friends with Iran's foreign minister? Is Iran handing over the black box and providing compensation to the families? What was accomplished by this?

• (1430)

Hon. Marc Gold (Government Representative in the Senate): Thank you very much for your question. The government's position has always been clear that with regard to the tragedy that happened and the loss of so many lives — Canadian and others — its priority remains trying to get a full, transparent and accountable investigation under way. This has not been easy, and efforts continue to be made to ensure the

black boxes are transported to France, where they can be properly reviewed. I understand that was one of the objectives of the Prime Minister's meetings to which you refer.

You began your question by properly noting the impact of the rail stoppages and blockages that have affected Canadians from all coasts and across the country. I will simply say that the government is seized with this issue and working diligently to try to bring this situation to a quick and peaceful resolution.

Senator Plett: Clearly that was not the question, leader.

I'm not sure how inviting Iran's chief apologist to tea and making friends with him will resolve this issue. That was the question, and I would like that question answered. After I ask my supplementary question, I will give you the opportunity to answer my first question, because you didn't do so.

Yesterday, the Alberta Wheat and Barley Commissions said the rail blockade is "nearing a crisis situation" for Western Canadian farmers, as millions of tonnes of grain in the Prairies are unable to be exported. Propane shortages due to blockades are another major concern for our farmers' households and businesses, and propane rationing is already taking place in Atlantic Canada.

Leader, what does it say about the Prime Minister's priorities that he chose to stay overseas last week, again, making friends with Iran's foreign minister, seeking votes for the Security Council seat instead of dealing with a growing crisis here at home?

Senator Gold: Thank you for your question. I will try to answer your question more successfully, at least to your satisfaction. I repeat: The engagement that the government is making with Iran flows directly from its commitment and concern about making sure there is both justice for the victims of that tragedy, as well as proper accountability and investigation.

In the broader geopolitical context, the position of the government remains that engagement is a necessary step to provide for some measure of de-escalation in a region that is fraught with tension and poses a danger to the world.

With regard to the concerns you properly expressed about the impact on farmers, businesses and citizens from the ongoing blockages that have been taking place in this country, I've been advised that the government fully understands and is deeply concerned about the impact this has had not only on farmers and small businesses but on Canadians who rely upon freight, rail and other transportation, towns and communities that rely upon services, whether it's propane in my province of Quebec, chlorine for fresh drinking water, and so on.

This is a difficult situation. This chamber needs no lecture from me about how complicated this is in the context of the relationship between Canada and its First Nations and the challenges we face moving forward. The government remains committed to addressing — in a timely and, we all hope, peaceful fashion — the economic impact on all Canadians and the challenges we're currently facing in terms of the underlying issues to this dispute.

PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

BLOCKADE PROTESTS—RULE OF LAW

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, if I may, I will continue on this topic of the rail blockades. This is affecting our entire country, but it is right at home for me in British Columbia. The Coastal GasLink is an important project for B.C., bringing much-needed jobs and long-term benefits to the province. This natural gas pipeline has the backing of all elected band councils along the route and up to 85% support of votes held in affected communities. With these statistics in mind, we, as a province, are looking to move forward on this.

When the rail blockades first began, Minister Garneau said it was a provincial matter. The Prime Minister remained out of the country for most of the time. He is now back and we are seeing what is happening. However, federal leadership has been lacking in the face of the damage inflicted on our economy and on communities across the country.

Senator Gold, the crux of my question relates to the rule of law. What is your government doing to uphold the rule of law and put an end to the blockades that have caused one of the largest rail service disruptions in memory?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. I think we all understand the frustration of Canadians and, perhaps, the desire of many for the government to take firm action, clear the protesters out and clear the way. The blockades are not only inconveniences; they are having a serious impact on our country.

We must also recall the situation of Indigenous communities whose rights have been compromised — and not just over the last 12 days but for decades, if not longer — and recognize there are underlying challenges that, with respect, facile solutions would not fix but could aggravate.

All senators in this chamber understand that the government does not control police operations. There is discretion given to police, whether the RCMP or provincial police, and the government is not and should not be directing how operations take place.

Indeed, sadly, we know from our own experience — and my own experience in the province of Quebec, in Oka and Ipperwash and elsewhere — that managing these conflicts requires a delicacy, tact and patience that I understand few people can muster, given the impact of all of this. However, nation-to-nation dialogue and proper communication is the only way forward. I note that National Chief Perry Bellegarde has recently called for

calm, constructive nation-to-nation dialogue involving the federal and provincial Crowns, the hereditary chiefs and elected band officials. As he said:

> It's on everybody. It doesn't rest on any one person. I'm calling on all parties to come together, get this dialogue started in a constructive way.

That's what the government is attempting to do, and I'm advised they will continue to do it until we can bring this to a timely result.

Senator Martin: I am listening carefully and I understand the sentiment behind what you're saying. However, when we watch the news, we see the containers that are piling up, waiting to be unloaded, and the rails shut down. What is happening is beyond talking and dialogue.

Does the government have an action plan for moving this along? How long will this take? In the meantime, as Senator Plett pointed out, what is happening is hurting communities and Canadians all across this country, as well as small businesses, especially our farmers, and putting people out of work.

I understand the importance of dialogue, but we are listening for an action plan. Would you specify what that plan is?

Senator Gold: I repeat: I understand and the government understands the significant impact this is having on the economy of this country and on the lives of Canadians. The government is deeply engaged in this. As you know from reading the newspaper, the Prime Minister and senior ministers have been meeting for days. I am advised that they are developing a plan of action, which they will share with Canadians as soon as they feel it is right.

• (1440)

But in the meantime, the position of the government is not that dialogue for the sake of dialogue is an answer to the impact that this is having on Canadians. It is rather that, in the very difficult, challenging and complicated circumstances in which we find ourselves, it is the only safe path forward to resolve this issue. That is why the government remains committed to working with First Nations; working with both hereditary and elected chiefs of the provincial governments, which have a role to play; working with the industry in British Columbia; and working with leaders across the country in order to find a path out of this challenging dilemma for the benefit of Canadians.

HEALTH

PROVIDING CARE TO THOSE LIVING WITH DEMENTIA

Hon. Tony Dean: Honourable senators, my question is for the Government Representative in the Senate.

Senator Gold, we know that seniors are the fastest growing demographic in Canada. By 2037, the number of seniors will reach 9.6 million, representing close to one quarter of Canada's population. On average, nine seniors are diagnosed with dementia every hour in Canada. After the age of 65, the risk of being diagnosed with dementia doubles every five years.

Some communities with high numbers of seniors are becoming overwhelmed with these numbers, including the Waterloo region in my province of Ontario. It is expected that Waterloo will see a 34% increase in dementia diagnoses by the end of this year alone. That will have a significant impact on hospitals and long-term care facilities and, of course, on patients and their caregivers, many of whom are family members and predominantly women.

Senator Gold, we likely all know someone in our families or communities who have been touched by dementia and the strain that can place on caregivers. Can you tell us what the government is doing to respond to this emerging challenge in order to support people living with dementia and their caregivers?

Hon. Marc Gold (Government Representative in the Senate): I thank the honourable senator for the question.

I'm sure everybody in this chamber shares the concern that you've expressed, not only for those who suffer from dementia but for the families and caregivers who take care of them. I'm advised that the government takes this seriously as a matter of principle and importance to the country.

To answer the question more tangibly, I'm advised that the government has been increasing funding to a number of programs. That includes the New Horizons for Seniors Program, which is a federal grants and contributions program that was launched in 2004 to support projects that help improve the well-being and quality of life of seniors generally. In Budget 2019, there was an additional $100 million committed over five years for that project.

With regard to more specific projects, I have been advised as well that the government recently committed $3 million through that project for another project in the Waterloo area which will attempt to bridge the gaps between research, education and practice by fostering and supporting intergenerational relationships between students, educators and community members, including, of course, seniors who live with mild to moderate dementia and their caregivers.

In addition, I have been advised that, in 2018, the government launched the Dementia Community Investment fund to specifically support community-based projects aimed at improving health and well-being. I would be happy to share more of those details with you on another occasion. I'm sure there are many people waiting to ask questions of me. Thank you for your question.

DEMOCRATIC INSTITUTIONS

NON-RESIDENT VOTE MANIPULATION

Hon. Donna Dasko: Honourable senators, my question is to the government leader in the Senate. In the Forty-second Parliament, senators approved significant changes to Bill C-76, An Act to amend the Canada Elections Act.

In my view, all of the changes to election procedures in that bill were improvements over previous arrangements, particularly the improvement to make voting more accessible to all Canadians. During consideration of that legislation, however, concerns were raised about extending the franchise to all Canadians living abroad. Some colleagues worried that extension would expose our electoral system to the threat of significant foreign influence. It was even suggested that enfranchising Canadians who had lived abroad for more than five years could be akin to handing a "whole stack of ballots" to a totalitarian government.

This morning, just a couple of hours ago, Elections Canada released a report on the 2019 election. While they provided numbers on non-resident voting, the report made no mention of security concerns with respect to those voters. My question is as follows: Did Elections Canada monitor or identify any instances or examples of voter manipulation of non-resident voters by foreign governments or other forces?

Hon. Marc Gold (Government Representative in the Senate): I thank the honourable senator for her question. It's an important one. I do not know the answer to the question, but I will undertake to enquire and report back to the chamber. Thank you.

AGRICULTURE AND AGRI-FOOD

COMPENSATION FOR SUPPLY MANAGED FOOD PRODUCERS

Hon. Robert Black: Honourable senators, my question is for the Government Representative in the Senate.

International trade deals have been signed and promises have been made by this government to many industries across Canada. The Comprehensive Economic and Trade Agreement, or CETA, and the Comprehensive and Progressive Agreement for Trans-Pacific Partnership, also known as CPTPP, have been ratified and have already come into force. Our supply-managed sectors have taken hit after hit after hit from this government. Compensation and mitigation packages have been paid to some supply-managed sectors, yet others are still waiting for promises to be fulfilled by this government.

Under the CPTPP, the government committed to full and fair compensation for supply-managed farmers. However, chicken farmers and dairy processors are still awaiting their mitigation packages as a result of the CPTPP trade deal. Now I hear concerns from dairy processors regarding the coming-into-force date for CUSMA — the Canada-United States-Mexico Agreement — and the effects it will have on their industry.

My question is this, Senator Gold: Will the government get moving on the CPTPP compensation as previously promised, and will they ensure that compensation and mitigation packages are provided in a timely fashion after CUSMA is ratified, while ensuring that the coming-into-force date does not negatively affect this sector once again?

Hon. Marc Gold (Government Representative in the Senate): I thank the honourable senator very much for his question.

Again, your concerns are important and I'm sure they are shared by all. Our supply-managed sectors are important economic drivers generally and a source of livelihood for so many families across the country. The dairy, poultry and egg sectors contribute approximately $30 billion annually to our GDP, sustaining 340,000 jobs or so.

Regarding the CPTPP, the Trans-Pacific agreement, it goes without saying that complex trade agreements such as that will never satisfy every sector or every individual. However, I'm advised that the government remains firmly and fully committed to fairly and fully supporting farmers, including its budget commitment in 2019 for up to $2.15 billion in direct compensation for Canadian egg, dairy and poultry farmers to offset the impacts that they will suffer from both the Trans-Pacific pact and CETA.

Having had some advance warning — or notice, I should say — of your question, I did ask the responsible minister for information on the timing of the compensation because that's of critical importance to those still waiting for it. Unfortunately, I have not received the information in time to share it with you now.

Allow me to cite the president of the board of directors of the Dairy Farmers of Canada. He said this with regard to Budget 2019:

> The federal government recognizes the impact of trade agreements on our sector and is following through on its commitment to support our domestic dairy industry.

And so I'm assured by the government that they remain fully committed to ensure that the Trans-Pacific compensation packages are done in a timely fashion.

The latter part of your question referred, of course, to CUSMA. I have been advised by the government that the timely ratification of CUSMA is not only important but is considered to be critical and in the national interest. I will make inquiries of the government and would be pleased to report back to the chamber in due course. Thank you.

INDIGENOUS AND NORTHERN AFFAIRS

BLOCKADE PROTESTS—RULE OF LAW

Hon. Lillian Eva Dyck: Honourable senators, I would like to return to the questions posed to Senator Gold by Senator Plett and Senator Martin with regard to the rail blockades and what is going on in British Columbia with the Wet'suwet'en situation.

The rail blockades are certainly having a negative impact on farmers and on propane transport through the rail system; I agree. Unfortunately, those kinds of situations are necessary in order to draw attention to the really critical issue, which is the nation-to-nation relationship between Canada and the Wet'suwet'en.

• (1450)

This government said it was committed to a nation-to-nation relationship, yet we could see that the situation has developed in northern B.C. over the last several years and the government does not seem to have a plan B. What were they going to do, because we knew this was going to happen?

Within the Canadian system there are five different ways of governing Indians, First Nations. The two we are talking about today are the Indian Act, a system of chief and council who are just like administrators; they are really not a form of self-government. There are self-governing nations. There are very few, maybe one or two dozen. Then there are the hereditary chiefs. The hereditary chiefs have a solid case through the court system that they are the government, but what is Canada doing to recognize this? We are on the brink of something really important here, and I'm very disappointed that the government does not have an action plan, does not seem to know the way forward. On the other hand, I'm impressed with Minister Miller because he went to them on their own terms saying, "I want to speak to you with respect to the Silver Chain Covenant." The other ministers don't seem to do that. We talk about the rule of law, but whose law —

The Hon. the Speaker: Senator Dyck, I know this is a very important issue, but we do have other senators who wish to ask questions.

Senator Dyck: Yes, I will wrap up with a question shortly.

What happened to the rule of law, of Indigenous law, in the Wet'suwet'en Nation? What happened to their rights and when is Canada going to recognize them?

Some Hon. Senators: Hear, hear.

Hon. Marc Gold (Government Representative in the Senate): Thank you, honourable senator, for your question. You've raised a fundamental issue. The challenge that Canadians, this government and previous governments have faced is partly one of political will. This government is committed to move forward on a nation-to-nation basis, but there is work that still needs to be done within the various communities, whether that's the provincial governments, the federal government or even within the nations themselves. I've been advised that in the lead up to this project, which has become the flash point for this, there were hundreds if not thousands of meetings with hereditary chiefs and elected band council members, and a complicated diversity of opinion within the nation itself.

The government is hoping that in the nearest term, we can de-escalate the situation and get to work on addressing the problems that have been with us for a very long time, certainly with regard to the nation since the Supreme Court decision recognized that title some 25 years ago. Thank you for your question.

FINANCE

EXEMPTION FROM CARBON TAX FOR AGRICULTURAL PRODUCERS

Hon. Denise Batters: Honourable senators, the Trudeau government's former Saskatchewan cabinet minister Ralph Goodale promised last spring that farms and agricultural operations would be completely exempt from carbon tax for normal farming operations, yet the Trudeau government charged farmers thousands of dollars in carbon tax on fuel to run their grain dryers and then charged them GST on top of that carbon tax.

Senator Gold, my dad sold grain dryers to Saskatchewan farmers for almost 40 years. I can assure you that grain drying is not only a normal farming operation, but it is absolutely essential for the harvest from hell that Saskatchewan has just endured. When will this Trudeau government live up to its promises and exempt farmers completely from this punishing carbon tax?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. The government is very aware of the impact that carbon pricing has on different sectors of the economy and particularly on farmers. Although the government remains committed to the view that putting a price on pollution, carbon tax, is the best way forward, it is listening and listening carefully to the concerns of those who are affected particularly strongly by it, including the farming community. The government understands the challenges facing the farming community, including the difficulties — and perhaps that's understating it — of last year's harvest, exacerbated by other challenges in the market and otherwise. I have been advised that the government is committed to finding practical solutions to the issues farmers face and that the Minister of Environment and Climate Change is working closely with the Minister of Agriculture in an effort to find solutions.

Senator Batters: Senator Gold, the current Liberal Agriculture Minister claims she needs more evidence to prove the carbon tax is adversely impacting farmers. Well, Senator Gold, here is some evidence you can take to Minister Bibeau. Farmer Kenton Possberg of Humboldt, Saskatchewan, sent me a copy of his fuel bill from last October. In that one single month, he paid $2,980 in just carbon tax and GST alone for his grain drying. The tiny annual carbon tax rebate does not even begin to scratch the surface of a massive bill like that. This issue has been raised numerous times at all levels of government. Premier Moe addressed this issue directly with Prime Minister Trudeau months ago. Farmers have given this government all the evidence it needs. It's time for a little less conversation and a little more action. When will your government finally deliver relief from this oppressive carbon tax?

Senator Gold: Again, thank you for your question. The government is committed to its carbon tax policy, but it is equally committed to finding ways to mitigate the effects where appropriate. The government will continue to work with farmers, listen to evidence and continue to seek the best possible policy alternatives and solutions for the benefit of Canadian farmers and for Canada generally.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

CANADA-CHINA RELATIONS

Hon. Leo Housakos: Honourable senators, I have a quote that I would like to read:

> . . . I'm a bull on China. . . . I probably drank the Kool-Aid there for too long.

Colleagues, you may not recognize that, but it comes from our current Canadian Ambassador to China, Dominic Barton. Mr. Barton was still managing director of consulting firm McKinsey at the time, a firm that has a very close relationship with the Chinese regime. Leader, we are told by your government that those close ties are assets for Mr. Barton in his new role as our ambassador. Here we are, more than a year since two of our citizens were arbitrarily detained and taken into custody in China and have been treated abysmally. What have we done, government leader? We continue to invest in the Asian Infrastructure Bank. We continue to send parliamentary and ministerial delegations to China. It seems to be business as usual. Now we have an ambassador who admits he has been drinking China's Kool-Aid.

That's not Ambassador Barton's only worrisome comment on China. We have some new ones from when he appeared before the parliamentary committee over in the House a couple of weeks ago. He testified that he did not know about China's internment of minority Muslims, that McKinsey didn't know about it despite the fact that in 2018, they held a corporate retreat just 6 kilometres away from one of these massive concentration camps.

Also during this testimony, Ambassador Barton acknowledged he had met with Huawei executives and discussed the case of Ms. Meng Wanzhou, when Mr. Barton assures us those talks were in no way negotiations for a prisoner swap, or so he says. The ambassador also spoke of his first meeting with Chinese officials and he described them by saying that Canada is very angry but the Chinese are very, very, very angry, as if there is some equivalency. Drinking the Kool-Aid, at this point, sounds like he's making the Kool-Aid, in this particular case.

Government leader, is Mr. Barton Canada's ambassador to China or is he there to be an apologist for the Chinese government? When is this government going to start taking action when it comes to defending the rights and interests of Mr. Kovrig and Mr. Spavor?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. There was a lot in your question and there is a lot in the Canada-China relationship. It's complex. We have a long-standing relationship with China, and it is not always an easy one. We are going through some very difficult issues.

• (1500)

No matter what the issues are — and I will try to address the ones you mentioned — it is important that we remain clear about what Canadian values are, on the one hand, and that engagement with our large and important trade partner and major world power that is China remains constructive and open.

With regard to the Canadians, the two Michaels, Michael Kovrig and Michael Spavor, all Canadians are troubled by their arbitrary detention and the conditions that they continue to be held in. The government continues to call for their release at every opportunity and raises this issue with them at the highest levels. It is important that we as Canadians stand together in support of our efforts that they be freed.

The Hon. the Speaker: I'm sorry, Senator Gold, but the time for Question Period has expired.

ORDERS OF THE DAY

ETHICS AND CONFLICT OF INTEREST FOR SENATORS

FIRST REPORT OF COMMITTEE—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Sinclair, seconded by the Honourable Senator Patterson, for the adoption of the first report (interim) of the Standing Committee on Ethics and Conflict of Interest for Senators, entitled *Developments and actions in relation to the committee's fifth report regarding Senator Beyak*, deposited with the Clerk of the Senate on January 31, 2020.

The Hon. the Speaker: Honourable senators, pursuant to rule 12-30(2), a decision cannot be taken on this report, as yet. Debate on the report, unless some other senator wishes to adjourn the matter, will be deemed adjourned until the next sitting of the Senate.

Is that agreed, honourable senators?

Hon. Senators: Agreed.

(Pursuant to rule 12-30(2), further debate on the motion was adjourned until the next sitting.)

[*Translation*]

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

MOTION TO AFFECT COMMITTEE MEMBERSHIP AND AUTHORIZE COMMITTEE TO STUDY SUBJECT MATTER OF BILL C-4— DEBATE ADJOURNED

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of February 6, 2020, moved:

> That, notwithstanding rules 12-2(2), 12-3(1) and usual practice, the Honourable Senators Ataullahjan, Boehm, Bovey, Cordy, Coyle, Dawson, Dean, Greene, Housakos, Massicotte, Ngo, Plett and Saint-Germain be appointed to serve on the Standing Senate Committee on Foreign Affairs and International Trade until a report of the Committee of Selection recommending the senators to serve as members of the committee is adopted or the members are otherwise named by the Senate;
>
> That the Standing Senate Committee on Foreign Affairs and International Trade be authorized to examine the subject matter of Bill C-4, An Act to implement the Agreement between Canada, the United States of America and the United Mexican States, introduced in the House of Commons on January 29, 2020, in advance of the said bill coming before the Senate; and
>
> That, for the purpose of this study, the committee have the power to meet, even though the Senate may then be sitting or adjourned, and that rules 12-18(1) and 12-18(2) be suspended in relation thereto.

She said: Honourable senators, I move the motion standing in my name.

[*English*]

Hon. Marc Gold (Government Representative in the Senate): Honourable senators, I rise today to speak to Government Motion No. 9, which proposes to strike the Standing Senate Committee on Foreign Affairs and International Trade on an interim basis to review Bill C-4, implementing legislation for the Canada-United States-Mexico Agreement, otherwise known as CUSMA.

Membership of this committee would be based on the configuration of the committee from the previous Parliament and would remain in place until the Committee of Selection produces a report recommending membership or a new committee is struck.

The precedent for striking an interim committee to deal with matters of a pressing nature is not a new phenomenon for the Senate. Senators will recall that, as recently as December, the Senate National Finance Committee was established for an interim period to review the supplementary estimates so that part of the government spending plans could be implemented and approved before the end of 2019.

[*Translation*]

Honourable senators, it may take some time for the negotiations on the committee membership to conclude. However, that shouldn't stop us from taking initiative and getting to work on a pre-study of the agreement between Canada, the United States, and Mexico.

The Standing Senate Committee on Foreign Affairs and International Trade studied important legislation on free trade during the last Parliament, including Bill C-30 on the Canada-European Union Comprehensive Economic and Trade Agreement, and Bill C-79 on the Comprehensive and Progressive Agreement for Trans-Pacific Partnership. Members of that committee have the necessary knowledge and expertise to do an appropriate and in-depth examination of the effects of this agreement on our trade relations within the biggest free trade zone in the world.

[*English*]

The timely implementation of CUSMA through Bill C-4 is vitally important to Canada. It would enable businesses to benefit from the modernized elements of the new agreement while giving greater market certainty and stability to provinces and territories.

For years now, senators, the Government of Canada has worked in a non-partisan fashion in partnership with provincial governments of all stripes to ensure that Canada secures a good deal with its most important trading partner. It would be an understatement to say that the stakes were and remain very high.

This agreement was secured through what we might call a team Canada approach, involving industry, provincial governments of all denominations, former prime ministers and former cabinet ministers of all stripes. It was very intense work.

Now with this motion, I'm asking, on behalf of the Government of Canada, that the Senate takes the baton and contributes to the effort to bring CUSMA to a successful fruition.

[*Translation*]

To be clear, this motion does not prevent Bill C-4 from being studied once it has been passed by the other place. However, a preliminary study will position the Senate to proceed to an effective examination of the bill and gain considerable trust from premiers, industry, and our trade partners by indicating that the Senate is ready. As senators know, Mexico and the United States have ratified this agreement and they want Canada to do the same.

[*English*]

As a result, the eyes of Mexico and the United States are on Canada right now and, by extension, on Canada's upper chamber. If we were to pass this motion and undertake this work, the Senate of Canada would send a tremendously positive signal of momentum to our two trading partners. And I cannot stress enough how helpful it would be at this stage to send such a signal to our counterparts.

From a domestic standpoint, industry leaders have expressed a very strong and united desire for a smooth and effective ratification process, underscoring the need for a collaborative approach among parliamentarians to get CUSMA to a successful and timely completion. If you will indulge me, I would like to quote just a small sample of the views expressed by industry upon the tabling of Bill C-4 in the other place.

The Canadian Steel Producers Association released the following statement:

> The CSPA is urging all members of the House of Commons and the Senate of Canada to support this Bill and swiftly ratify the Canada-United States-Mexico Agreement (CUSMA). Implementation of the CUSMA is critical to strengthening the competitiveness of Canadian and North American steel industries and ensuring market access in the face of persistent global trade challenges and uncertainty. . . . We believe this deal to be a critical step forward for our future and are counting on all Parliamentarians to come together and ratify the agreement without delay.

The Grain Growers of Canada expressed a similar view:

> Grain Growers of Canada (GGC) is urging the Government of Canada to ratify the Canada-United States-Mexico Agreement (CUSMA) as soon as possible. In doing so, Canadian farmers can begin experiencing the benefits of stable, reliable trade with the USA and Mexico. . . . GGC agrees that ratifying this agreement is essential to Canadian farmers and to Canadian trade, and is calling on all parties to come together to support the quick passage of CUSMA. . . .
>
> The success of Canadian agriculture is not a partisan issue . . . We urge all parties to work together to see the legislation through.

From the Canadian Cattlemen's Association:

> We strongly encourage nonpartisan collaboration to enable swift ratification and implementation of the new NAFTA. This is of utmost importance to the Canadian beef industry.

In a joint statement released on January 29, the Business Council of Canada, the Canadian Agri-Food Trade Alliance, the Canadian Chamber of Commerce and Canadian Manufacturers & Exporters echoed these sentiments:

> We call on Members of Parliament and Senators from all parties to make the ratification and implementation of CUSMA a top priority. Above all else, the agreement restores much needed certainty to our most important trade and investment relationship.
>
> This is about certainty and North America's ability to compete with the world as an integrated market. It is time for Canada to follow suit and ratify.

• (1510)

Last but not least, all of Canada's premiers have called on the Parliament of Canada to move quickly on the ratification and passage of this bill. This past January 23, the premiers spoke with one voice through the Council of the Federation. Together they stated:

> Canada's Premiers welcome the ratification of the Canada-United States-Mexico Agreement (CUSMA) by the United States (US) and Mexico. Premiers urge the Government of Canada and all federal parliamentarians to move quickly to ratify this agreement. . . .
>
> Given the importance of this trading relationship to Canada's economy, Premiers encourage members of the House of Commons and the Senate of Canada to ratify CUSMA as quickly as possible. Timely ratification will enable Canadian businesses to benefit from the modernized provisions of the agreement restoring market certainty and contributing to Canada's economic prosperity.

Senators, as a chamber constitutionally charged with ensuring that the interests of the regions are properly represented, I believe it is incumbent upon us to hear the clear, unambiguous and unanimous call of our premiers. In my view, given that Mexico and the United States have ratified CUSMA, and given its crucial importance to the Canadian economy, this motion is very much in the national interest. I'm hopeful that as part of the pre-study process, the Senate will rise to the occasion and conduct our work in a collaborative, efficient and effective manner.

More importantly, I believe it will signal to our allies the seriousness that this Parliament places on moving forward with the ratification of this agreement as part of our all-Canada, our Team Canada approach. Thank you, senators.

Hon. Leo Housakos: Will the government leader take a question?

Hon. Lucie Moncion (The Hon. the Acting Speaker): Yes. Please proceed, Senator Housakos.

Senator Housakos: Government leader, you cited a number of stakeholders who think it's pressing and important that we rush this agreement as quickly as possible. With any trade deal, you know there are winners and losers, and you can go through a long list of benefactors of a trade deal. You can also go through a list of detractors and people concerned about a trade deal.

You also mentioned how this trade deal is crucial to the Canadian economy and how the government is calling upon Parliament to pass it expeditiously. We also agree that Parliament has to do its due diligence, especially under the context of this agreement.

If this agreement is so crucial, and we know the Americans ratified it many months ago and the Mexicans even longer than that, why didn't the government, after the election, call back Parliament much more expeditiously than it has — it waited over two months to call back Parliament — in order to do the diligent work required on this deal? It's crucial.

Senator Gold: Thank you for your question. The motion that is put before you is looking forward to the responsibility that we in this chamber have to do our part, as parliamentarians, in the national interest. It is not particularly to the point to ask why it took the government time to form its government or its cabinet, so I will simply repeat what I said before. I assume that we all understand the importance of this agreement for the well-being of Canada, and once again, I urge you all to support the motion for the pre-study so that the Senate can do its job fully and effectively, which is our duty, and make sure the agreement is properly reviewed in this chamber and properly dealt with in an expeditious way.

Senator Housakos: Thank you, government leader. We all agree that Parliament should take the time to do its due diligence in an appropriate fashion, particularly given the fact that these negotiations were unprecedented. We have never seen a situation in a three-way negotiation where two bilaterally negotiated the deal, and then President Trump pushed our government around for a few weeks, giving him ultimatums when to sign the deal.

Will you make a commitment on the floor of this chamber that this chamber will not be pushed with some sort of deadline of when we should ratify this agreement, but rather give us your commitment that you will allow the Foreign Affairs and International Trade Committee and this chamber to do its due diligence without undue pressure in terms of timelines from the government?

Senator Gold: Thank you for your question.

The purpose of doing a pre-study is precisely so that the Senate has the maximum amount of time for its views to be heard and the maximum amount of time for us to be in a position of not starting from ground zero when the bill arrives. We have tremendous experience in this chamber, and I expect we will put it to good use to make sure this agreement is properly reviewed.

It remains a priority of the government, for reasons that need not be elaborated here, that time is not our friend with regard to the ratification of the agreement and it is important — for the stability of our relationships with both the United States and Mexico, and for the well-being of all stakeholders within Canada — that ratification be done in a timely fashion. To that end, again, I ask for your support when we do arrive at the time to vote on this motion s, that we can move ahead with our pre-study, so the Senate can do its job as Canadians expect us to do.

Hon. Donald Neil Plett (Leader of the Opposition): I have a supplementary question. It's related to the non-answer that we just heard. Leader, Senator Housakos asked a question about why, and in your answer, you said that we shouldn't be asking whether there are some underlying reasons. I don't want to put words in your mouth, and we can certainly read the transcript later on, but you implied that there may be reasons why we need to hurry this along. If there are reasons, if we are under threat, then we need to know what the reasons are, and if they aren't, leader, then you need to say that, because you implied that there may be something there and that if we don't ratify this quickly, something will happen.

Senator Gold: Thank you for your question. It gives me the opportunity to clarify.

To the best of my knowledge, nobody has advised me that we were under threat. I was simply taking, if you'll pardon my legal training, judicial notice or, in this case, parliamentary notice, of the volatile situation that we face with regard to our major trading partner. It is simply the case that with the United States and Mexico having ratified the agreement, all expectations are that Canada will ratify the agreement. That's the desire of our industry, unions, premiers and this government. Indeed, I have no doubt whatsoever that Canada is a trading country, and this has been a non-partisan effort all the way through.

I am getting used to this role and trying not to fall into traps. I was not intending to allude to any threat, of which I'm completely unaware. But there is always a risk that when you're dealing with a volatile trading partner, such as we are now, time is not our friend, and that the ratification of this agreement in a timely fashion is in the best interests of Canada.

Hon. Percy E. Downe: Senator Gold, Canadians notice that members of the American Congress and American Senate proposed amendments to the trade deal, which were accepted by the American government and then the Mexican and Canadian governments. Is it the position of the Government of Canada that they will accept amendments to the deal from Canadian parliamentarians?

Senator Gold: To the best of my knowledge — and thank you for the question — it is not the position of the government that it would be wise to try to reopen negotiations with either Mexico or the United States. I believe it is the position of the government that this is a very good agreement for Canada and that our national interest is best served by ratifying the agreement as was negotiated.

Senator Downe: As you know, in the past, the government advised the Foreign Affairs and International Trade Committee of the Senate that the deal was either accepted or rejected. But given what happened in the United States, I assume the government would be open to suggestions from various industries that could improve the deal for Canadians, as the American members of Congress and Senate did.

I appreciate you're new to the job, but would you consult with the government, and if there is a different answer than what you gave today, would you inform the Senate?

• (1520)

Senator Gold: As I have said in this chamber before, I see my responsibility as being the Senate's conduit to the government for these types of questions.

There is no doubt that the government remains committed and concerned about making sure that the agreement, its implementation and all the details that follow serve Canadians and all sectors of Canada well. I will certainly inquire and be happy to report back.

Hon. Michael L. MacDonald: Senator Gold, you mentioned in your remarks that both the United States and the Mexican governments approved this deal expeditiously. Of course they did because they drew it up. We were not in the room.

Have you been given an indication from the government that we have no leeway at all in amending this agreement, that we have to be coerced to accept all aspects of this agreement? Can we finally give this agreement the due diligence that we did not give it when it was drawn up?

Senator Gold: Thank you for your question. Respectfully, the assumptions and the premise of your question are really quite incorrect.

I am advised that our negotiators, both the professional negotiators and the teams of parliamentarians and others who surrounded them, did a magnificent job in the negotiation, that this is a deal that is significantly improved for Canada over the others. According to the best information that has been provided to me and that I can share here, the assumption that we were somehow coerced into a deal or were not at the table is factually untrue. On the contrary. Canadian negotiators in this agreement, as with CETA and others, are nonpareil. I have every confidence that the agreement to which they were intimately involved at every step of the way was improved significantly because of the professionalism and expertise of our negotiating teams.

Senator MacDonald: In terms of us being intimately involved, I was in Rye Brook, New York, at the state government's meeting in August, a few months before the agreement was settled, a few weeks before the agreement was put together. I was approached by Dan Ujczo, who is the leading trade lawyer on international trade. He walked up to me and said, "Senator MacDonald, you'll be interested in this: The Americans and the Mexicans are meeting today to work on the free trade agreement and Canada is not in the room." So the idea that we were always intimately involved is simply not true.

Second — and I agree with you on this — my experience with our embassy in the U.S. has been nothing but positive. The people we had representing us and working for us in Washington, including the ambassador, showed the greatest of ability. They were very cooperative and very helpful, but they weren't the problem. The problem was the relationship or lack of a relationship that our government had established with the Americans.

As someone who has been on the Canada-U.S. IPG for 11 years and vice-chair for many years and now the co-chair for about four years, I am very unhappy with the way we handled this relationship with the U.S., our biggest trading partner. We had the pole position in this and we squandered it. We have the right now to find out, since we did squander it, what it cost us.

Senator Gold: I can find a question in that statement. Senator, given your experience in complicated three-way agreements with many sectors, chapters and dimensions, you know as well or better than many that issues do arise that sometimes affect only specifically one or two of the partners.

I am advised that, of course, there were moments and occasions when the United States negotiators and their counterparts from Mexico had to work through some difficult issues. There are public matters about labour standards, as you know, not unconnected to positions that Canada has been taking in these negotiations. At other times, there would have been issues that affected only Canada and the United States, and specific meetings would have been held.

The important point, though, is that Canadians can be proud and gratified of the process. The position of the government is — and I cited only a handful who supported this, including members of your party — that this is a deal that is very good for Canada. This would not have been a good deal for Canada if it was coerced upon us or if we were out of the room. That's not what happened. We should all be thankful that the agreement happened as it did.

Senator Housakos: Government leader, any access to the U.S. market is outstanding good news for the Canadian economy. However, in this particular instance, this trade deal gives us less access than the original NAFTA agreement. That's a whole other story.

As government leader, will you give a commitment to honourable senators that when we start the pre-study at Foreign Affairs and International Trade, that the lead negotiator and the minister who was the lead minister on the file will come before the committee? Will you seek that assurance on behalf of the government for us?

Senator Gold: Whatever process this chamber ultimately agrees to, I would welcome hearing from the minister and the negotiators. We can work together.

I would be delighted to work together on this. It's important that senators and Canadians understand the evidence as fully as can be achieved and shared in a public forum. I undertake to work with you and anyone in this chamber to put together a process as quickly and as fulsomely as we can so that we have the full benefit of their input.

(On motion of Senator Martin, debate adjourned.)

CANADA–UNITED STATES–MEXICO AGREEMENT IMPLEMENTATION BILL

DECLARATION OF PRIVATE INTEREST

Hon. Scott Tannas: Honourable senators, I wish to note for the record that I believe I have a private interest that might be affected by government motion No. 9 regarding the Canada-U.S.-Mexico agreement pre-study and all other steps to come in the legislative process relating to the agreement.

This matter is now before the Senate, even if it is in a pre-study. The general nature of my interest is that I am chairman and have an ownership interest in Foothills Creamery, maker of fine butter and ice cream, a company that is involved in the dairy processing industry in Canada, which may be impacted by this legislation.

The Hon. the Acting Speaker: Honourable senators, Senator Tannas has made a declaration of private interest regarding government motion No. 9, and in accordance with rule 15-7, the declaration shall be recorded in the *Journals of the Senate*.

• (1530)

DEPARTMENT OF PUBLIC WORKS AND GOVERNMENT SERVICES ACT

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Diane F. Griffin moved second reading of Bill S-206, An Act to amend the Department of Public Works and Government Services Act (use of wood).

She said: Honourable senators, I rise today to speak to Bill S-206, An Act to amend the Department of Public Works and Government Services Act (use of wood).

This bill may be familiar to most of you because I sponsored its previous incarnation when it came to us from the other place in the Forty-second Parliament. The bill is straightforward; it amends the Department of Public Works and Government Services Act by stipulating that:

> In developing requirements with respect to the construction, maintenance or repair of public works, federal real property or federal immovables, the Minister shall consider any reduction in greenhouse gas emissions and any other environmental benefits and may allow the use of wood or any other thing — including a material, product or sustainable resource — that achieves such benefits.

In brief, the legislation requires that when the government is building or refurbishing publicly owned property that it consider using wood as a material and that the comparative carbon footprint of materials be considered.

I've seen first-hand that engineered wood can be used in the construction of buildings. Two years ago, our Standing Senate Committee on Agriculture and Forestry travelled to British Columbia. We had the opportunity to visit Brock Commons, an 18-storey student residence on the UBC campus. It's a beautiful structure, and it exemplifies some of the best qualities of engineered wood buildings.

Engineered wood structures sequester carbon. The production of engineered wood beams is less intensive than concrete or steel, and the carbon within the wood is stored for the life of the building. Given that buildings account for approximately 50% of carbon emissions, adopting this technology more widely could help us meet our GHG emission targets.

Engineered wood structures can be erected quickly. British Columbia's forestry Crown corporation notes that, using a crew of nine, the mass timber construction of Brock Commons Tallwood House was completed less than 70 days after the prefabricated components arrived on the site. Also, using wood supports the Canadian forest industry, which has suffered in the face of large duties from our neighbours. A healthy forestry industry means more jobs for forestry workers in rural Canada.

This is an area in which the federal government can really lead the way. This legislation would require that the use of wood be considered when building, maintaining or repairing federally owned buildings. Being considered is the largest hurdle for the adoption of this technology. Too often, building with engineered wood is dismissed because of fears about fires. But as Caroline Delbert explained for *Popular Mechanics* last month:

> If a building is made with a solid wooden structure, it isn't consumed by fire the same way plywood is, for example. Plywood has flammable glue, making it more vulnerable than solid wood. Medium density fiberboard (MDF) and oriented strand board (OSB) are both also pretty flammable. But solid wood tends to burn on the outside while the inside remains untouched, like trying to start a campfire by throwing in only solid logs.

As the largest procurer in Canada, the federal government's use of engineered wood in even a handful of projects could begin to turn the tide. As architect Michael Green told the Natural Resources Committee in the other place in 2017:

> . . . it's really, again, just an emotional shift that has to happen to embrace the science we already know.

Other countries, including France, Finland and the Netherlands, have similar legislation in place. In Canada, the provinces of British Columbia and Quebec passed legislation to support the construction of engineered wood buildings in 2009. Other provinces are coming on board. Less than a month ago, Alberta's Minister of Municipal Affairs, Kaycee Madu, announced that Alberta would now allow wood building construction for up to 12 storeys. He noted that:

> Not only will this decision support the forestry industry and land developers, it will provide affordability to home buyers, bolster employment and give Alberta a competitive advantage.

In Ontario, builders are seeing the potential of using engineered wood. A 10-storey building is in the works at George Brown College, and other developers are using mass-timber construction technology in order to make their projects more sustainable and larger.

As John Lorinc reported in *The Globe and Mail* earlier this month, because of the thinner, stronger floors that engineered wood allows, developers at a project in downtown Toronto were able to make use of a policy tool in the Ontario Building Code called the alternative solutions process. Although the project exceeded the building code by two storeys, the developer was able to demonstrate that, by using this technology, the building will perform as well as the minimums described in the code. They were therefore able to have their project approved.

Colleagues will know that the Standing Senate Committee on Agriculture and Forestry released a report on value-added agriculture and how we can support that industry's growth. Engineered wood construction presents a huge opportunity for value-added forestry growth for both domestic and international markets. There is a huge amount of untapped potential in the sector.

I'll leave you with a quote from Hans Joachim Schellnhuber, Director Emeritus of the Potsdam Institute for Climate Impact Research, from a press release issued last month:

> Trees offer us a technology of unparalleled perfection. They take CO_2 out of our atmosphere and smoothly transform it into oxygen for us to breathe and carbon in their trunks for us to use. There's no safer way of storing carbon I can think of. Societies have made good use of wood for buildings for many centuries, yet now the challenge of climate stabilization calls for a very serious upscaling. If we engineer the wood into modern building materials and smartly manage harvest and construction, we humans can build ourselves a safe home on Earth.

Thank you, colleagues.

Some Hon. Senators: Hear, hear.

Hon. Percy Mockler: May I ask a question of Senator Griffin?

The Hon. the Acting Speaker: Senator Griffin, will you take a question?

Senator Griffin: Certainly.

Senator Mockler: Senator Griffin, I would first like to congratulate you for the leadership you are taking in this venture, because I believe it's the right thing at the right time. I look at previous Senate reports that have been tabled here in the house — one in 2009 — and I look at the number of senators sitting in the chamber who are still around — Senators Duffy, Mercer, Munson, and also the Leader of the Opposition, Senator Don Plett. One report is entitled *The Canadian Forest Sector: Past, Present and Future*, and another is entitled *The Canadian Forest Sector: A Future Based on Innovation*. That's why I said to Senator Griffin that the leadership is now.

• (1540)

I have a question for you that relates to follow-ups and to a step in the right direction. Senator, could you explain to the Senate of Canada what benefits this bill will have for Atlantic Canada, as well as from coast to coast to coast?

Senator Griffin: Thank you for your question, Senator Mockler.

This bill will have tremendous benefits for Atlantic Canada. You'll be interested to hear that when we were talking about this a number of months ago, I had a discussion with a very senior owner of the forest industry in New Brunswick, someone well-known to you. The advantage was immediately obvious in terms of what this would mean for forestry in Atlantic Canada and, as you rightly point out, everywhere else in the country.

In Atlantic Canada we have many privately owned woodlots, as well as Crown land. It is important for the private sector in terms of both ownership and production. In the Atlantic region, we have many people who are involved with the rural economy. We have woods people in Nova Scotia now who are very concerned about what is happening with the Northern Pulp mill. The onus is on us, as legislators, to do everything we can to encourage that industry and to encourage the health of rural Canada.

One other thing I can add in that regard is that there has been discussion in your home province about possibly having a similar bill go through the provincial legislature. I know they are a little busy with other things these days, but there has been discussion. At the national level, we have the opportunity to provide inspirational encouragement for not only the New Brunswick government but also for the other Atlantic provinces. Thank you for your question.

(On motion of Senator Duncan, debate adjourned.)

CRIMINAL CODE

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Pate, seconded by the Honourable Senator Petitclerc, for the second reading of Bill S-208, An Act to amend the Criminal Code (independence of the judiciary).

Hon. Paula Simons: Honourable senators, I rise today to speak to Bill S-208, An Act to amend the Criminal Code (independence of the judiciary).

The independence of the judiciary is one of the foundational principles of the Canadian justice system. In criminal cases, in particular, we rely on judges to hear all the evidence, to weigh all the merits of a case and then pass a fit sentence, one that takes into account the complicated individual circumstances of each defendant and each crime.

I sat through many trials in my 30 years as a journalist, and if I learned anything, it was that no two cases were alike. The charges might be the same, but one murder case was not like another; one child pornography case was not like another. Each trial told its own unique story. Each cast of characters was different from the next. Yet over my 30 years as a reporter and columnist, this country moved more and more toward a model of mandatory minimum sentences in criminal trials, and both Liberal and Conservative governments have added more statutory mandatory minimum sentences to the Criminal Code.

[*Translation*]

I understand the political reasons for these measures. Many Canadians are uncomfortable with the idea of giving judges that discretion. They do not like that judges can determine the length of an offender's sentence. It is easier to believe that a murderer is

a murderer, full stop, and that universal sentences allow courts to make better use of their time. These types of sentences are also seen as a better deterrent.

I know that some people are worried that judges, or at least some of them, are too lax or too soft. This is why they believe that mandatory minimum sentences protect the legal system and the public from judges that may go too easy on a dangerous criminal.

[*English*]

But mandatory minimums are a blunt and crude tool to deal with such problems. They remind me of the story from Greek myth about Procrustes, the son of Poseidon. Procrustes used to waylay travellers and invite them to spend the night at his place. There he would offer them a bed. But Procrustes's little Airbnb wasn't a terribly comfortable one. He insisted that all his guests had to fit his bed exactly. If they were too short? Well, then, Procrustes would stretch them to fit. And if they were too tall? No worries. Procrustes would just chop their legs off until they were the right length.

It's not a jolly story, but I think it's one we should keep in mind as we consider the dangers of applying a Procrustean bed model to the criminal justice system.

Mandatory minimum sentences create two real — and opposite — problems.

In the first case, they may require a judge to impose a harsher sentence than is warranted by all the individual, complicated facts surrounding a particular crime. On the other hand, mandatory minimums can actually have a reverse effect; they can contort the justice system. In some cases, juries simply won't convict someone of the appropriate charge because they don't believe the matching mandatory minimum sentence is fair or appropriate. In other cases, Crown prosecutors end up striking plea agreements that are legally illogical because they know in their heart of hearts that the mandatory minimum sentence isn't just.

Since I'm a storyteller by trade and temperament, let me tell you two stories that illustrate my two points.

Let me tell you first about Jayme Pasieka. On February 28, 2014, Jayme Pasieka arrived at the Loblaw warehouse in Edmonton, where he worked, armed with knives he had gone out and purchased at the West Edmonton Mall. When he got to work, he went on what I can only describe as a deadly rampage. He ran through the warehouse, stabbing and slashing his workmates. He badly injured four of his colleagues. They survived, but two others — Thierno Bah and Fitzroy Harris — were not so lucky. The stab wounds they received were fatal.

Pasieka was convicted on two counts of first-degree murder. He was sentenced to life in prison, with no chance of parole for 25 years.

With the facts I have given you, that may sound like a fair and appropriate sentence. However, as I've said, each murder trial tells its own story. It turns out that Pasieka was a diagnosed schizophrenic with a well-documented history of mental illness, but he'd found it impossible to get treatment. He told people later that he'd committed his murders in order to get help for his disease.

Some Canadians might well wonder, given Pasieka's psychiatric history, why his lawyers didn't try to have him declared "not criminally responsible on account of a mental disorder." But Canada's laws are narrow and clear; you can only be found not criminally responsible, or NCR, if you are incapable of appreciating the nature and quality of your actions, or of knowing right from wrong.

Pasieka didn't meet that test. At the time of his stabbing spree, he was not floridly psychotic. He wasn't hallucinating or hearing voices. He didn't think his victims were monsters or devils. His thinking was even what you could call "organized"; he planned out his crime in advance, making a special trip to the mall to purchase his knives.

Was his capacity to commit his crimes diminished by his mental illness? I think it clearly was. This was not the crime of a rational man. But in Canada, we don't have a diminished capacity defence. Pasieka's lawyer argued strenuously that his client should not be convicted of first-degree murder. He tried to convince the court that manslaughter was the more appropriate conviction — or at least offered a more appropriate sentence.

However, that attempt didn't work. So Jayme Pasieka, who suffered from a serious mental illness, went to jail for first-degree murder. Instead of hospitalizing him or giving him outpatient care for his schizophrenia before he acted, we waited until he killed two innocent people. Then we imposed the mandatory minimum sentence and locked him up for life. That's not fair. That's not justice. But the court had no discretion to craft a more rational sentence.

• (1550)

Let me tell you the story of Anne Semenovich. On April 15, 2008, Anne Semenovich shot her husband, Alex, through the head. That fact was never in dispute. Mrs. Semenovich, who was then in her 70s, was originally charged with first-degree murder.

Certainly, there was damning evidence of premeditation. She purchased a large incinerator not long beforehand. The man who sold it to her testified at trial that Mrs. Semenovich told him she needed it for her husband's body. On the night of the killing, she went outside and shot her sleeping husband through the window of their farmhouse.

A victim of years of domestic abuse, Mrs. Semenovich had lived with a violent and mentally ill husband who, according to trial testimony, chased her with a knife, attacked her with a baseball bat and threatened to kill her on a regular basis.

Her grandson testified that he had reported the abuse and his grandfather's deteriorating mental health to the local RCMP on a number of occasions. On the witness stand, he said the police told him they couldn't help unless Mrs. Semenovich filed a formal complaint, something that he said his grandmother was too afraid to do. So he gave her a gun to defend herself and taught her how to use it. Eventually, she did.

With the help of family members, she put her husband's body in the incinerator and turned it on. However, this was not a cold-blooded murder planned by criminal masterminds, because the family called a repairman to make a service call when the incinerator malfunctioned.

Picture if you will — and I often have — the sight that greeted the poor incinerator repairman who drove out to the Semenovich property west of Edmonton, opened the incinerator door, only to find Alex Semenovich's not-quite-incinerated body. It sounds like a scene to rival Edgar Allan Poe.

As I mentioned earlier, the widow was originally charged with first-degree murder because, after all, this was clearly a premeditated act, even if it wasn't a very well-premeditated act.

Then the Crown faced a dilemma. If they convicted Anne Semenovich of first-degree murder — as seemed inevitable — the mandatory minimum sentence, life in prison with no chance of parole for 25 years, would be a death sentence for the elderly defendant. If the case went to its conclusion, the judge would have no discretion to take into consideration Anne's age or health or the lifetime of abuse she had suffered in his sentence.

The Crown, the judge and the defence came up with a pretty creative plea bargain. They allowed Anne Semenovich to plead guilty to manslaughter and accept a custodial sentence of four years. Even that was the mandatory minimum for manslaughter involving a firearm.

Did Anne Semenovich commit manslaughter? She didn't shoot her husband in self-defence or in a moment of sudden high emotion; she carefully planned out his killing, right down to the purchase of the telltale incinerator. However, everyone involved realized that the mandatory minimum sentence for murder was inappropriate in this case. The only reasonable and just solution was a plea agreement predicated on a rather creative distortion of the facts.

Those are just two of the cases that I covered in my three decades as a journalist that demonstrated to me the problems with mandatory minimum sentences. One-size-fits-all justice doesn't just undermine the essential independence of our courts and our judges, it often leads to manifestly unjust outcomes.

What we should hope for in our Canadian democracy is that we appoint qualified, well-trained and thoughtful judges whom we can trust to apply their legal skills, their personal morality and their common sense, whom we can trust to analyze both the facts of a specific case and the text of the Criminal Code and pass a sentence that is just.

If we don't trust our judges to understand the law or to interpret the facts, we have a far deeper and more profound problem that can't be solved with more and more mandatory rubrics. We can't deal with that mistrust by undermining public confidence in the Canadian judiciary and by hobbling our judges before a trial even begins.

Bill S-208 doesn't eliminate mandatory minimum sentences, but it does return to judges the right to exercise judgment in very specific circumstances.

This is an extraordinarily serious issue. Yet, as we confront it, I confess that I cannot stop thinking about Gilbert and Sullivan's comic opera, *The Mikado*. You may remember *The Mikado*'s big number where he sings — and I shan't sing for you:

> My object all sublime
> I shall achieve in time —
> To let the punishment fit the crime —
> The punishment fit the crime;

As the audience for the operetta, we are supposed to laugh at *The Mikado*'s song. In truth, if we can't trust our judges to let the punishment fit the crime, it is we who make a laughingstock of the entire concept of an independent judiciary. It should not be the job of government to predetermine and pronounce a sentence before the facts are even admitted into evidence.

Instead, let's restore public faith in our judges and let our jurists get on with the job that we've entrusted them to do. Thank you very much.

Some Hon. Senators: Hear, hear.

(On motion of Senator Duncan, for Senator Forest-Niesing, debate adjourned.)

DEPARTMENT FOR WOMEN AND GENDER EQUALITY ACT

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Mary Jane McCallum moved second reading of Bill S-209, An Act to Amend the Department for Women and Gender Equality Act.

She said: Honourable senators, I would like to acknowledge the people that help me with the work that I do in my office: James Campbell, Anna Millest and the law clerks.

I rise today to move second reading of Bill S-209, An Act to amend the Department for Women and Gender Equality Act. I would like to begin by highlighting what this slight but powerful piece of legislation would accomplish. This bill would enshrine the requirement of the Minister for Women and Gender Equality to undertake a gender-based analysis for every future piece of government legislation.

This analysis or statement would flag any potential adverse impacts of the bill on women, particularly Indigenous women. Essentially, this analysis would indicate whether a given bill was GBA-compliant or identify the ways in which it falls short to meet that threshold as set out by the government's own gender-based analysis framework.

This statement would be tabled in the house in which the government bill originated no later than two sitting days after the bill is introduced. Furthermore, this bill would also require a GBA to be undertaken by the minister for all private member's bills, PMB, once they are referred to committee within their respective house of Parliament.

This stage of committee referral was chosen as the analysis trigger for PMB as an indicator that a bill is meaningfully progressing through its house. For PMB, the analysis must be tabled in the house of origin no later than 10 sitting days after a bill is referred to committee.

To close potential loopholes, the minister would be required to table additional analyses of amendments that are made to a bill, therefore ensuring it remains GBA-compliant from first reading to Royal Assent. This statement needs to be tabled within seven sitting days of the date upon which the amended bill is received by the other house. Of equal importance is the requirement of the minister to publish every statement on the departmental website, making them accessible to all Canadians.

The new responsibility bestowed upon the minister has recent precedent. Specifically, a similar clause is used in section 4.1(1) of the Department of Justice Act that requires the minister to ascertain whether any of the provisions of new legislation are "inconsistent with the purposes and provisions of the Canadian Charter of Rights and Freedoms . . ."

That minister is also required to report any such inconsistency to the House of Commons at the first convenient opportunity.

• (1600)

Colleagues, I would like to acknowledge the current government's preliminary work on this matter so far. Currently, the memorandum to cabinet indicates that proposals for new bills must include gender-based analysis, or GBA. Although this is a positive step forward, it is insufficient for several reasons.

The first is that this analysis is not a statutory requirement, so this government or any future government can stop the practice at any time. Moreover, the results of this internal GBA are not public and there is nothing stopping cabinet from proceeding with a proposal for which the GBA is not positive or the analysis is not done at all, ill practices that may be happening now. Finally, this internal analysis, if done, is only being undertaken for government legislation and not PMBs at the present time.

Through the requirements of this bill, the undertaking of a gender-based analysis would be enshrined into law and not determined by the whim of the government, it would require that the analysis be made public and it would ensure an analysis was done for all legislation — government and private members' bills alike.

This is a bill about gender equality, so understanding the difference between equality and equity is critical. They are not interchangeable, and continuing to apply equality solutions to issues of equity will never work; it will only increase inequity. Equity is giving everyone what they need to succeed, especially those operating from a position of inequality. Equality is giving everyone the same and, as such, can only work if everyone is starting from the same place. But not everyone is starting from the same place.

According to the World Health Organization, health inequities involve more than a lack of equal access to needed health resources:

> They also entail a failure to avoid or overcome inequalities that infringe on fairness and human rights norms.

It goes to reason, then, that equity is first required to be able to achieve sustainable equality. This bill will help facilitate this goal by ensuring all future legislation carefully considers its impact on women, and particularly Indigenous women. Whether intentionally or unintentionally, women have historically felt the negative impacts of policies and legislation in a more profound way than men. It is 2020 and we are still fighting this fight — one in which I hope to chip away at with the passing of this bill.

Honourable senators, I feel it is now important to speak to you about the real-world application of this bill and the need for consistently applied gender-based analysis. It is my hope and belief that other women — and men, for that matter — within this chamber will add their voices to mine over the course of the debate on this bill and share their own stories and perspectives of why this bill is so crucial.

The perspective that I bring, colleagues, is that of a First Nations woman who grew up on the reserve system and whose life was controlled by the Indian Act. The cumulative, intergenerational and ongoing trauma of the deeply rooted systemic injustices I experienced while I was raised under this colonial domination are many and contributed to my belief that inequality was normal. This includes the perpetuation of First Nations, Métis and Inuit peoples' oppression and marginalization that still exists today, including the harms currently being perpetuated at the hands of the resource industry.

Colleagues, the intersectionality in gender-based analysis for First Nations, Métis and Inuit women is particularly complex due to the unique historical and current injustices they face. These issues include inequities in health, education, cultural continuity, human and community development and infrastructure, employment, economic development, food security, environmental health, resource sharing, safety and security.

Underpinning these inequities are the issues surrounding terra nullius; the Doctrine of Discovery; land, including land claims; governance and sovereignty; natural resources; self-government; self-determination; consent; and human rights — issues that still remain unaddressed today. These many issues, which are avoidable and preventable, impact the quality of life and dignity in the physical, mental, emotional, psychological and environmental realms.

The need for GBA as an additional protection and oversight for all women in Canada is important. Within that context, First Nations, Métis and Inuit historical and current oppression is unique to Canada, hence the need to highlight the phrase "particularly for Indigenous women." As our colleague Senator Boyer has stated in her 2007 document, entitled *Culturally Relevant Gender Based Analysis and Assessment Tool*, at page 4:

> Section 35(4) of the *Constitution Act, 1982* provides that notwithstanding any other provision, the Aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons. This is a fundamental constitutional recognition of the equality of Aboriginal women, and we find a similar fundamental acknowledgment of that equality in the *Charter of Rights and Freedoms*. Section 25 of the *Charter* prevents the guarantees of the *Charter* from detracting from Aboriginal treaty and other rights and freedoms; section 25 is subject to section 28 of the *Charter*, which provides that all *Charter* rights are guaranteed equally to women and men. Thus, the Aboriginal rights protected by section 25, like those protected by section 35(1), must be made available on an equal basis to women. Not only do sections 35(4) and 28 protect the position of Aboriginal women within Aboriginal polities, but section 15 of the *Charter* guarantees that Aboriginal women cannot be discriminated against vis-à-vis non-Aboriginals. For Aboriginal women, the development of a culturally relevant gender based analysis is therefore a constitutional obligation.

Honourable senators, as politicians, we need to re-examine and challenge the ideal of equality and claims to fairness for all. Reframing this concept will help us, and all Canadians, to move away from fragmented, ahistorical conversations to ones that are rooted in a historical context and focused on meaningful action. This will keep history from repeating itself. We need to disrupt the ideas of a monoculture, including assimilation, as well as universality or pan-Canadian approaches as solutions. These approaches have never worked due to the lack of equity for those groups who require additional resources. When all women are treated as a homogenous group having homogenous interests, it contributes to the invisibility of Indigenous women and the marginalization of their concerns and voices.

Colleagues, there is no human failure greater than launching a profoundly important endeavour and leaving it half done. This is what Canada has done to First Nations, Métis and Inuit through its colonial systems. Countless policies and laws shook these groups loose from their old foundations. In the residential school system, the purpose was:

> . . . to assimilate into mainstream society, mostly by forcing the children away from their languages, cultures and societies.

Reserves first appeared in the 1830s, and Indian forms of government were outlawed. In 1884, the Canadian government forced Indians to elect their leaders, and the effects of that are seen clearly in what is going on in B.C. today. In 1920, during debates in the House of Commons on planned changes to the Indian Act, Duncan Campbell Scott, the Deputy Superintendent of Indian Affairs, left no doubt about the federal government's aims. He stated:

• (1610)

> Our object is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic, and there is no Indian question, and no Indian department, that is the whole object of this Bill.

In 1969, Jean Chrétien, then Minister of Indian Affairs, said:

> It is expected that within five years the Department of Indian Affairs and Northern Development would cease to operate in the field of Indian affairs . . .

Furthermore, the right to vote and status were closely tied to gender as well. In fact, Indigenous women were excluded from Canadian suffragette movement, which was dominated by middle and upper class white women. For all of their important work, leaders in the Canadian suffragette movement, specifically Nellie McClung and Emily Murphy, worked to keep female Indigenous voices out of that arena.

Canada has clearly and purposely excluded First Nations from meaningful involvement as part of Canadian society and can hardly ignore the forces they unleashed. There were many financial and human resources expended by government to marginalize First Nations, Métis and Inuit.

Honourable senators, I now want to take you on a journey, one which I lived and witnessed through those who travelled beside me — other First Nations, Métis and Inuit women who also continue to be excluded. As I indicated at the outset, my speech is from a First Nation woman's perspective. As such, I will take you through the various stages of my life, a life lived and directed by federal government policies and laws, as well as those of the provincial government.

Girls and boys went to residential school where:

> . . . violence was institutionalized as children were forced to adhere to rules and endure severe punishments that included physical, psychological and sexual abuse and neglect. . . . Many girls were subjected to extreme forms of sexual abuse and they often left the system having internalized the oppressive notions that to be an Aboriginal woman meant being a sexual object to be controlled and disciplined. These traumas have affected multiple generations of Aboriginal families.

This is from Blackstock, et al., 2004.

Through my First Nations spirituality, language, teachings and collective wisdom, I know that my education was being shaped before I was born, beginning when I was in my mother's womb. My mother was Métis from the Red River area. Her family fled to Brochet during the upheaval of Métis life in Canada at the time. As I was told recently, "You were Métis before you were First Nations." It highlighted the special role of women and the future they carry within them. The first environment of life is a

woman's body and that's why a healthy, external environment is so critical and crucial to women. In that sacred space of the womb, I carried with me the blood memory of my ancestors. I carried into this world as a little girl, spirit, teachings, ceremonies, songs, stories and my Cree constitution.

That powerful reality was reflected by my daughter. When she was in university, my daughter decided she was going to begin drumming. She called me and said in a voice filled with wonder and awe, "Mom, I knew the songs," even though she and the women around her hadn't drummed before.

Colleagues, in 1952, a new and unilateral policy of medical services, now known as Indigenous Services Canada, forced my mother to go to The Pas to give birth to me in a hospital. I was the first in my family to be born in a hospital as my 11 brothers and sisters before me were born in Brochet with the help of a midwife. As they were born happy and healthy, that policy was not based on an issue of danger. The hospital was a cold, clinical and foreign setting without celebration of new life, without support of family, without skills to navigate the system, without language to give voice to my mother's concerns or needs. That policy started the destruction of ceremonies of birth, kinship, social capital, collectivity, community and resilience, as well as the role of Indigenous women. The policy also started the erosion of the core concept of self-determination that is the ability to remain autonomous and continue to function as a strength-based society.

Honourable senators, I later worked as a dentist in my reserve in Brochet. On one occasion, I went out on the land with my family and a friend. As we were travelling on the lake, my friend asked my nephew Rod Clarke, Jr. why he didn't get lost in the water system that had thousands of islands. Junior replied, "My dad taught me to 'always look back' to landmark so you see the islands from both sides because, when you head back, the land and waterway won't look the same." Landmarking is one of the many skills that is quickly learned and applied when you live on the land.

There are various interpretations and meanings for this saying, "Always look back." One was about the immediate situation of navigating the waterway with a purpose of locating yourself. On a higher level, it is to look back at our history to see where we have come from so we don't get lost.

I asked Junior for his interpretation of "Always look back" and he translated it as this:

> *Ka we tha we katch wa ne kis kie se e te ka ke o pe tas keen.*

Never forget where you came from and how you were raised: from the Creator and raised by the land, the water, the teachings, environment, seasons, ecology, astronomy, community, family and kinship, values, traditions, and all our relations who are the four-leggeds, the two-leggeds, the winged ones and the sea creatures; that is, all biodiversity.

My people had a PhD in life and understood the significance of this web of life. After generations of living life on the land, they understood that everything is relational. The world my father and ancestors lived in had the solutions they needed. They were able to navigate change, as are we, the First Nations, Métis and Inuit of today, but it is now made more difficult due to the effects of climate change and resource extraction.

Honourable senators, the Cree phrase "*Ka ke o pe tas keen*" is similar in essence to "world," but it has a deeper and more complex meaning that takes into account what influenced and shaped us in our ways of knowing, our life course and destiny. That is our first constitution. All of us carry our own unique world within us wherever we go. We carry our constitution within us, which means we internalize our values, ethics, codes of conduct, teachings, kinship, web of life and connection to Creator or God, that make up our Indigenous way of knowing, being and acting. We model this constitution. We did not have much to do with the external world. We had all our needs around us. We were happy and grateful for that abundance and simplicity of life. I was. Slowly, that constitution was eroded over time as we moved toward a deficit model of life that was being shaped for us.

For most of my life, I didn't understand the culture I was forced to adopt, but I put countless years into trying to live the life that Canada wanted me to live, forsaking my own culture and history. It took me over 30 years to realize that I would never be a white girl, no matter what I did, and that I would never be accepted as an equal. I lived this lie because policies and legislation paved my way.

• (1620)

I left residential school as a young woman without life skills, without critical thinking skills, without parenting skills, without budgeting skills and without a safety net or what it meant to be a human or a woman. I entered society as an easy target for predators, much like children in care today. The marginalization and vulnerability make it easier for others to commit violent acts towards Indigenous people without repercussion. Gender-based violence is intimately tied to gender-based analysis. Gender-based violence is a significant barrier to gender equality. Gender-based violence is a reality I first encountered in residential school and remains so prevalent in society today.

The education system for First Nations in residential schools had a specifically directed double purpose. First, it was to remove the Indian from the child; and second, to educate them with memory work rather than cultivating critical thinking skills which are crucial for development later in life. These children were sent to unsafe, unsupportive and culturally inappropriate settings where they lacked meaningful academic teaching and were robbed of their gender-based cultural roles in life.

This is explained by author Cynthia Wesley-Esquimaux within the book *Restoring the Balance*, which states on page 19:

> As First Nations people became isolated from meaningful contacts with the externalized world, and increasingly cut off from inner traditional social meanings, their world views faltered and diminished. In effect, First Nations people began to walk backwards into the future, unarmed with the social and psychological strengths that would have been passed to their children if their societies had remained intact.

She continues on page 23:

> For First Nations people, loss of their cultural identity was not an abrupt event, but continued in one form or another through centuries of pain and suffering, and so they were never able to reach a full stage of recovery in the cycle of grieving.

In the book *Restoring the Balance* on page 16, it says:

> Native women were removed from their traditional roles and responsibilities and pushed to the margins of their own societies. The missionaries brought into the New World an old-European social hierarchy where "a woman's proper place was under the authority of her husband and that a man's proper place was under the authority of the priests."

The inequities I learned — as a girl and a woman — did not arise randomly or by happenstance. They are tied powerfully and directly to the reshaping of my womanhood and my purpose in life, to the policies stemming from removing the Indian from the child. These inequities were at the intersection of policy, law, education, ethnicity, race, religion and class, and they persevere from generation to generation. The outcomes of federal policies are systemic problems; they will continue until systemic inequalities sprung from poor, inadequate and discriminatory policies themselves are addressed.

Colleagues, when I came out of residential school, I was not equipped to function as a woman in either my cultural role or in the Western role. Introducing this bill is one measure towards creating stability out of social and economic chaos for First Nations women. It is an attempt at creating a new social reality out of unfavourable circumstances that have been thrust upon us through policy and law.

From my perspective now as a senior citizen and a woman who is First Nations, when I look back at my life, we went from a strength-based autonomous peoples to a deficit-based collective when we entered residential school. We are presently on our journey back to reclaiming our strength-based societies. That's what you're witnessing with what is happening on the West Coast. Why were these atrocities allowed to happen to us and, for the sake of this discussion, why do the special strategies and attacks to dehumanize and marginalize Indigenous women, particularly, continue today?

In the book entitled *Indigenous Gender-Based Analysis for Informing the Canadian Minerals and Metals Plan,* Adam Bond and Leah Quinlan of the Native Women's Association of Canada, NWAC, state on page 4:

> Indigenous women have unique and more proximate social and cultural relationships with nature than non-Indigenous groups. The intersectionality of their gender and indigeneity equip Indigenous women and girls with special roles, knowledge and responsibilities, but also expose them to greater risks. The socio-cultural relationships of Indigenous women with nature and their physiology result in pronounced negative effects of local mining-related environmental impacts.
>
> The purposeful exclusion of Indigenous women from community decision making, consultations, and negotiations with the private sector perpetuate the continued disproportionate negative environmental and social-economic effects of industrial activities on Indigenous women and girls. Consultation processes require good faith on the part of both the Crown and community. The marginalization of the voices and concerns of Indigenous women from these processes undermine the legitimacy of the ultimate decisions and agreements.
>
> Sexual violence, harassment and discrimination are prevalent realities for Indigenous women that are often exacerbated by the presence of industrial projects. . . . The persistence of "rigger culture" in . . . work camps perpetuates a form of racism and misogyny that undermines the human worth of Indigenous women and exposes them to heinous and entirely intolerable acts of sexual violence and discrimination. . . .

I have gone across Canada and spoken to people and they tell stories about what has happened to them, as women living in community, but also as employees.

> Whatever the positive economic effects of mining activities are or may be, the continued prevalence of these offences slides the scale firmly against the net socio-economic benefit for Indigenous women.
>
> The failure of mining companies to exterminate rigger culture and the failure of governments to impose adequate administrative conditions and legislative and regulatory requirements to protect Indigenous women is not only a mammoth burden for Indigenous women to shoulder, it is a major obstacle for the industry to access a much-needed workforce and stands firmly in the way of developing trust-based relationships with local communities. Ultimately, so long as the presence of mining activities constitutes a threat of sexual violence, there cannot be a reasonable conclusion that the industry is a positive force for Indigenous women and girls. No community can ever be reasonably expected to support a project that puts their women and children at risk of rape.

This bill is about minimizing the deleterious effects while maximizing the benefits in the environmental, social, cultural and economic realms of exploration and resource activities.

This shows that capitalism is one of the areas that require these critical gender considerations to be applied in future federal policies and laws. While I use the example here of the impacts of the resource industry on Indigenous women, it is important to stress that there are many other areas — like health, law, geography, et cetera — that impact different groups of women in unique and complex ways. In some circumstances, the intersectionality of capitalism, health, geography and law, with identity, gender and indigeneity, affects people, as was heard in what I just spoke about.

• (1630)

In CRI-VIFF No. 6, January 2011, it states:

> This means that girls and young women often find themselves at the crossroads (intersecting sites) of various systems of oppression such as patriarchy, capitalism and colonialism as they encounter different forms of violence related to these systems simultaneously.

Colleagues, the ever-changing relationship between governments and First Nations peoples, Métis and Inuit peoples, and between industry and these Indigenous groups makes it difficult to challenge the status quo. And what is the status quo? It is the continuing dependency of Indigenous populations and it persists in the face of concerted efforts to address it.

In her paper *Separate but Unequal: The Political Economy of Aboriginal Dependency*, Frances Widdowson states on page 1:

> Despite the serious nature and pervasiveness of aboriginal dependency, the subject has not been an area studied extensively in Canadian political economy. Instead, most of the analysis of aboriginal marginalization and deprivation has occurred outside the discipline, where the expropriation of aboriginal lands by European settlers and the destruction of native traditions by the Canadian state are advanced as the dominant explanations. The focus is on the racist attitudes of Non-Aboriginals, rather than examining how the historical requirements of capitalism have influenced the current circumstances of aboriginal peoples.

She goes on to ask:

> . . . why aboriginal peoples became marginalized after the fur trade, while the rest of the country developed. Since labour shortages existed in Canada during the 19th Century, why weren't the natives proletarianized and integrated into the emerging economy, instead of being sidelined by workers from Europe?

Canada has succeeded and completed its breakthrough to modernization, but this breakthrough didn't allow First Nations in their own territories and as title holders to be part of that process. Growth in education, farming, transport, industry, health, technology and service delivery areas were not developed on the reserve system created by the federal government, and because growth was not provided equally as with the rest of Canada, a gap was created. This inequity continues to grow wider today, both in growth of human potential and community infrastructure.

A complex and tragic division dominates Canada today. Canada has emerged on one side as a pattern of great and increasing wealth, but First Nations — especially First Nations women — have yet to attain this. Restrictive policies have cut them off before they could also go through the great movement of economic and social momentum. The gap between the rich and poor has become the most tragic and urgent problem in Canada today, and Indigenous women continue to be the hardest hit by this reality.

Colleagues, changes produced haphazardly by colonialism in Indigenous communities didn't produce a new and coherent form of society as it did in other parts of Canada. The colonial impact introduced problems that offered immense difficulty in achieving any solutions. There was little general change among First Nations and a dual society was formed, First Nations that are caught between a world that had died and a new world that could not yet be born. This is a recipe for psychological and social strain.

Today, First Nations continue to be suspended between contradictory worlds of someone else's making, all because of the land and her resources, the greatest asset Canada has. In resource-rich areas, First Nations remain in an apparently unbreakable deadlock. Breaking out of it would allow the forces of modernization to flow through its communities, yet being placed in a powerless position allowed industry to overwhelm First Nations communities when these communities were in the way.

Research has found mostly negative outcomes regarding social, economic, cultural and health impacts for Indigenous and non-Indigenous women when a resource development project is situated near their community. These include child care challenges; temporary low-skilled and low-paying jobs; increases in violence and harassment; increases in sex work, homelessness and affordability of housing; decreasing health resources due to the influx of workers; and so on. Again, this is but one facet of life where discriminatory policies result in excessive hardships for women to deal with.

Colleagues, as Susan Manning et al. state in the article "Why are we so afraid of gender-based analysis?", GBA is "an important analytical tool that can help to identify gendered impacts and aid in the development of plans to mitigate the worst impacts on women . . . share in the benefits of resource extraction and to make it less likely that more marginalized members of communities, including women and girls and people with disabilities, will face more negative impacts than positive ones."

Honourable senators, recognizing the extent of this problem and calling attention to it is only the most basic step toward actually addressing it. To stop here is an overt abuse of the privilege that creates and reinforces a flawed system. It is on us to go beyond this at every opportunity.

With that, I see the impacts of Bill S-209 as twofold. The first is creating equity amongst all Canadian women. The underlying issues and individual needs of underserved and vulnerable populations must be effectively addressed by ensuring policies do not discriminate against marginalized groups. This includes the unique needs of all women and girls; First Nations, Métis and Inuit people; LBGTQ2 and gender non-conforming people; those living in northern, rural and remote communities; people with disabilities; newcomers; children and youth; and seniors. I am sure women and men of different backgrounds and experiences can think of ways in which this bill would bring equity for these and other voiceless groups.

Alongside equity amongst all Canadian women, the second step this bill will take is to ensure equity of women to men. These two steps will naturally occur at the same time as every instance during which GBA is thoroughly applied to legislation, it ensures women from all walks of life will be further protected from any negative consequences, intended or not. Once these steps are taken and equities achieved, that is when we can begin to operate on a sustained level of equality amongst all Canadians. Equality is the foundation from which everyone can lead healthy, happy and fulfilling lives.

It is said that a rising tide lifts all boats. I view this bill as that rising tide that will inevitably work to lift all women and, by extension, all Canadians to new levels of equality and fairness, free of discrimination and individual and collective deficit.

Honourable senators, an ounce of prevention is worth a pound of cure. Let us prevent some of these avoidable, discriminatory, policy-based issues at the outset to avoid the need for future generations to correct our wrongs.

As First Nations, Métis and Inuit peoples, we want equality with other Canadians. There should be no place for inequity in this land of opportunity. Unfortunately, the sidelining of Indigenous peoples — especially Indigenous women — from economic activity, employment and culturally appropriate education is a reality that needs to be addressed.

• (1640)

I believe remedying this in part will be one of the many accomplishments of this bill. Senators, I urge you to join me in supporting Bill S-209 and the consistent application of gender-based analysis to all future legislation. Thank you.

Some Hon. Senators: Hear, hear.

The Hon. the Acting Speaker: Senator Martin, do you have a question?

Hon. Yonah Martin (Deputy Leader of the Opposition): Senator, thank you very much for your speech, and just from listening to you I know how important these issues are to you. You spoke so earnestly from your heart and I felt that. I want to applaud you on your attention to gender-based analysis, and I know that for this government, the previous government and senators who have been in this chamber — including former Senator Nancy Ruth — this is a question she would always ask at the table whenever we had committee meetings or the opportunities to discuss these issues. I just want you to know that I stand with you on that.

I have a question on one part of your speech that relates to a question I asked at Question Period, and it is an issue which I think is so important to all of us as Canadians.

You said that what was happening on the West Coast is because of moving toward strength.

The Hon. the Acting Speaker: Senator Martin, just a moment please. Senator McCallum, your time has expired. Would you like five more minutes?

Senator McCallum: Yes, please.

Hon. Senators: Agreed.

Senator Martin: When you spoke about what is happening on the West Coast in relation to your bill, I had a reaction only because I know there are so many members of the Wet'suwet'en community that support the project and that it's very complex. They are having an event tomorrow in the region. It says support for opportunity, sharing views and a safe place to be heard on the Coastal GasLink project, and I'm hearing about what the people in that region want for their region — prosperity, opportunity — and then we see in the news the shutdown and how it is impacting Canada.

I want to ask you about what you said in your speech that what is happening on the West Coast is because we are moving toward strength. In relation to this bill, I find that very disturbing, so I wanted to ask for your clarification on that comment.

Senator McCallum: Thank you for the question. When you look at Indigenous issues, whether it's from traditional chiefs or from INAC chief and council, you have to remember that all our issues are rooted historically, so we bring history with us. The problem on the West Coast is that the traditional chiefs and the First Nations chiefs who are Indian Act-based need to come together to have a conversation that is safe, that is outside and in which they are not being forced to act in a hurried manner. They have never been able to resolve that.

When I look at people who are saying that it's enough, we want to be heard. It's about giving voice to our issues, it's about Canadians listening to us and it's about us requesting that you please let us work through this conversation. There are parts of what is happening there that I'm questioning, and I asked the question that, if it's unceded land, the INAC chief and councils have no authority on that land, so why are they being listened to and not the other chiefs?

I have a question that I was going to ask in Question Period. I'm going to ask it tomorrow; it has to do with this situation.

When you look at what is occurring there, we don't have the full picture, but I understand that with a lot of the issues I bring to this floor, I bring history with them, and sometimes people don't want to take the time to listen or we don't have the time. And that is what is happening there. We need to understand what

is happening there for the group — not only there but in other areas in Canada — to be able to come together and agree on moving forward.

And for your information, for some of the people where economic development occurred and they got money for their communities, suicides actually increased because they didn't have the growth in human potential to understand what had happened in their history, why they carried with them the trauma and how that trauma manifested itself, so money isn't going to resolve that issue. And it has happened all across Canada.

This is beyond economics; it's about us looking at how I was strength-based. I'm now at a deficit base, and now I'm fighting to come out. That's why I said this is strength-based. We are having the conversation we could never have before.

Did that answer your question?

Senator Martin: Truthfully, it didn't answer the question in terms of what is happening and, as a result, the entire country and many people being so impacted in their livelihoods and in losing their jobs. It sounded as though going toward strength should also be looking at how it impacts everybody very positively.

It was just that the way you worded it I had trouble accepting it as is and in light of what is going on in this country. You answered the question, but for me I'm still grappling with what you have just said to me.

The Hon. the Acting Speaker: Senator McCallum, your time has expired. Would you like five more minutes? Is leave granted, honourable senators?

Some Hon. Senators: Absolutely.

An Hon. Senator: No.

The Hon. the Acting Speaker: Some say yes; some say no. Leave is not granted, sorry.

(On motion of Senator Duncan, for Senator Boyer, debate adjourned.)

[*Translation*]

MODERN SLAVERY BILL

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Julie Miville-Dechêne moved second reading of Bill S-211, An Act to enact the Modern Slavery Act and to amend the Customs Tariff.

She said: Honourable senators, I rise at second reading to explain the relevance of Bill S-211, An Act to enact the Modern Slavery Act and to amend the Customs Tariff.

Bill S-211 is a tool for transparency to fight against forced labour and child labour. It is a bill that will help Canada to more strictly adhere to the letter of its international commitments. It is clear that we have fallen behind many other countries in our efforts to hold our companies accountable for wrongs they commit outside Canada.

This bill is a step in the right direction. Of course, it does not claim to eradicate human rights violations in our companies' supply chains, a problem that is exacerbated by systemic causes such as poverty, insecurity and gender inequality

It is estimated that at least 40 million men, women and children around the world are victims of modern slavery, a term that is not explicitly defined by international law but that encompasses a whole series of practices, including sex and other trafficking and forced marriage, in which a person is exploited or forced to work through violence, threats, coercion, abuse of power or fraud.

[*English*]

Of these, 16 million human beings, both adults and children, are trafficked for forced labour in the private sector, according to International Labour Organization estimates. Here is how the ILO defines the term forced labour:

> . . . all work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily.

• (1650)

Ways to trap people into forced labour include debt bondage, withholding identity documents, threats to report labourers to immigration authorities, and violence or threats of violence. Cases of shameless child exploitation have made the headlines: Thailand's shrimp industry, Côte d'Ivoire's cocoa fields and the Democratic Republic of Congo's cobalt mines. Cobalt is used in the production of lithium batteries, such as the ones in our cell phones.

But it wasn't until 2013 that many Canadians finally started paying attention. That was when 1,100 adults and children died in the collapse of the Rana Plaza building in Bangladesh, which housed five textile workshops. This tragedy shed light on the darker side of outsourcing by major Western fashion brands in a globalized economy: Zara; Walmart; Benetton; The Children's Place; and here at home, Loblaws' Joe Fresh brand. It explains why many of the clothes sold here are so cheap.

Of course, while Canadian companies are less likely to be directly involved in human rights abuses, the foreign manufactures they do business with, the suppliers of raw materials and agricultural products elsewhere in the world, are at risk.

Beyond the headlines in our day-to-day lives, as consumers we don't know which products were made by children or by people working under some form of threat. Not all fair-trade product certifications are equal, and some can be confusing to consumers.

It is estimated that $34 billion worth of goods imported into Canada are at risk of having involved forced or child labour. That's significant. World Vision Canada estimates that 1,200 companies doing business in Canada have imported one or more of these high-risk products, in all sectors and at all stages of the supply chain.

[*Translation*]

For too long in Canada, we have counted on self-regulation alone, relying on the social responsibility of businesses to investigate their suppliers. The debate over this laissez-faire attitude culminated in the House of Commons in October 2018 with a highly-publicized report entitled *A Call to Action: Ending the Use of all Forms of Child Labour in Supply Chains*.

This report recommends that the Government of Canada develop, and I quote:

> . . . legislative and policy initiatives that motivate businesses to eliminate the use of any form of child labour in their global supply chains, and that empower consumers and investors to engage meaningfully on this important issue.

Building on that consensus, in 2018, my colleague, MP John McKay, introduced the first private member's bill on modern slavery in the other place. It died on the Order Paper, but reflection on it continued and expanded, particularly within the All-Party Parliamentary Group to End Modern Slavery and Human Trafficking. My colleague, Senator Dan Christmas, contributed a great deal, as did the other co-chair of the group, Conservative MP Arnold Viersen.

The introduction of Bill S-211 in the Senate is the result of all that work and stems from a desire to make a difference that transcends party lines. This is about our humanity. It is my privilege and my responsibility to champion that desire for change and to convince you that this bill is the way to go. That was my brief overview, and I'll touch on those points again, but let's get into the substance of the bill now.

Broadly speaking, Bill S-211 would require corporations doing business in Canada to report on the measures taken to prevent or reduce the use of forced labour or child labour at any step in the production of their goods. This is supply chain transparency legislation.

Who does it target? Any company listed on a stock exchange or that operates in Canada and meets two of the following three criteria: has at least $20 million in assets; has generated at least $40 million in revenue; or employs at least 250 employees. Clearly, the bill targets big corporations with the means to produce these reports, not SMEs and little local shops for which it would be too great a burden. This is a pragmatic approach. I should also note that these are companies that import goods into Canada, or produce or sell here, so not just companies such as supermarkets that do business directly with consumers.

What is more — and this is critical — the legislation targets companies that have direct or indirect control over other entities involved in the chain, in other words, the parent company, which is responsible for the activities of its subsidiaries.

The obligation enshrined in the legislation is the following: publish, in a prominent place on its website, an annual report filed with the Minister of Public Safety on the measures taken to prevent or reduce the risk of forced labour at any step in the production of goods, whether in Canada or elsewhere, or at the time of their importation to Canada. Production of goods means the manufacture, growing, extraction or processing.

This report should include information on the goods, policies on forced labour, measures taken to assess the risk, and training provided to employees on this issue. These aspects will be further detailed in the regulations that will accompany the legislation.

The Minister of Public Safety and Emergency Preparedness will have to report to Parliament once a year on what companies are doing. I want to be clear that this bill is not a simply lip service. It contains real checks and balances. For example, a director or officer of the company must attest that the information in the report is true, accurate and complete. Senior officials at the company are held accountable. In addition, the minister's designated authority may enter a company's premises to investigate. This includes examining computer systems if there is reasonable grounds to believe that the systems contains objects or documents covered by the legislation. The bill even allows this person to enter a home with a warrant.

The bill provides for offences and punishment for those who fail to comply with the obligation to file a report and make it public or who make a false or misleading declaration. It is important to note that officers and directors are a party to the offence and if found guilty of an offence punishable on summary conviction are liable to a fine of not more than $250,000. This penalty, which may seem modest, was modelled after the one set out in the Extractive Sector Transparency Measures Act to address corruption. However — and I am highlighting this notable limit on the scope of the act — there is only an obligation to file a report that is true, accurate and complete and there is no obligation to endeavour to reduce or diminish the use of forced labour by subcontractors. That is a major difference and the reason why I am stating that this bill is a first step.

In my view, the last aspect of particular significance is that Bill S-11 amends the Customs Tariff to prohibit entry into Canada of goods manufactured or produced, in whole or in part, by the use of forced or child labour. This provision is already in effect at the border to stop the entry of goods manufactured in whole or in part by prisoners.

This last prohibition is considered one of the most effective solutions for urging commercial actors to respect workers' rights. According to a survey conducted by UQAM's Centre d'études sur l'intégration et la mondialisation, 96% of respondents feel that this prohibition is necessary.

Believe it or not, the importation of goods manufactured using forced labour has been prohibited since 1930 in the United States, where the associated investigative powers rest with the border services. The results have been modest, but very real: There have been 33 seizures of goods, specifically condoms, gloves, auto parts and leather from China, as well as clothing from Mexico. In short, our American neighbours are way ahead of us on this matter.

Bill S-211 on modern slavery is innovative in some regards, but it is also inspired by transparency laws that have been passed around the world. The pioneer in this area was California in 2010, but that first piece of legislation focused too little on companies and, more importantly, it required only one report in a company's existence and imposed no penalties on offenders.

• (1700)

The result is that 20% of the companies in question did not submit reports and the one-third of companies that did submit a report did not follow the instructions. Two lawsuits brought by individuals against Costco and Nestlé were dismissed because the law was too vague.

In 2015, Great Britain passed its own law on modern slavery. It was broader and was an improvement over the Californian model. This law includes an obligation to report annually with general guidelines regarding the information that can be but is not required to be included in these reports. Under the law, a report may even indicate that the company did not do anything at all to combat forced labour. There is therefore a lot of flexibility to plan for changes over time, according to the authorities.

There again, the law does not provide for any penalty, but an injunction may be sought against those who break the law. In 2017, 57% of companies listed on the stock exchange did not comply with the law. The most recent research indicates that a rather small group of British business leaders took action, but there has still not been any large-scale changes. There are examples of good and bad reports. Last year, in the face of criticism, the authorities decided to audit 17,000 companies in the hopes of increasing transparency.

An independent report recommended strengthening the British law and adding penalties.

The most recent example is the Australian law adopted in 2018. It is the first transparency law that imposes obligations not only on corporations, but also on the federal government and its agencies. There are mandatory reporting criteria. The Australian law is innovative in one respect: The state must publish the list of companies that fail to submit a report, and there is a central register that is very useful for identifying and outing offenders.

Here again, there are no penalties for non-compliance. It is too early to assess the impact of the Australian law.

All these transparency laws are based on the name and shame concept. Corporate offenders can be shamed by human rights advocacy groups. Consumers have a little more information they can use to make responsible consumer choices. The underlying assumption is that transparency will increase accountability.

Now that we've looked at what California, Great Britain and Australia have on the books, we can see that Bill S-211 goes even further because it sets out penalties for non-compliance.

What impact do these laws have on transparency?

Adopting these laws has certainly contributed to a broader conversation about modern slavery among businesspeople, investors, unions, and the general public. Many businesses are still turning a blind eye, but there is a growing awareness no doubt because investors, particularly millennials, are increasingly making this an investment criterion.

Many companies know that their reputation is at stake and that finding slaves in their supply chain may result in a drop in sales and profits.

Some CEOs even believe that transparency legislation reduces unfair competition from those who cut corners on human rights. There are a few champions who have paved the way: the Canadian athletic clothing company Lululemon, but also Adidas, Gap and H&M, according to a KnowTheChain ranking.

Even small players are applauding Bill S-211: the president and owner of Équifruit — a Quebec company that imports fair trade fruit to Canada — told me that she hopes this bill can give her more access to supermarket chains because they will have to ask their usual large-scale suppliers more questions about the presence of modern slavery in their supply chain.

All this is happening in a context where investigative reporting is condemning the use of forced labour. Consumer awareness campaigns are growing. I am thinking in particular of palm oil. In Indonesia, palm oil plantations use child labour in conditions that are considered to be dangerous and difficult by Amnesty International.

A survey of 26 major Canadian businesses and 37 managers sheds light on the concerns of the business world: 89% of businesses have difficulty drawing attention within their organizations to the issue of modern slavery; 75% believe that legislation on supply chain transparency could drive change and benefit their own organizations. Only 29% of businesses carefully examine the first level of their supply change when modern slavery is often present in the second or third level, and often even further away geographically, thus further out of sight.

Here is one last very worrisome statistic. According to a British survey of 71 major companies, including 25 international brands and retailers, more than three-quarters of businesses surveyed believe that there is a good chance that there is forced labour in their supply chain.

Why did we feel compelled to introduce such a bill? The reason is that surprisingly Canada has not yet set out in its legislation and national measures the very numerous commitments it has made on the international scene. Therefore, I will repeat that we lag very far behind.

[*English*]

CUSMA, the latest Canada-United States-Mexico free trade agreement that will soon be submitted to the Senate, also has strong language on forced labour:

> The Parties recognize the goal of eliminating all forms of forced or compulsory labor, including forced or compulsory child labor. Accordingly, each Party shall prohibit, through measures it considers appropriate, the importation of goods into its territory from other sources produced in whole or in part by forced or compulsory labor . . . ..

Perhaps even more striking is that Canada has ratified all eight core conventions of the International Labour Organization, including those on the worst forms of child labour and the abolition of forced labour. Why, then, is the use of forced labour not explicitly prohibited in the Criminal Code and in the Canada Labour Code?

From May to June 2019, the Government of Canada held consultations on labour exploitation and supply chains. As well, in its response to the 2018 parliamentary report on this issue, the government agreed with the broad thrust of the recommendations and said it was studying the effectiveness of legislative initiative elsewhere:

> The Government recognizes that bringing about improvements to working conditions in global supply chains is a complex and multi-faceted challenge, and must involve the participation of provinces and territories, industry and civil society, as well as a number of Government of Canada departments.

The government is indeed open and sensitive to these issues, but we are still thinking at the highest level about how best to act here, with businesses. This is the aim of Bill S-211, as it could perhaps help speed up the process.

[*Translation*]

This issue is particularly difficult because we live in a federation. Pursuant to section 91 of the Constitution Act, 1867, the federal government is responsible for regulating trade and commerce, but section 92 states that the provinces have the power to adopt laws regarding property and civil rights in the province. The obligation for large businesses to be accountable in Bill S-211 would clearly have implications for provincial jurisdictions. Some, but not all, legal experts who were consulted believe that jurisprudence allows for the bill to move forward and were reasonably confident that the bill was not patently unconstitutional. They referred to the 2018 Supreme Court reference on securities, which establishes five indicia for assessing a federal law's validity.

In conclusion, organizations that advocate for human rights cannot agree on Bill S-211 or any other legislation on supply chain transparency. A number of advocates are calling for a stricter law modelled on legislation in the Netherlands and France. These laws require companies to do due diligence to ensure that their supply chain is reasonably free of forced and child labour. Offenders are subject to civil liability.

• (1710)

In discussions leading up to the introduction of the bill, there was a lot of talk about what the role of the new Canadian Ombudsperson for Responsible Enterprise might be. Unfortunately, a private bill like Bill S-211 cannot contain provisions for the spending of funds. The new ombudsperson's mandate would have to be expanded to include responsibility for Bill S-211, which would make for added expense. That is why the bill is silent on the subject.

The debate on Bill S-211 is just beginning. I therefore invite my colleagues to participate. The committee's study will enable senators to decide whether the bill needs improvement. I am open to discussing it with a view to building political consensus on the bill in the Senate.

It is high time we took action. Canada cannot just pay lip service to defending human rights. The reality of world trade is that goods produced under modern slavery conditions cross borders into wealthier countries like Canada. The crime is committed elsewhere, but the product of the crime is sold right here.

I find it encouraging that consumers want to know. According to a 2017 survey by World Vision, 91% of Canadians believe the government should require Canadian companies to publicly report on what they are doing to eliminate child labour from their supply chains. Society can no longer turn a blind eye to this problem.

Thank you.

[*English*]

Hon. David Richards: First of all, I would like to apologize to you for the ringing of my phone earlier. Now you know why I don't use Twitter and have no idea what a website is.

Senator, I would like to ask you about the idea of Canadian companies refusing to hire overseas child labour. I think it would be great if it worked. I'm not sure how well it would work, because child labour is rampant in places like India, Pakistan, Indonesia and parts of Africa. Thousands and thousands of mothers and fathers rely upon their children working. There is a great deal of illiteracy. I'm not sure we can eradicate child labour, and I'm not sure the families or parents of these children would want us to.

How do you propose this law will make an impact on all that is going on in these countries, where we have no jurisdiction?

[*Translation*]

Senator Miville-Dechêne: You are right, senator, in saying that this is a complex issue. That is why I said, at the beginning of this speech, that I was not claiming to be able to eradicate forced labour or child labour with this bill. That being said, what we are talking about here is forced labour. You are right in saying that there are over 150 million children who are working, but not all of them are engaged in forced labour. Just because a child is under the age of 18 does not mean he or she falls into that category. There are different cultures and ages. Of course, our hope would be that all children could go to school until they are 18 years old, but that is not how things work in many countries. The child labour we are talking about here pertains to 16 million people. We are talking about the worst forms of work for children, work that is dangerous, work that prevents them from going to school when that is where they should be. However, you no doubt saw, as I did, the reports on the dangers of working in cobalt mines. There is not necessarily an equivalent in all cases. I am not claiming that we can solve all of the problems, but the idea is that, with some transparency, we can force companies to monitor what is happening in their supply chain. That in and of itself is a good thing, even within some companies, and it may trigger greater awareness. I am not an idealist. Of course, some companies will do better than others. The idea is to get things started. Right now, companies are just regulating themselves, so only companies that believe they have to monitor their supply chain to protect their reputation do so. This is a step in the right direction. I am not claiming to revolutionize the way things are done, but transparency, in some cases and some companies, may have a relatively modest impact, but an impact nonetheless. Thank you.

[*English*]

Hon. Ratna Omidvar: Will the senator take a question? Thank you for your efforts in this area. I welcome it.

I wonder if, in your research, you also looked at the prevalence of forced labour in our country, because it exists as well.

Senator Miville-Dechêne: Absolutely; you're right.

[*Translation*]

It is a matter of importance. Indeed, in Canada, when we talk about modern slavery, we are talking mostly about trafficking, sex trafficking. There is also forced labour, but to a lesser extent than in the rest of the world where we generally see more forced labour in businesses and in the private sector than sex trafficking. The ratio is about 60-40 around the world. In Canada, it's the opposite. Yes, there is forced labour in Canada, among domestic workers notably, who are often immigrants, and there is also forced labour in the agriculture sector whenever a work permit is involved. We know that in Canada those who have temporary work permits are more often victims of forced labour than others. You're right, this exists. Are we focused specifically on this issue in this bill? I believe that when we talk about supply chain, we are talking about a supply chain that may be national or international. Of course, forced labour in Canada is covered by the bill. However, I was emphasizing the supply chain abroad because based on everything I have read and the conversations I've had, I believe it is harder to uncover the truth at a company that has one or two subcontractors and is located on the other side of the world. We were saying that we need to not only look within manufacturing, but also examine the services that are part of it. For example, for transportation services, do the company bosses use children to get to the manufacturing? If so, that may indeed be forced labour. It is hard to know or to get any figures. There are many figures around, but on the issue of forced labour in Canada, we have very few figures that we can rely on to determine the scope of the problem. Thank you, senator, for mentioning that. I may have focused too much on forced labour outside Canada during my speech and not enough on what is happening within our borders. Thank you.

[*English*]

Senator Omidvar: Thank you, senator, for that response. I know there are many instances of forced labour where passports are taken away, and you're right; it's primarily within the precarious community of either temporary foreign workers or agricultural workers.

I wonder what your response would be to an observation that people in glass houses should not throw stones. I take Senator Richards' comments and question into consideration. Absolutely, the kind of supply chain you have described is of serious concern, but we have problems in our own country.

I wonder if, at committee, you would be open to extending the scope of your bill to include supply chains in Canada.

Senator Miville-Dechêne: Thank you for your question. The bill doesn't say "supply chains outside of Canada." The bill covers supply chains in general.

In my speech I emphasized the problems around the world. However, each instance of forced labour or child labour is covered, wherever it occurs. I will obviously check another time, because I'm in doubt, but I'm pretty sure that we cover forced labour around the world.

• (1720)

You're right about the fact that we cannot be complacent about our own reality, but I also did choose to put the emphasis on the fact that we have signed quite a few international agreements about those questions on forced labour in Canada or elsewhere. We have signed many agreements, and in terms of having those agreements translated in law in Canada, not much has happened. One of the things that could be said for that is we don't have a definition of forced labour in the Criminal Code. We talk about human trafficking, but forced labour in Canada, as such, is not in the Criminal Code. One of the reasons I'm told is that for years we have only taken into account human trafficking for sexual purposes and we underestimate forced labour in North America.

[*Translation*]

Hon. Pierrette Ringuette: First of all, I find your bill very interesting. My question is more about logistics. When you talk about tariffs, for our Canadian customs officers to have the authority needed to seize goods, they need to have information confirming that the goods come from a company that uses forced labour. How can our customs officers access that information?

Senator Miville-Dechêne: That is an excellent question, senator. I will refer to what is happening in the United States. The denunciation of what could be included in a batch of goods is practically the only way to go about it. The United States, however, also has a list of products that are more likely to come from forced labour. Customs officials have been given investigative powers to enforce the law.

Bill S-211 amends the law, stipulating that no goods manufactured using forced labour can enter the country. However, once again, for reasons you are familiar with, private bills cannot create new structures or involve any expenditures. The mechanism itself is not described in the bill. Basically, denunciation is the most commonly used means for customs officers to be able to inspect goods. Even in the United States, which has had legislation similar to this bill on the books since 1930, there have been about 30 major seizures. You're therefore right to say that it's an illusion to think we'll be able to stop everything at the border. I would say this is another way to send a message and make it clear that our border is closed to goods manufactured using forced labour.

There is existing legislation stating that goods manufactured by prisoners are not allowed in Canada. I will certainly follow up on your question by looking into whether we have managed to make any meaningful seizures under those provisions.

Your question is absolutely relevant. That is not the only law that is difficult to enforce.

(On motion of Senator Coyle, debate adjourned.)

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

THIRD REPORT OF COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the third report (interim) of the Standing Committee on Internal Economy, Budgets and Administration, entitled *Policy on Prevention and Resolution of Harassment in the Senate Workplace*, presented in the Senate on February 6, 2020.

Hon. Raymonde Saint-Germain moved the adoption of the report.

She said: Honourable senators, I am pleased to present the third report of the Standing Committee on Internal Economy, Budgets and Administration, which recommends the adoption of a new *Senate Policy on the Prevention and Resolution of Harassment in the Workplace*. This highly anticipated revision of the current policy, which dates back to 2009, is essential.

In addition to ensuring compliance with the Parliamentary Employment and Staff Relations Act and the Canadian Human Rights Act , the Senate, as employer, must fulfill new obligations under the Canada Labour Code that will come into effect this year.

The new policy will consequently refer to the expressions "harassment" and "violence in the workplace," pursuant to the definitions established by the code. The definition of harassment has been updated to include its various forms, such as sexual harassment, cyber harassment, bullying, mobbing and violence in the workplace. A fundamental consideration is that harassment based on prohibited grounds of discrimination under the Canadian Human Rights Act will now be subject to the policy.

These prohibited grounds of discrimination include race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression and marital status.

Greater confidentiality underlies every step of this policy's implementation.

The Act to amend the Canada Labour Code prohibits the communication of any information that could reveal the identity of anyone involved in a complaint, including complainants, those against whom the complaint was filed and witnesses, without their consent. The proposed policy respects that obligation and the unauthorized disclosure of information can result in disciplinary measures.

In accordance with the Act to amend the Canada Labour Code, the policy must apply to former employees who experienced harassment or violence subject to timeframes prescribed by regulation.

That being said, in addition to the need to meet these additional legal obligations, the Senate must amend its existing harassment policy, which is over 10 years old.

That is what the members of the Committee on Internal Economy's Subcommittee on Human Resources found in February 2019 following their detailed review of this policy, which involved hearing from 19 witnesses, including senators, representatives of Senate employees, academics and other experts in the areas of workplace harassment and workplace health and safety.

The proposed policy that is before us takes into account the 28 recommendations made by the sub-committee members in their second report, entitled *Modernizing the Senate's Anti-Harassment Policy: Together let's protect our healthy worklife*, which was adopted by the Internal Economy Committee on March 21, 2019, and adopted by the Senate that same day.

Honourable senators, the Senate has not always been exemplary, nor has it met the legitimate requirements an employer must be subjected to.

Some 750 people work for the Senate, and each one deserves to be treated with respect and consideration in a healthy workplace.

[*English*]

The policy before us has two pillars: Prevention and complaint management. We really need to focus our efforts on prevention. Through training, awareness raising and early detection of possible harassment and violence, we must make sure to counter the harmful and toxic effects of harassment. Risk management is therefore critical, and we all have a responsibility — a duty — to contribute to a healthy workplace that is free of harassment and violence.

• (1730)

Complaints made under the new policy will be managed independently and totally externally. It is important to strengthen the credibility of the existing complaint process and guarantee its impartiality. This independence will be ensured through the use of an impartial third party external to the Senate that will be responsible for managing the entire complaint process from receipt and admissibility of the complaint to the conclusion of the investigation, if necessary, including various alternative dispute resolution and mediation services when required. Protection from reprisals is also a key element of this policy.

Not all conflicts can be resolved through a complaint and not all situations require disciplinary action. That is why the policy also provides for the implementation of remedial and corrective measures.

The Policy on the Prevention and Resolution of Harassment in the Senate Workplace is accompanied by two orders of reference, one to the Standing Committee on Rules, Procedures and the Rights of Parliament and the other to the Standing Committee on Ethics and Conflict of Interest for Senators. I want to emphasize that input from these two committees is important to ensure that the policy is implemented properly, carefully and fairly. Both committees are required to report to the Senate by April 30, 2020.

Let's first look at the two reasons for the reference to the Standing Committee on Rules, Procedures and the Rights of Parliament. Because senators are subject to the policy, this committee will consider whether amendments to the *Rules of the Senate* are needed to implement the policy. Amendments could include, first, clarification regarding the complementarity of these policies, provisions and the *Rules of the Senate*; and second, clarification regarding the application and limits of parliamentary privilege in the application of this policy.

Clarification by the committee is long overdue and has been requested several times in this chamber, including last week, and in committee. The committee's examination of this matter should make it possible to define the limits of parliamentary privilege in order to identify behaviour that violates this policy.

Let's now look at the two reasons for the reference to the Standing Committee on Ethics and Conflict of Interest for Senators. The reference is needed because amendments are required to the *Ethics and Conflict of Interest Code for Senators* in order to implement the policy.

These amendments include, first, the additional role that would be given to the Senate Ethics Officer to recommend remedial, corrective or disciplinary measures when the respondent is a senator following an investigation concluding that he or she had engaged in harassment under the policy; and second, the additional mandate that would be given to the committee itself based on the inclusion in the ethics code of provisions related to harassment and violence in the workplace.

In conclusion, I remind you of our duty to provide all senators and Senate staff with a workplace that is free from harassment and violence, a healthy and rewarding workplace that promotes professional, individual and collective growth. The draft before you introduces a modern policy that aims to prevent harassment and violence and provide an impartial and rigorous process when such situations occur.

The draft Policy on the Prevention and Resolution of Harassment in the Senate Workplace, if adopted, will enable us to fulfill our duty as an employer and set an example for a safe and respectful workplace.

For all these reasons, the Standing Committee on Internal Economy, Budgets and Administration recommends the following:

1. That the revised Policy on the Prevention and Resolution of Harassment in the Senate Workplace, appended to this report, be adopted;

2. That the Standing Committee on Rules, Procedures and the Rights of Parliament be authorized to examine and report on the appropriate and consequential amendments to the *Rules of the Senate* and that the committee present its report to the Senate no later than April 30, 2020;

3. That the Standing Committee on Ethics and Conflict of Interest for Senators be authorized to examine and report on the appropriate consequential amendments to the *Ethics and Conflict of Interest Code for Senators* and that the committee present its report to the Senate no later than April 30, 2020;

4. That the revised Policy on the Prevention and Resolution of Harassment in the Senate Workplace come into force on the first day after the day on which the Senate has adopted both:

(a) the report of the Standing Committee on Rules, Procedures and the Rights of Parliament referred to in paragraph 2; and

(b) the report of the Standing Committee on Ethics and Conflict of Interest for Senators referred to in paragraph 3; and

5. That for greater certainty, the Senate's *Policy on the Prevention and Resolution of Harassment in the Senate Workplace* from 2009 and the interim process for the handling of harassment complaints currently in effect are both rescinded and repealed at the time the revised policy

> comes into force; however, any complaints in progress at that time will continue as if the revised policy never came into force.

Some Hon. Senators: Hear, hear!

Hon. Lillian Eva Dyck: Would the honourable senator take a question?

Senator Saint-Germain: With pleasure.

Senator Dyck: Thank you, Senator Saint-Germain. That was a very good speech. As you were saying, it is time to update our policy. The question I have is related to the speech I gave last week about the loophole that currently exists with respect to parliamentary privilege, whereby a senator's conduct during Senate proceedings, such as at committee meetings, is not part of the anti-harassment policy.

Is it the intention of the revised policy, and the orders of reference that you referred to, to close that loophole so that privilege no longer exempts a senator from behaving in an unethical manner?

[*Translation*]

Senator Saint-Germain: Thank you for your question.

Senators are subject to the current policy, and members of the subcommittee and the Internal Economy Committee have no intention of changing that.

You are absolutely right about the gaps, grey areas and loopholes in the current policy. Some of those gaps, grey areas and loopholes are related to a restrictive interpretation of parliamentary privilege. The current policy also underestimates the Senate's and senators' responsibilities as employers. In other situations, problems result from an interpretation of administrative rules that is not clear enough.

What we and the Internal Economy Committee would like to do is refer our code of ethics and conduct to two subcommittees. The subcommittees would submit reports, which would be amended and used as the basis for strengthening policy enforcement.

In addition, the Senate Rules Committee could continue to build on the work it has done. The committee has already produced two reports, one in 2015 and another in 2019. Obviously, we are pretty close to the goal, which is to clarify the complementarity of the Senate policy on harassment and senators' obligations as members of a group, a work environment, as well as the Speaker's obligation to maintain order and protocol during our proceedings and all proceedings that come under parliamentary privilege. All of that will be covered.

We did that work before you made your speech, which I found to be well documented, very serious and very credible. Evidently, we arrived at the same conclusions and we agree on the shortcomings that need to be addressed. That is our goal.

Hon. Rosa Galvez: I would like to ask Senator Saint-Germain a question.

[*English*]

The Hon. the Speaker: You have about a minute left in your regular time, Senator Saint-Germain.

[*Translation*]

Senator Galvez wants to ask you a question.

Senator Saint-Germain: I am prepared to listen to the question and to answer it.

Senator Galvez: Thank you very much.

I am very pleased to hear about the modernization of the harassment policy. It is a very important matter. I believe that in the past, in this place, we heard about several cases where the power relationship was obvious, namely that one individual was in a position of authority over another, for example a senator and an employee. However, there is not just sexual harassment, but harassment for all sorts of reasons, such as when conflicts of interest can lead to bullying and harassment by a colleague.

• (1740)

Will you consider this type of situation in your study? Will human resources work with the Senate Ethics Officer?

In addition, the law clerk is familiar with his clients, so as senators, we all have the same right to consult the law clerk.

The Hon. the Speaker: Senator, your time is up. Are you asking for five more minutes?

Senator Saint-Germain: If my colleagues agree, I'd appreciate it.

Hon. Senators: Agreed.

Senator Saint-Germain: Thank you, honourable senators. Your question covered several important points. You referred to conflicts of interest for senators, which is already covered by the code of ethics, and I think that the Standing Senate Committee on Ethics and Conflicts of Interest can already handle that.

What you described sounds like abuse of power. The second page of the proposed policy has the following definition for "abuse of power":

> Improperly using a position of authority to endanger another person's job, undermine job performance, threaten the person's livelihood or negatively interfere with their career. It includes humiliation, intimidation, threats and coercion.
>
> Conduct involving the proper exercise of responsibilities or authority related to the provision of advice, the assignment of work, counselling, performance evaluation . . . does not constitute abuse of authority.

I could also share the definition of "harassment," as follows:

> Any improper behaviour or conduct by an individual that is directed at and is offensive to another person or persons in the workplace that the individual knew or ought reasonably to have known would cause offence or be unwelcome.
>
> Harassment includes any objectionable conduct, comment or display — either on a one-time or recurring basis — that demeans, belittles or causes personal humiliation or embarrassment to a person.

The amendments to the Canada Labour Code and to the Canadian Human Rights Act have imposed certain legal obligations on us and, of course, on our role as legislators. We passed these laws and we are subject to them. No one here is above the law.

As for your last question about the responsibilities of the law clerk, I would say that in any institution, including a public and political institution like the Senate, the administration is always more efficient when it receives clear orders and consistent oversight from the decision-making authority.

I believe that this policy, given all the very precise aspects of its implementation, will provide clear guidelines to the administration, and it will be the role of Internal Economy, as the employer's representative, to ensure that the policy is properly implemented.

I would also say that the interim process put in place until this policy is adopted is a process that normally must not involve internal interference by anyone, not by a senator nor the administration. In addition, if situations are brought to our attention, we, as members of Internal Economy, and I, as the chair of the subcommittee, will have to pay the utmost attention to them.

I have good reason to believe that this interim process was undermined, and I'm committed to finding out why and what led to this situation. Thank you.

(On motion of Senator Duncan, for Senator McPhedran, debate adjourned.)

[*English*]

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

MOTION TO AUTHORIZE COMMITTEE TO STUDY THE FUTURE OF WORKERS—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Lankin, P.C., seconded by the Honourable Senator Gagné:
>
> That the Standing Senate Committee on Social Affairs, Science and Technology, when and if it is formed, be authorized to examine and report on the future of workers in order to evaluate:
>
> (a) how data and information on the gig economy in Canada is being collected and potential gaps in knowledge;
>
> (b) the effectiveness of current labour protections for people who work through digital platforms and temporary foreign workers programs;
>
> (c) the negative impacts of precarious work and the gig economy on benefits, pensions and other government services relating to employment; and
>
> (d) the accessibility of retraining and skills development programs for workers;
>
> That in conducting this evaluation the committee pay particular attention to the negative effects of precarious employment being disproportionately felt by workers of colour, new immigrant and indigenous workers; and
>
> That the committee submit its final report on this study to the Senate no later than April 7, 2022.

Hon. Frances Lankin: Honourable senators, I am pleased to speak to the motion standing in my name that seeks to refer a study on the future of workers to a Senate committee for study.

Honourable colleagues, when I was a relative newcomer to the workforce, I became involved with my local trade union actively defending workers' rights. Fighting for safer and more equal workplaces became a passion for me.

I went from being an active member in our union to taking a staff position. I was first an equal opportunity coordinator, then an economic researcher, and finally a negotiator for several province-wide contracts. That was 40 years ago. One of the big files I worked on then was "tech change" and precarious employment that would flow from that.

We made some very dire warnings in those days. We were very right about some and very wrong about others. Today, as a nation, once again we face massive changes in the structure of our economy. These include changes to the nature of work to work relationships, for many enabled by digital platforms. While some workers flourish — and it is important to recognize that — many marginalized and vulnerable workers are again facing the worst outcomes from the new era of "tech change," now referred to as the "gig economy."

It is the same passion for workers' rights I had back then that leads me to stand before you today speaking to this motion to study the gig economy and the future of workers.

This study will help ensure that we do our best to provide opportunity and protections to the most vulnerable. I hope you will engage in this discussion and agree there is great value in a Senate committee taking on the study to explore all angles of the issue. I'm asking for your support to approve this motion.

Many of us were asked: What do you want to be when you grow up? It's a simple question we ask kids every day: What do you want to be? Most kids will tell you the job they want is a firefighter, a doctor, a scientist, an astronaut, maybe even a senator — although my great-granddaughter hasn't mouthed that one yet. She has lots of other ideas.

From a young age, we are taught that our careers are a part of who we are, and it is worth investing our time, money, efforts and passion in.

The 19th century philosopher Georg Wilhelm Friedrich Hegel believed that work was not just something we needed to survive but was an important activity in the development of self-conscious freedom. Work has been considered an important part of personal fulfillment and social development for hundreds of years.

However, the world of work is changing. It's affecting people from all walks of life. Slow economic growth, an aging population and the rapid transition to a digital economy are three significant trends that will impact the future of workers in Canada. New technologies, such as artificial intelligence, digital platform work, automation and robotics continue to disrupt the world of work, for example, by making some jobs redundant, more precarious or by making skills retraining an essential part of getting a job.

Before I go forward, I do want to stress that we must take a balanced look at this. Technology can create new jobs. It can improve work by making it safer, more efficient and offer individual workers more freedom and flexibility. It can allow global teams to work and collaborate on new digital platforms. It can stimulate the economy. However, new forces, structures and relationships driven by high-tech advancements are major challenges for legislators who have to balance the benefits and drawbacks of the application of new technological work platforms while providing legislative safeguards against new forms of exploitation.

Globalization also presents new challenges as more and more offshoring of jobs requires countries to negotiate labour relations and compete to attract companies and top talent. "Global work force" is a term used by more and more employers who are using technology to access workers in remote locations. A large number of jobs can be outsourced to cheaper markets, making it increasingly hard for workers to compete with foreign rates. These are even professional jobs, such as graphic designer or computer engineer, translators, accountants and lawyers are being off-shored, making it harder for Canadian graduates to compete. Again, there can be advantages in tapping into global diversity and bringing the perspectives and experiences, but we need to look at the precautions and/or protections we might want to put in place for workers here in Canada.

• (1750)

Last, socio-economic changes are also having a significant impact on the Canadian economy. An aging population is contributing to significant labour shortages. We need workers for jobs in the transportation and agricultural sectors. Labour shortages are also one of the reasons Canada is bringing in more temporary foreign workers, who made up approximately 1.8% of the total labour supply in 2016.

The aging population, combined with a shrinking working-age population and more newcomers, increases the need for care workers. The caring economy represents over 3.6 million workers, and since 2014, it has grown by half a million workers. Yet a significant number of jobs in the care economy offer only part-time and precarious employment.

As Canada's cities expand, the need for new infrastructure increases, and there are substantial labour shortages in the construction industry and skilled trades. Meanwhile, some workers can't find full-time employment, and gig work is being used as a source of primary income more and more.

There already exists excellent research and analysis on how technology, globalization and socio-economic factors will impact the future of work and what this will mean for business and the economy. While I agree this is important, I propose we transition from thinking about the future of work to creating a better future for workers — not some, but all. By that I mean to include marginalized workers, precarious workers, part-time workers, independent contractors, temporary foreign workers, seasonal labourers, newcomers and racialized workers whose protections, benefits and pensions are eroding and whose situations deserve our attention.

It's the single mother who has to juggle two part-time jobs because her employers only hire part-time workers. It's the Uber driver who can't access employee protections or benefits. It's the temporary foreign worker who fears reprisal for reporting abuse. It's the young graduate who can't find a job because their profession is being outsourced to another country.

It's also about the employer who faces labour shortages and can't find skilled labourers for their business. It is the seasonal labourer who can't access a retraining program to secure stable yearly employment.

These are real situations that Canadians are grappling with, and that's why I suggest the Senate committee study presented by this motion should focus on workers and the social impacts of the future of work.

I know that some of my colleagues here in the Senate have expressed interest in a study of the gig economy as it relates to businesses, entrepreneurship, regulatory measures and the economy more broadly. I believe those topics are important and interrelated. However, in order to scope this topic and achieve a level of insight needed to make specific recommendations, I propose that a Senate study on the future of workers focus on the social impacts of precarious work. There are a number of examples; I won't take the time to go through them, because we're running toward the wrap-up time of the evening.

But as the economic landscape transforms, a shift in labour relations is occurring. There are now more types of work arrangements than ever before, and most of these are being considered precarious employment. Many are characterized by low-income work insecurity and lack of opportunity.

One example of this, referring to the gig economy — and by that I'm referring to a growing labour market that's driven by shorter-term contracts and freelance work, and companies using digital platforms to connect workers directly with customers who pay on a per service basis. This economy is rapidly growing, and it's growing outside of the existing legal and regulatory environment for standardized work. As the gig economy grows, so does the number of workers caught up in loopholes that these platforms provide and that are being used to avoid paying employee protections and benefits. Obviously, this can produce many dollars in operating savings for companies and shareholders, and that's important, but it can carry with it huge costs for workers, their families, communities and our economy.

Our current labour legislation, which dates back to the 1970s and 1980s, was drafted with a different workforce in mind. Back then, workers expected to work hard, often for the same employer for decades. In return, they'd receive steady, decent income, a pension, benefits and guaranteed access to EI and other protections. The employer-employee relationship, which used to be taken for granted, is now a question before the courts. Cases such as *Heller v. Uber Technologies Inc.* and the Foodora hearings have shown that gig workers in Canada are not okay with being classified as independent contractors rather than employees.

It's also sad to see that some aspects of gig work are impacting some of society's most vulnerable workers, who have been denied access to opportunities and benefits of Canadian prosperity. These are workers who are predominantly women, people of colour and Indigenous. Every government should be concerned with these developments and should be committed to modernizing employment standards and labour relations legislation.

This study represents an important step toward producing legislative protections that can address some of these issues that we are now seeing in the courts. Other jurisdictions around the world have already begun to change legislation and address these issues. The committee has an opportunity to be a forum for experts and stakeholders to explore those issues and analyze some of the new data from Statistics Canada.

In the lead-up to the debate on this motion, I have spoken with many individuals and organizations that have much to bring to our table. They include not-for-profits, think tanks like IRPP, foundations like the Atkinson Foundation, business organizations like the Canadian Chamber of Commerce, trade unions, skills-development-focused organizations like the Future Skills Centre out of Ryerson, local and internationally focused development researchers like the Coady Institute at St. FX, population-focused organizations like the CEE Centre for Young Black Professionals and the Indigenomics Institute that focuses on overcoming Indigenous economic barriers and addressing challenges.

I want to stress that all of them have expressed the opinion that a study undertaken in the thorough approach of the Senate can bring real value to the development of public policy considerations related to the future of workers in our changing economy.

Senators, there's much more I'd like to say, and there may be an opportunity at a future time, but I will wrap up, given the hour. We have the opportunity to invest some of our time and energy to examine these issues. Looking at the future of workers in Canada means gathering data on precarious work, examining how technology is affecting jobs and communities and assessing the working conditions of Canada's workers. It also means proposing solutions and taking the time to be thoughtful of those.

Honourable senators, I ask for your support for this committee study on the future of workers. We need a better understanding of the issues that are affecting workers now, and we need to ensure that decent jobs are available in the future, so young people can continue to dream about what they want to be when they grow up.

Thank you very much.

Some Hon. Senators: Hear, hear.

[*Translation*]

Hon. Renée Dupuis: Will Senator Lankin take a question?

Senator Lankin: Yes.

Senator Dupuis: I listened carefully to what you had to say. After listening to your speech, which raises some very real issues and major problems in our society, the question that I am asking myself has to do with discrimination.

In other words, there are workplaces, and not just the technology oriented or more modern ones, that discriminate against certain categories of workers. You named a few. There are others. I am wondering whether it would be useful to define discrimination in the wording of the mandate you proposed to the Social Affairs Committee, because I did not hear it, so that we can look at workplaces. How do workplaces afford different working conditions to different categories of workers? Do they discriminate against certain categories of workers?

Here is a specific example. In the field of technology, corporate management in the video game industry very clearly discriminates against women in the types of duties they are asked to carry out. The better paying jobs are reserved for men. In your proposal, did you plan to clearly identify workplace discrimination?

[*English*]

The Hon. the Speaker: Before Senator Lankin answers, it now being 6 p.m., pursuant to rule 3-3(1), I'm required to leave the chair until 8 p.m., unless we agree not to see the clock.

Is it agreed that we not see the clock, honourable senators?

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker: I hear a "no." The sitting is suspended until 8 p.m.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

• (2000)

The Hon. the Speaker: Honourable senators, this sitting is resumed. When we suspended, Senator Lankin was about to answer Senator Dupuis's question. However, you only have 40 seconds left, so are you asking for five more minutes to answer the question?

Senator Lankin: No, I'm not asking.

The Hon. the Speaker: You have 40 seconds.

Senator Lankin: I appreciate the senator's question. I think the issues of discrimination are underpinning some of the very negative impacts for marginalized workers and whether that's within this study, the committee will determine their scope or perhaps it is something that the Human Rights Committee will look at. I know that in another part of the gig economy, there are discussions about whether the Banking Committee should look at it. But let's keep a dialogue going on that because the issues you raise are very important. Thank you.

The Hon. the Speaker: I'm sorry, Senator Lankin didn't ask for additional time so her time has expired.

(On motion of Senator Duncan, for Senator Dean, debate adjourned.)

[*Translation*]

THE SENATE

MOTION TO CALL UPON THE PRIME MINISTER TO ADVISE THE GOVERNOR GENERAL TO REVOKE THE HONORIFIC STYLE AND TITLE OF "HONOURABLE" FROM FORMER SENATOR DON MEREDITH—DEBATE ADJOURNED

Hon. Josée Verner, pursuant to notice of December 10, 2019, moved:

> That, in light of the reports of the Senate Ethics Officer dated March 9, 2017, and June 28, 2019, concerning the breaches by former Senator Don Meredith of the *Ethics and Conflict of Interest Code for Senators*, the Senate call upon the Prime Minister to advise Her Excellency the Governor General to take the necessary steps to revoke the honorific style and title of "Honourable" from former senator Meredith.

She said: Honourable senators, I rise today to propose that the Senate call upon the Prime Minister to advise Her Excellency the Governor General to take the necessary steps to revoke the honorific style and title of "Honourable" from former Senator Meredith.

This is an extraordinary procedure, which has not been seen since this Parliament was established in 1867. However, it concerns circumstances that are just as extraordinary in the long history of our institution.

Honourable colleagues, I need hardly remind you that we are all privileged to sit in this chamber and enjoy the style and title of "honourable" for ceremonial and protocol purposes.

What is honour? How can a person really be described as "honourable" beyond an official title?

The *Canadian Oxford Dictionary* defines honour simply and accurately as, and I quote, "high respect; glory; credit, reputation, good name".

In a parliamentary context, that same dictionary defines honourable as, and I quote, "a title indicating eminence or distinction."

Honourable senators, these characteristics are an indirect part of our commission of appointment, which was signed by the Governor General of Canada on the recommendation of the Prime Minister because of the, and I quote, "especial trust and confidence" they manifested in each of us.

From then on, we are styled "honourable" for the duration of our time in the Senate. We also have the privilege of retaining the title, with its attendant ceremonial benefits and honours, until the end of our days, even after we retire or resign from the Senate.

We also understand that with the title come important responsibilities and obligations.

To wit, section 7.1 of the *Ethics and Conflict of Interest Code for Senators* states that our conduct must uphold the highest standards of dignity and that we must refrain from acting in a way that could reflect adversely on the position of senator or the institution of the Senate. Section 7.2 states that we must perform our parliamentary duties with dignity, honour and integrity.

That brings me to former senator Don Meredith's "honourable" title.

The former Senate ethics officer published an initial report on March 9, 2017, in which she found that Don Meredith had violated sections 7.1 and 7.2 of the code by engaging in an inappropriate relationship with a teenage girl.

Two years late, the current ethics officer released a second report on June 28, 2019, the Legault report, in which he showed that Mr. Meredith had once again violated the code, primarily

because he had engaged in conduct that amounted to psychological harassment, sexual harassment or both of six former employees in his office and a Senate security constable.

The findings of the Legault report are also shocking, since the former senator repeatedly engaged in behaviour that demeaned, denigrated and humiliated his victims in a work environment described as "poisoned."

Honourable senators, today I won't dwell any longer on the observations and conclusions of the Ethics Officer, since I intend to do so very soon, in fact, as part of an inquiry standing on the Order Paper.

I would, however, like to strongly emphasize one point.

Former Senator Meredith exhibited the most despicable behaviour possible in the history of this institution. He did so with impunity, with utter contempt for ethics rules and against the dignity, well-being and rights of his victims.

We all agree that Mr. Meredith does not deserve our respect or consideration. Far from being honourable, this is all rather despicable.

His actions continue to profoundly affect the lives of his victims, who have been left to fend for themselves by our institution, according to reports. They also profoundly undermined the Senate and our reputation as a responsible, fair employer among our employees and Canadians.

It is inconceivable that a former senator linked to these events could maintain his "honourable" title, even though he resigned from the Senate on May 9, 2017.

What prompted us to move this motion today?

This is a wish that was expressed by some of the victims in private conversations with me, Senator Saint-Germain and other colleagues in this chamber. This highly symbolic measure is important to them, as I indicated during a phone conversation in July with our former colleague Senator Joyal. I would remind you that when the Senate standing committee on ethics tabled its sixth report on July 29, 2019, following its review of the Legault report, it did not suggest that this chamber impose any sanctions.

• (2010)

I will read an excerpt from page 3 of the report:

> . . . the permanently suspended nature of the committee's consideration of the inquiry report means that the committee will make no such recommendation in this case.

We understand that the committee did not have the necessary authority to do anything at all in the wake of Senator Meredith's resignation, in terms of either sanctions or other observations intended for all honourable senators. That same committee released its seventh report two weeks later on August 12, 2019, recommending amendments to our code of ethics. It also included a section on substantive issues requiring a more in-depth review by senators. One of those issues is on page 45 of the report and concerns the possibility of adding the expulsion of a senator or financial penalties to the list of sanctions that may be recommended under our code of ethics. The committee, however, does not seem to have taken the opportunity to also propose a procedure for removing the title of "honourable" in extraordinary cases, like the one we are discussing today.

For all these reasons, I don't think we should ask for the advice of the Standing Senate Committee on Ethics and Conflict of Interest before we vote. I don't see how that would add anything new. All senators were tarnished by Don Meredith's actions. I think this decision must be made by all senators. We have an important decision to make, and this decision will show how determined we are to condemn the actions of former Senator Meredith. It will also serve as a serious warning that the kind of behaviour he has been accused of can have repercussions long after we leave this chamber. We have everything we need to debate this topic now, as set out in my motion. We must look beyond our privileges and reflect on what is the most honourable decision we can make in this case, which has been dragging on for far too long. We owe it to the victims and to our employees. Thank you for your consideration of my motion, and I hope I can count on your support. Thank you.

The Hon. the Speaker: Are you saying that you want your motion to be seconded by Senator Saint-Germain?

Senator Verner: Yes.

The Hon. the Speaker: I'm sorry that I said it was Senator Tannas. The table will make that change.

Hon. Raymonde Saint-Germain: I'm not insulted about being confused with Senator Tannas. Quite the opposite in fact. If there are no further questions, I move the adjournment of the debate in my name.

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

(On motion of Senator Saint-Germain, debate adjourned.)

[*English*]

NATIONAL SECURITY AND DEFENCE

MOTION TO AUTHORIZE COMMITTEE TO STUDY THE PROSPECT OF ALLOWING HUAWEI TECHNOLOGIES CO., LTD. TO BE PART OF CANADA'S 5G NETWORK—DEBATE ADJOURNED

Hon. Leo Housakos, pursuant to notice of December 10, 2019, moved:

> That the Standing Senate Committee on National Security and Defence be authorized to examine and report on the prospect of allowing Huawei Technologies Co., Ltd. to be part of Canada's 5G network, when and if the committee is formed; and
>
> That the committee submit its final report no later than April 30, 2020.

He said: Honourable senators, I rise today to propose that the Senate Committee on National Security and Defence look carefully at an issue of pivotal importance for this country and our relationships with our closest allies — the implications of allowing the Chinese multinational company Huawei to become part of our 5G network.

As senators will know, 5G is the next generation — the fifth generation — of mobile broadband to replace the 4G network that we use today. The 5G network will allow for download and upload speeds that will be 10 to 20 times faster than current 4G technology. In this regard, it will greatly expand mobile data traffic and will be the foundation of future emerging technologies such as autonomous devices operating automobiles, unmanned vehicles of all types, homes and factories. The 5G network will permit the sharing of data on an unprecedented scale and it will constitute the basis of not only our future economy but, indeed, the entire structure of our society.

The economic stakes are massive, but so too are the national security implications. It is these national security implications that I wish to focus on.

There are several questions that I believe are important in this regard: Which companies and core service providers should be engaged to provide the technology for the future 5G network? How integrated should we permit various actors to be? Should we permit some companies to operate only a "non-core" 5G network? Can we clearly identify what the non-core networks will be? Should some companies not be permitted to operate within our 5G network at all, given their links to foreign intelligence services that may not only be seeking to steal technologies from Canada and that of other countries, but may also have an objective to disrupt our own 5G networks?

Experts may well have different views on these matters, and we should be prepared to hear from a broad cross-section of these analysts. However, I do believe that a core element of this examination must include what the implications of a Canadian decision will be in terms of Canada's membership in the Five Eyes group of countries.

Canada has always closely cooperated with the United States, Australia, the United Kingdom and New Zealand on intelligence and security matters. The issue of whom we allow access to our 5G network is something that all our Five Eyes partners have been grappling with. Much the focus of discussion has understandably been on the People's Republic of China and the role that the PRC companies play in China's worldwide intelligence activities.

In 2018, the Canadian Security Intelligence Service hosted a comprehensive workshop of international experts on Chinese policy and strategic intentions. Papers presented at that workshop formed the basis of a report that was published in 2018. The extensive report included the following conclusions.

The current Chinese regime is:

> . . . driving a multi-dimensional strategy to lift China to global dominance. This strategy integrates aggressive diplomacy, asymmetrical economic agreements, technological innovation, as well as escalating military expenditures. . . ."

Later, the report goes on to say that:

> Trading partners have quickly found that China uses its commercial status and influence networks to advance regime goals.
>
> Whether a Chinese partner company is a state-owned enterprise or a private one, it will have close and increasingly explicit ties to the CCP.
>
> Beijing will use its commercial position to gain access to businesses, technologies and infrastructure that can be exploited for intelligence objectives, or to potentially compromise a partner's security.

These considerations are important in forming how we will approach the issue of the Chinese corporate role, particularly that of Huawei, in the future 5G network. We need to consider how our Five Eyes allies are considering this matter.

The American position was clearly articulated by Robert O'Brien, the U.S. national security adviser, at the Halifax International Security Forum last month. Mr. O'Brien pulled no punches in describing Huawei as a Trojan Horse. He stated the following:

> The technology allows China to put together profiles of the most intimate details, intimate personal details, of every single man, woman and child in China. When they get Huawei into Canada or other Western countries, they're going to know every health record, every banking record, every social media post; they're going to know everything about every single Canadian.

I know that some in this chamber will instinctively reject all analysis that comes from a representative of the current administration to the south. However, we need to remember the close security relations that exist between Canada and the United States. It is also important to remind ourselves that there is actually little daylight between the positions of Republicans and Democrats in the United States when it comes to the challenge posed by China and security to North America.

Last June, Eliot Engel, the Democrat Chairman of the House Committee on Foreign Affairs, stated:

> More and more, the Chinese Communist Party exports its repressive values, whether by spreading surveillance technologies or trying to silence international criticism of its actions through economic coercion or reshaping international institutions to better reflect Beijing's views . . . .

• (2020)

Just this month, U.S. House Speaker Nancy Pelosi said that accepting Chinese domination of 5G would be akin to "choosing autocracy over democracy."

In terms of our other Five Eyes partners, Australia, like the United States, has also banned Huawei from its 5G network. In New Zealand, the Government Communications Security Bureau rejected the telecom industry's first request to use 5G equipment provided by Huawei. The review is ongoing, but the security concerns are clearly apparent. In the United Kingdom, Huawei has been blocked from what are described as "core" parts of the 5G network.

It is a decision that has not been without its critics, but the company is banned from supplying kit to the "sensitive part" of the U.K. network, including from any areas near military bases and similarly sensitive sites. And it will only be allowed to account for 35% of the kit in a network's periphery.

That brings me to the position of the Canadian government — or is it better described as a non-position? It probably should not come as a surprise that we cannot really be sure what the position of the current Trudeau government is on this matter. To put it charitably, the government has, in general terms, had a very pro-China policy. And it has maintained that orientation even in the face of unprecedented provocations. I need not remind senators that two Canadians have essentially been kidnapped by Chinese authorities in response to a legal process in Canada related to Huawei's chief financial officer, while two other Canadians, who may or may not be guilty of drug trafficking — honestly, we cannot be sure in China — have been sentenced to death and imposed on them. Canadian agricultural exports, in turn, have their goods blocked from entering China on the most specious of reasons. It is a ban that the Chinese only lifted because of the damage done by disease to their own industry.

On all of these issues, we are still awaiting any kind of substantive response by the current government — a fact which is very concerning. Canada's Minister of National Defence, at the Halifax International Security Forum, stated, "We don't consider China as an adversary."

The problem is that this view is not one that the PRC leadership seems to share. To again quote the views of experts in last year's workshop sponsored by CSIS:

> . . . Beijing will use its commercial position to gain access to businesses, technologies and infrastructure that can be exploited for intelligence objectives, or to potentially compromise a partner's security.

It is my view, therefore, on the matter of the participation of a major Chinese company in our 5G network, this chamber should not simply wait for the government to take a decision. That would be a serious mistake, colleagues. We have seen this government's inaction when it comes to dealing with China. In my view, the Standing Committee on National Security and Defence should start to hear from witnesses on all sides of this issue as soon as possible. It's our responsibility and our role as the upper chamber. This is not only entirely appropriate, I would argue, but it is very necessary given the context and circumstances.

Parliamentary committees in other Five Eyes countries are doing that very thing as we speak. In Australia, for example, the House of Representatives Standing Committee on Communications and the Arts is enquiring into the deployment, adoption and application of 5G in Australia. Here in our Senate, our Standing Committee on Transport and Communications spent a considerable amount of time in the last Parliament looking at all the implications of the introduction of automated vehicles in Canada. It can be legitimately argued, I think, that the matter of the 5G network is even more significant, particularly given the national security implications.

I therefore hope that I can count on your support in asking that the Standing Senate Committee on National Security and Defence be authorized to examine and report on the prospect of allowing Huawei Technology Corporation to be part of Canada's 5G network, when and if the committee is formed, and that the committee submit its final report no later than April 30, 2020. Thank you, colleagues.

(On motion of Senator Duncan, debate adjourned.)

THE SENATE

MOTION TO AMEND THE *RULES OF THE SENATE*—DEBATE

Hon. Yuen Pau Woo, pursuant to notice of December 11, 2019, moved:

That the *Rules of the Senate* be amended:

1. by replacing rule 3-6(2) by the following:

"Adjournment extended

3-6. (2) Whenever the Senate stands adjourned, if the Speaker is satisfied that the public interest does not require the Senate to meet at the date and time stipulated in the adjournment order, the Speaker shall, after consulting all the leaders and facilitators, or their designates, determine an appropriate later date or time for the next sitting.";

2. by replacing rule 4-2(8)(a) by the following:

"Extending time for Senators' Statement

4-2. (8)(a) At the request of a whip or the designated representative of a recognized party or recognized parliamentary group, the Speaker shall, at an appropriate time during Senators' Statements, seek leave of the Senate to extend Statements. If leave is granted, Senators' Statements shall be extended by no more than 30 minutes.";

3. by replacing rule 4-3(1) by the following:

"Tributes

4-3. (1) At the request of any leader or facilitator, the period for Senators' Statements shall be extended by no more than 15 minutes for the purpose of paying tribute to a current or former Senator.";

4. by replacing rules 6-3(1)(a), (b) and (c) by the following:

"Leaders and facilitators

(a) any leader or facilitator shall be permitted up to 45 minutes for debate;

Sponsor of a bill

(b) the sponsor of a bill shall be allowed up to 45 minutes for debate at second and third reading;

Spokesperson on a bill

(c) the spokesperson on a bill from each recognized party and recognized parliamentary group, except for the party or group to which the sponsor belongs, shall be allowed up to 45 minutes for debate at second and third reading; and";

5. by replacing rule 6-5(1)(b) by the following:

"(b) the time remaining, not to exceed 15 minutes, if the Senator who yielded is a leader or facilitator.";

6. by replacing the portion of rule 7-1(1) before paragraph (a) by the following:

"Agreement to allocate time

7-1. (1) At any time during a sitting, the Leader or the Deputy Leader of the Government may state that the representatives of the recognized parties and recognized parliamentary groups have agreed to allocate a specified number of days or hours either:";

7. by replacing the portion of rule 7-2(1) before paragraph (a) by the following:

"No agreement to allocate time

7-2. (1) At any time during a sitting, the Leader or the Deputy Leader of the Government may state that the representatives of the recognized parties and recognized parliamentary groups have failed to agree to allocate time to conclude an adjourned debate on either:";

8. by replacing rule 7-3(1)(f) by the following:

"(f) Senators may speak for a maximum of 10 minutes each, provided that a leader or facilitator may speak for up to 30 minutes;";

9. by replacing rules 9-5(1), (2) et (3) by the following:

"(1) The Speaker shall ask the whips and the designated representatives of the recognized parties and recognized parliamentary groups if there is an agreement on the length of time the bells shall ring.

(2) The time agreed to shall not be more than 60 minutes.

(3) With leave of the Senate, the agreement on the length of the bells shall constitute an order to sound the bells for that length of time.";

10. by replacing rule 9-10(1) by the following:

"Deferral of standing vote

9-10. (1) Except as provided in subsection (5) and elsewhere in these Rules, when a standing vote has been requested on a question that is debatable, a whip or the designated representative of a recognized party or recognized parliamentary group may defer the vote.

EXCEPTIONS

Rule 7-3(1)(h): Procedure for debate on motion to allocate time

Rule 7-4(5): Question put on time-allocated order

Rule 12-30(7): Deferred vote on report

Rule 12-32(3)(e): Procedure in Committee of the Whole

Rule 13-6(8): Vote on case of privilege automatically deferred in certain circumstances";

11. by replacing rule 9-10(4) by the following:

"Vote deferred to Friday

9-10. (4) Except as otherwise provided, if a vote has been deferred to a Friday, a whip or the designated representative of a recognized party or recognized parliamentary group may, at any time during a sitting, further defer the vote to 5:30 p.m. on the next sitting day, provided that if the Senate only meets after 5 p.m. on that day, the vote shall take place immediately before the Orders of the Day.

EXCEPTIONS

Rule 12-30(7): Deferred vote on report

Rule 13-6(8): Vote on case of privilege automatically deferred in certain circumstances";

12. by replacing rule 12-3(3) by the following:

"Ex officio members

12-3.(3) In addition to the membership provided for in subsections (1) and (2), the Leader of the Government, or the Deputy Leader if the Leader is absent, and the leader or facilitator of each recognized party and recognized parliamentary group, or a designate if a leader or facilitator is absent, are ex officio members of all committees except the Standing Committee on Ethics and Conflict of Interest for Senators and the joint committees. The ex officio members of committees have all the rights and obligations of a member of a committee, but shall not vote.";

13. by adding the word "and" at the end of rule 12-5(a) in the English version, and by replacing rules 12-5(b) and (c) by the following:

"(b) the leader or facilitator of a recognized party or recognized parliamentary group, or a designate, for a change of members of that party or group.";

14. by replacing rule 12-8(2) by the following:

"Service fee proposals

12-8. (2) When the Leader or Deputy Leader of the Government tables a service fee proposal, it is deemed referred to the standing or special committee designated by the Leader or Deputy Leader of the Government following consultations with the leaders and facilitators of the recognized parties and recognized parliamentary groups, or their designates.

REFERENCE

Service Fees Act, *subsection 15(1)*";

15. by replacing rule 12-18(2)(b)(ii) by the following:

"(ii) with the signed consent of the majority of the leaders and facilitators, or their designates, in response to a written request from the chair and deputy chair.";

16. by replacing rule 12-27(1) by the following:

"Appointment of committee

12-27. (1) As soon as practicable at the beginning of each session, the Leader of the Government shall move a motion, seconded by the other leaders and the facilitators, on the membership of the Standing Committee on Ethics and Conflict of Interest for Senators. This motion shall be deemed adopted without debate or vote, and a similar motion shall be moved for any substitutions in the membership of the committee.

REFERENCE

Ethics and Conflict of Interest Code for Senators, *subsection 35(4)*";

17. in Appendix I:

(a) by deleting the definition "Critic of a bill";

(b) by deleting the definition "Ordinary procedure for determining duration of bells"; and

(c) by adding the following new definitions in alphabetical order:

"**Designated representative of a recognized party or a recognized parliamentary group**

The Senator designated from time to time by the leader or facilitator of a recognized party or a recognized parliamentary group without a whip as that group or party's representative for a purpose or purposes set out in these Rules. (*Représentant désigné d'un parti reconnu ou d'un groupe parlementaire reconnu*)";

"**Leaders and facilitators**

The Government Leader and the leaders and facilitators of the recognized parties and recognized parliamentary groups (see definitions of "Leader of the Government", "Leader of the Opposition" and "Leader or facilitator of a recognized party or recognized parliamentary group"). (*Leaders et facilitateurs*)"; and

"**Spokesperson on a bill**

The lead Senator speaking on a bill from each recognized party and recognized parliamentary group, as designated by the leader or facilitator of the party or group in question. (*Porte-parole d'un projet de loi*)"; and

18. by updating all cross references in the Rules, including the lists of exceptions, accordingly; and

That the *Ethics and Conflict of Interest Code for Senators* be amended by deleting subsection 35(5), and renumbering other subsections and cross-references accordingly.

He said: Honourable senators —

POINT OF ORDER—SPEAKER'S RULING RESERVED

Hon. Leo Housakos: I rise on a point of order, Your Honour.

The Hon. the Speaker: Honourable Senator Housakos, on a point of order.

Senator Housakos: Your Honour, I appreciate that we have made certain allowances within our rules over the past few years in order to accommodate the mess that has been created as a result of the current Prime Minister's political decision to remove senators from his national caucus in an attempt to insulate himself from the fallout of the Auditor General's report, which we experienced here a few years ago. And I appreciate that there may be more to come. I also appreciate I have certainly spoken in praise of this chamber being the master of its own domain. We are an independent chamber within our bicameral Westminster

system. That affords us the privilege of setting and enforcing our own rules. However, colleagues, there are clear limits. From the *Senate Procedure in Practice*, page 15:

> The Senate is the master of its own proceedings, subject to limitations of the Constitution and law.

From the *Companion to the Rules of the Senate*, the then Clerk of the Senate, Gary O'Brien, stated:

> The *Rules of the Senate* derive from the constitutional and statutory sources, as well as parliamentary conventions, traditions and usages . . . . The status of individual rules is relevant in terms of their legal implications and the procedures for amending them.

Let's first talk about the Constitution and our rules, colleagues. All of the rules assigned to the Senate and to the government and the opposition in the Senate are the ones that are constitutionally mandated and recognized in our rules and governing principles. In Canada's federation, the Senate represents the country's regions and its provinces at the federal level, a function that is core to the Senate's existence. If the Senate is prevented from carrying out that function, Your Honour, then its *raison d'être* is truly in question. Central to the ability of the Senate to properly carry out its core functions are the roles played by both government and opposition senators.

Under our rules, there are those who propose and those who oppose. This is no more evident than in the assigned roles of sponsor and/or critics which, to this day, is the functioning practice of all Westminster bodies. In any Westminster legislative body, which is reflected in our rules, an effective opposition is essential not only so that it can ask questions of the government, but also to enable it to speak on behalf of Canadians throughout the legislative process. This requires an organized and a recognized opposition caucus that is able to raise questions at second reading, follow that approach with witnesses and questioning at committee, and mobilize support of potential amendments.

An effective opposition is also one that can utilize legislative procedures to highlight and bring attention to major issues of contention. This requires both consistency and a willingness to challenge the government. Indeed, challenging the government must be part of such a caucus's *raison d'être*. The role of the government and opposition leaders must be protected and set apart from the roles of other caucuses and parliamentary group leaders in order to preserve and ensure this dichotomy, which is part and parcel of the Westminster system. It is an essential principle of every Westminster legislature all around the world. And make no mistake, while the Senate of Canada is not a confidence chamber, it shares the role and obligation of holding the government of the day to account. In order to fulfill this obligation, the Constitution gives the Senate the necessary powers as enjoyed by the House of Commons of Westminster.

That's an important point, colleagues. In order to fulfill this obligation, our Constitution — our governance — by which we exist, gives the Senate the necessary powers as enjoyed by the House of Commons at Westminster.

Senator Woo, I'm not making this up. Read it. It's in section 18 of our Constitution, stated in black and white:

> The privileges, immunities, and powers to be held, enjoyed, and exercised by the Senate and by the House of Commons, and by the members thereof respectively, shall be such as are from time to time defined by Act of the Parliament —

I'm on a point of order, Your Honour.

The Hon. the Speaker: Honourable senators, Senator Housakos is on a point of order. Unless you are claiming some point of privilege with respect to commentaries that are being made, I'm going to allow Senator Housakos to continue with his point of order following which, if you wish to raise another point of order, you may well do that.

Senator Housakos: Thank you, Your Honour. I will take the liberty of quoting section 18:

> The privileges, immunities, and powers to be held, enjoyed, and exercised by the Senate and by the House of Commons, and by the Members thereof respectively, shall be such as are from time to time defined by Act of the Parliament of Canada, but so that any Act of the Parliament of Canada defining such privileges, immunities, and powers shall not confer any privileges, immunities, or powers exceeding those at the passing of such Act held, enjoyed, and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland, and by the Members thereof.

• (2030)

Senator Woo's motion seeks to change the powers of the Senate and senators, in particular as they pertain to government and opposition. Whereas the Parliament of Canada Act is reflective of the elements in section 18, it makes it clear that it is only through legislative changes to this statute that these powers can be amended, and that includes the responsibilities afforded the government and opposition in the various positions of their leadership. Simply changing our rules is not adequate or, for that matter, legal. It is clear that the law itself must change and not only in relation to the role of government and opposition. As already noted in a report of the Special Senate Committee on Senate Modernization, some changes to our rules must require changes to the Parliament of Canada Act and other federal legislation in relation to the constitutional and statutory role of specific senators.

To be blunt, in this chamber, according to the law, not all senators and not all leaders are equal. In the Parliament of Canada Act, it does recognize senators with additional roles and responsibilities. This recognition provides additional allowances for those in leadership roles, such as the Leader of the Government and the Leader of the Opposition.

If this motion was adopted and our rules were amended, it would reduce the role of these positions without legally requiring legislative changes, colleagues. Quite simply, it again goes against the law and the Constitution.

Since our rules are subject to statutory limitations, this motion anticipates any legislative changes that have not yet been introduced.

It has been stated that the government on the other side is planning changes to several laws, including the Parliament of Canada Act. As a consequence, Your Honour, this motion, as currently structured, is defective in its application and substance, and I ask respectfully that you rule it out of order and have it discharged from the Order Paper.

Some Hon. Senators: Hear, hear.

The Hon. the Speaker: Senator Woo, did you wish to reply?

Hon. Yuen Pau Woo: I would like to reply.

The Hon. the Speaker: Contrary to procedure, honourable senators, even though it appeared at one point that another point of order was going to be raised — and indeed it may well be — the proper procedure is to finish debate on Senator Housakos's point of order until we move to another one.

Senator Woo: Honourable senators, the point of order that I was going to raise, which I will now turn to in response, is that Senator Housakos is not making a point of order. He is actually debating my motion before I have even had the chance to speak to it. I believe that his argument is flawed, and if he gave me the chance to speak to the motion, I would explain to all colleagues here why he is wrong in that interpretation.

Your Honour, I would respectfully ask you to reject the point of order, give me the chance to explain the motion, and invite Senator Housakos and other colleagues in this chamber who wish to follow up on Senator Housakos's argument to make those arguments, and we can have a healthy debate about them, but I reject unequivocally that this motion is somehow ultra vires, that it does away with the opposition or in any other respect is not respectful of the rules and statutes of this country.

Some Hon. Senators: Hear, hear.

Hon. Frances Lankin: Honourable senators, I want to take a brief moment to indicate that beyond the quote that Senator Housakos read from the *Senate Procedure in Practice*, from the same page, page 14 and 15, I want to indicate that it speaks clearly to the fact that:

> The Senate adopted its first Rules shortly after Confederation. They have been regularly amended to reflect evolving circumstances and needs. . . . Changes to the Rules must be approved by the Senate.

It continues, and as Senator Housakos quoted:

> The Senate is the master of its own proceedings, subject to the limitations of the Constitution and law.

Constitution in law does not speak to the procedural operations of this chamber, and as we know, there have been many rule changes since Confederation, and circumstances have evolved and changed, and they are continuing to evolve and change, and the Senate must be brought into a state of modernization to go along with that.

I agree with Senator Woo that this is an attempt to dash the debate on this and that the points that Senator Housakos raised are a valuable contribution for consideration by the Senate, but it is not, in fact, an appropriate point of order.

Some Hon. Senators: Hear, hear.

Hon. Denise Batters: Honourable senators, I wish to speak briefly in support of Senator Housakos's point of order.

Your Honour, I wish to draw to your attention a few portions of the 2014 *Reference re Senate Reform*, a unanimous decision of the Supreme Court of Canada. In that decision, paragraph 48 states:

> . . . ss. 44 and 45 give the federal and provincial legislatures the ability to unilaterally amend certain aspects of the Constitution that relate to their own level of government, but which do not engage the interests of the other level of government. This limited ability to make changes unilaterally reflects the principle that Parliament and the provinces are equal stakeholders in the Canadian constitutional design. Neither level of government acting alone can alter the fundamental nature and role of the institutions provided for in the Constitution. This said, those institutions can be maintained and even changed to some extent under ss. 44 and 45 , provided that their fundamental nature and role remain intact.

Further, paragraph 77 of that decision states:

> The Senate is a core component of the Canadian federal structure of government. As such, changes that affect its fundamental nature and role engage the interests of the stakeholders in our constitutional design — i.e. the federal government and the provinces — and cannot be achieved by Parliament acting alone.

Your Honour, I would argue today that few things are more fundamental to the core of the Senate of Canada — this particular political institution, which is based on the Westminster system and the constitutional elements that Senator Housakos laid out — than the government-opposition setup which has been in place in this place for more than 150 years. As such, I would contend that, for that additional reason, this motion is out of order because it contravenes those particular sections.

Senator Housakos: Your Honour, I want to add that Senator Lankin appropriately read the rule book and pointed out that since day one when this institution was founded, there have been rules and procedural changes that have been debated and that have evolved and changed. However, never once has this body unilaterally changed elements of the rules that are in the Parliament of Canada Act. That requires a change of the law and the Parliament of Canada Act, and we all know it's not done unilaterally through a private member's bill in the upper chamber.

I want to be clear: That is the core of the problem. This is not some procedural rule that we send to the Rules Committee for review and we change as this place has evolved in the past and will continue to. This is about the fundamental governance of our country. The Constitution and the Parliament of Canada Act is

not determined by Senator Housakos, Senator Lankin or Senator Woo. There are procedures to amend the Parliament of Canada Act, and they have to be respected or else we are living in a complete state of anarchy.

Hon. Pierrette Ringuette: Honourable senators, thank you for allowing me to speak on this point of order. The first element that I would like to point out is that Senator Housakos has not pointed to the rule where this particular motion is out of order.

There is nothing in the motion of Senator Woo that is out of order. Senator Housakos has not pointed to any current rules in our Senate rule book or companion or practice that he can reference. The only issue that he referenced is the Parliament of Canada Act. The Parliament of Canada Act only recognizes special funding, additional funding, for people who have a particular job. It has nothing to do with the *Rules of the Senate*. Actually, again on page 14 of the *Senate Procedure in Practice*, it states clearly that the Senate ". . . establish the framework within which most Senate business is conducted," and "The Senate is the master . . . ." So we — not the official opposition and not the government representative — decide which rule we want to operate under. That is what we want to consider with the motion from Senator Woo — another option, and probably a better option. Thank you.

• (2040)

Hon. Yonah Martin (Deputy Leader of the Opposition): Your Honour, I stand in support of Senator Housakos's intervention on the point of order today.

Senator Ringuette speaks of what exact rule has been broken, so in terms of points of order, from my limited experience of being in the chamber for just over 10 years now, and others who have been here longer, I'm sure could speak to this as well. My respect for the rules is that our chamber, with leave of the Senate, with consent of the Senate, is quite flexible and malleable, and there is leeway for certain debate when people are potentially going off topic. His Honour has reminded us there is certain room for this, and let's wait and be patient. I understand that; in the 10 years I have been here, I have had to fulfill my role as deputy leader by following and respecting the rules.

In this case, yes, this is a motion, but I ask you to think about the unprecedented nature of this motion, which we can call an "omnibus motion," but one that is sweeping in its scope and touches on nearly every aspect of how this chamber and its committees function. We have a Rules Committee set up specifically to look at rules, and even one rule very carefully. In the past, I have been at the table at the Rules Committee where there was consensus, we had done in-depth discussion and one rule change had to be brought back to the chamber.

Yes, every senator can put forward a motion, but this type of motion, where we have not even thought about the unintended consequences and whether or not constitutional experts that truly understand the 152-year-plus history of this chamber, the sweeping nature of this motion and what it might do to this chamber — because it is really looking at every part of how we function in this chamber — is something that I can't understand would be in one motion that we would need to vote on. I believe this intervention was necessary, and I hope that all senators will think about that carefully. I ask Your Honour to think about the unprecedented nature of this very sweeping motion.

Some Hon. Senators: Hear, hear.

Hon. Ratna Omidvar: I find myself a little perplexed. We're debating a motion that has not been debated, and my very respectable colleagues on my left already seem to have derived some conclusions to which we are not party. I would ask you to rule against the point of order and let us have a fulsome debate with the pros and cons in this chamber as is our normal process.

The Hon. the Speaker: I would like to thank all senators for their input into this particular issue. Senators will know that it is a very lengthy motion and, on the face of it, what appears to be a somewhat complicated point of order.

I understand, Senator Woo, that you wish to get on with your debate, but unfortunately, I will take the matter under advisement.

[*Translation*]

SENATE ETHICS OFFICER'S INQUIRY REPORT DATED JUNE 28, 2019 CONCERNING FORMER SENATOR DON MEREDITH

INQUIRY—DEBATE ADJOURNED

Hon. Josée Verner rose pursuant to notice of December 12, 2019:

> That she will call the attention of the Senate to the Senate Ethics Officer's *Inquiry report under the* Ethics and Conflict of Interest Code for Senators *concerning former Senator Don Meredith*, dated June 28, 2019.

She said: Honourable senators, I rise today to initiate the required discussion and reflection about the inquiry report of the Senate Ethics Officer, Pierre Legault, concerning former Senator Don Meredith, which was released on Friday, June 28, 2019.

This document was released more than six months ago, on the eve of the Canada Day long weekend and the start of summer vacation.

This report was yet another episode in the deplorable and overly long saga that continues for the victims and our institution. That said, it finally shed light on the scope of the despicable actions and behaviours repeatedly perpetrated by Don Meredith.

Truth be told, the only bits of information that we were able to obtain in advance came from the media, including the *Hill Times* and the *Huffington Post Canada*. In April 2017, the latter published a devastating and lengthy article by journalist Zi-Ann Lum, which reported the first victim testimonies that were revealed to the public.

The report also raised serious questions about our institution's ability to quickly intervene and put an end to this situation, protect and support the victims and, lastly, to act with haste and transparency to support the investigation of the Senate Ethics Officers which, I remind you, took almost four years.

Honourable senators, first of all, I would like to briefly remind you of the observations and conclusions of the Legault report. For the record, I will be referring to the French version of the document when quoting specific passages.

The genesis of this report came from an internal initiative launched by the late senator Pierre Claude Nolin in February 2015, after his appointment as Speaker of the Senate.

According to reports by CTV News, *The Canadian Press* and the *Hill Times* in June 2015, Senator Nolin asked a private accounting firm, Quintet Consulting, to conduct a workplace assessment of the office of former Senator Meredith. He was worried about the high employee turnover in short periods of time.

On July 16, 2015, Senator Leo Housakos, who had just become Speaker of the Senate, issued a press release confirming that the Standing Committee on Internal Economy, Budgets and Administration had received the private firm's assessment report.

The members of the steering committee concluded that it was imperative that the matter be formally referred to the former Senate ethics officer, Lyse Ricard.

On August 18, 2015, Ms. Ricard informed Senator Housakos that the steering committee's request did not contain reasonable grounds to justify a formal investigation into a possible breach of our code of ethics.

By way of a letter dated August 25, 2015, Senator Housakos replied to Ms. Ricard with clarifications concerning his reasonable grounds and reiterating his request for an inquiry. On page 2, the Legault report states that the letter provided specific page references in the Quintet report for each of the allegations substantiating the request.

The former ethics officer found that the letter contained sufficient detail to proceed with an inquiry. After a preliminary review, she informed Mr. Meredith in December 2015 that she intended to conduct an official inquiry.

Nearly four years later, the Legault report revealed that the events in question in the inquiry had taken place over a period of slightly more than two years, from December 2012 to February 2015.

The inquiry involved six former employees of Mr. Meredith and a Senate security constable. At page 38 of the report, Mr. Legault states that he has no reason to doubt the credibility of these seven people. He generally found them to be open, honest, forthright and balanced in their presentation of the evidence.

His analysis of the facts led him to conclude that former Senator Meredith violated sections 7.1 and 7.2 of our code of ethics especially because he exhibited behaviours toward his victims that could be described as psychological harassment, sexual harassment or both. I would add that in light of what we read in the *Huffington Post*, he also committed sexual assault.

The report's findings are damning, as the former senator repeatedly exhibited behaviours that undermined, denigrated, and humiliated his victims in a work setting described as "toxic."

Honourable colleagues, many of us, including me, have lamented how long it took for the investigation's findings to become known.

On pages 11 and 12 of his report, Mr. Legault responded to these criticisms by invoking a series of factors that made the investigation, and I quote, "extremely long." He talked about the confidentiality of the Quintet report, the resignation of Ms. Ricard, the resignation of Don Meredith, the police investigation, and the use of parliamentary privilege by some senators and by the steering committee of Internal Economy.

• (2050)

We can agree or disagree with these reasons. However, after reading the report, I think that the way this played out raises some troubling questions about our institution. We will need to find answers to these questions before we can hope to move on, as many senators in this chamber would probably like to do.

It would be important to hear some senators and former Senate Administration employees talk about why our existing administrative procedures failed to protect and support the victims, and also to provide swift responses to our employees and to Canadians.

That was the goal of a motion I moved in the Internal Economy Committee on September 5, 2019. Unfortunately, a majority of committee members rejected my proposal.

I therefore think it is essential that I raise some questions here today, to start the discussion and reflection on behalf of senators, our employees and the victims of Don Meredith.

My first question has to do with the management of the harassment cases between December 2012 and February 2015 that are referenced in the Legault report. The Senate had the *Senate Policy on the Prevention and Resolution of Harassment in the Workplace*, which was adopted in June 2009 to deal with these types of situations.

How is it that the higher authorities in the Senate, including the Speaker at the time, the leadership of parliamentary groups and Internal Economy, did not intervene promptly and, above all, systematically to help the employees and stop Don Meredith's conduct?

For example, on page 29 of the Legault report, we learn that an employee met with the former Director of Human Resources in the Senate, Darshan Singh, in January 2014 to inform him of incidents of a sexual nature that took place between October and December 2013.

Mr. Singh suggested that she file a formal complaint, which she refused to do because, and I quote:

> . . . she was afraid of reprisals, including being terminated. She said that she did not feel that the Policy was robust enough to protect her.

After this meeting, Mr. Singh informed her that he had spoken with the then Speaker of the Senate, the Honourable Noël Kinsella. However, no one knows if any action was taken.

In an article published on April 30, 2017 in the *Huffington Post Canada*, journalist Zi-Ann Lum had reported that she obtained emails indicating that the Conservative caucus and the Senate Human Resources Directorate had been informed of the situation in Don Meredith's office in the spring of 2014.

Interestingly, the case of the Protective Service constable who was a victim of sexual harassment in late 2012 and early 2013 was managed much more efficiently, by both her superiors as well as the former Conservative caucus whip, the Honourable Elizabeth Marshall, as mentioned on pages 30 and 31 of the Legault report.

It does not appear to me that the same haste was shown for Don Meredith's employees, given that the revolving door of staff persisted in his office until the beginning of 2015.

This leads me to another question. Why did a victim tell Mr. Legault that she refused to file a complaint despite the recommendation of Darshan Singh and, more importantly, why was she afraid of reprisals, including being terminated?

This statement comes after the one reported in the *Huffington Post Canada* on April 30, 2018, indicating that a victim was facing the same dilemma.

The article states, and I quote:

[*English*]

> She knew enough about Senate policy . . . that filing an official complaint with human resources didn't guarantee job security or protection against Meredith.

[*Translation*]

I also have concerns about the confidentiality of the Quintet report and the double standard that was applied to former Senator Meredith and his victims.

Why did the Internal Economy Committee's steering committee not allow the victims to consult this report in January 2016 during the Senate Ethics Officer's inquiry, given that the same committee had already granted Don Meredith that very access? It would have been completely fair for the victims to know the report's conclusions.

This major inequity was detrimental to the victims because, as Pierre Legault points out on page 13 of his report, and I quote:

> . . . the various parties participating in the inquiry did not have the same information available to them.

Also, at page 5 of the report, Legault states that Senator Housakos, who was then chair of the Internal Economy Committee, justified this decision by saying that the Quintet report formed part of, and I quote:

> . . . *in camera* proceedings of the Committee and that any unauthorized disclosure . . . could be treated as a breach of parliamentary privilege.

This decision had a negative impact on the victims and meant that not all the information in the Quintet report could be used in the investigation.

Mr. Legault and his predecessor therefore had to once again gather all the necessary evidence, with the risks that involved in terms of the accuracy of the testimony and the victims' confidence in the process. This gives us a better understanding of why the inquiry slowed down.

Honourable colleagues, another question relates to the infamous parliamentary privilege. Why was it invoked so often by Internal Economy, by its steering committee and by some senators throughout the investigation?

This is an important question, as the Legault report reveals that parliamentary privilege was invoked by the steering committee of Internal Economy, which meant that the Senate Ethics Officer had to wait weeks, or even months in some cases, to get documents, some not until June 2019, and to receive the last pieces of information that allowed him to conclude his inquiry.

According to Mr. Legault, this situation, and I am quoting page 15 of the report:

> . . . caused a number of unnecessary delays . . . but it also raised issues concerning the independence of the Senate Ethics Officer in relation to the Senate.

In addition, page 7 of the document indicates that two former members of the Committee on Internal Economy and its steering committee refused to meet with Mr. Legault due to claims of parliamentary privilege.

I admit I was shocked to read this and I strongly believe that we must find out why these two senators behaved in this way.

The sixth report of the Standing Committee on Ethics and Conflict of Interest for Senators — published on July 29, 2019, after the tabling of the Legault report — rightly recalls the following. It states, on page 4, and I quote:

> It should be recalled that subsection 48(7) of the *Code* requires that "[s]enators shall cooperate without delay with the Senate Ethics Officer in respect of any inquiry". All senators, in all roles, must cooperate expeditiously with the SEO . . . .

On page 7 of the same report it states, and I quote:

> . . . there exists a distinction to be drawn between the privilege held by the Senate as an institution and the privileges held by individual senators.

That being said, one last question has to do with the fact that Mr. Legault had reasonable grounds to believe that Don Meredith may have committed a crime, which led him to hand over the file to the Ottawa Police Service in November 2017. As mentioned on page 7 of the report, the police conducted and concluded their investigation in April 2018.

This is very serious information. Why did the Senate parliamentary or administrative authorities not take such action, based on information that was likely highly similar?

Honourable colleagues, I'll stop here for the time being. The questions I raised today, along with the Legault report show that we failed as an institution and as an employer.

We even had to ask the Senate Ethics Officer in 2015 not only to enforce our ethics code, but also to do what we should have already done ourselves on the issue of harassment within the Senate.

Mr. Legault gave us a clear warning on page ii of the annex to the report. I quote:

> In all future such cases, if the allegations of harassment have not been substantiated by the Senate, the . . . [o]fficer will not consider that reasonable grounds have been established under the *Code*, and so the matter should not be referred to him.

The recent release of our new policy on harassment in the workplace should not be used as an excuse to avoid having this necessary discussion in the Senate and getting answers to our questions about this shameful case.

In the meantime, we must apologize to the victims and offer compensation to Don Meredith's former employees, since they will not be covered by this new policy once it is implemented. This is about the reputation of our institution and the trust of our employees.

Thank you.

• (2100)

Hon. Renée Dupuis: Will the senator take a question?

[*English*]

The Hon. the Speaker: Senator Verner, your speaking time has expired but some senators are wishing to ask questions. Do you wish to ask for five more minutes?

Senator Verner: Yes.

Hon. Elizabeth Marshall: Thank you, Senator Verner, for that information. I did want to make a couple of comments on what you were saying because you did mention me when you were running through your dissertation of events. I would like to comment on that, and then I'll ask you a question.

For the incident you mentioned in relation to me, I would like to let everybody know that I was aware of the incident. The employee's director approached me and had told me of the incident, that the employee did not want to make a big issue of it and that they wanted it to stop.

I spoke strongly to Senator Meredith about what he had said and what he had done. After that, I went back to the director and informed him that I had spoken to Senator Meredith. Then about two weeks later, I followed up just to make sure that everything was okay.

I would just like to make it clear to all of my colleagues that with respect to the incident you mentioned, I most definitely did act appropriately. And I would also like to add that with regard to Mr. Legault and his investigation, I cooperated with him. I had numerous personal notes that I had made, which I voluntarily gave to him because he didn't know I had those notes. Whatever I had, I provided. I gave him everything that I had. I met with him. I had an interview. And I did the same for the Quintet report.

I just wanted to make that clear. In your speech, it left the impression that I was negligent in performing my duties and I feel that with regard to Senator Meredith, I did act appropriately and I did everything that I could.

One of the issues that still remains unresolved is that of the formal complaints; people have to make a formal complaint, and if they don't, it seems like hands are tied.

People's names are being bandied about. I know for myself that I realize the victims are very important, but because I was the Conservative whip at the time, I sort of feel like I'm incriminated by association. And I feel that at the time, I did everything I could. In fact, for some employees, I felt that I did help them.

But people have to be aware that this is like putting a puzzle together. I wasn't aware of all of this. I'm sure there are things now that nobody knows, but I would ask you to be very careful when mentioning people's names because you're giving the impression that they are guilty of something.

Senator Plett: Hear, hear!

Senator Marshall: I would like a commitment from you that you would be aware of that and be conscious in your remarks. I do appreciate the work that you have done on this.

[*Translation*]

Senator Verner: Senator Marshall, I did not really hear a question in what you said to me. It seemed more as though you were suggesting corrections you would like to see made, and I appreciate that. When I spoke about what happened, I clearly said that you were involved in resolving the problem that occurred between Mr. Meredith and the special constable. I clearly indicated that, and it is also clearly indicated in the Legault report that you cooperated with the investigation. I was not talking about you when I mentioned two former members of the Subcommittee on Agenda and Procedure, unless you were part of

that committee at the time and you invoked parliamentary privilege, but I don't think that remark applied to you since you cooperated with the investigation.

You raised another very important point. You said that formal complaints have to be made in order for them to be addressed. You said that didn't happen. This morning, a victim came to my office and showed me a formal complaint that she filed in February 2015. For reasons that I do not know, you were not kept in the loop, but I saw the complaint that was filed in February 2015 by this former employee of Don Meredith.

[*English*]

The Hon. the Speaker: I'm sorry, Senator Housakos, but Senator Verner's five minutes have expired.

Hon. Leo Housakos: I'm on debate.

The Hon. the Speaker: On debate, Senator Housakos.

Senator Housakos: Honourable senators, I want to take a few minutes — I won't be long — to clarify a number of things and put some things into context. As I said, I do appreciate Senator Verner's attempt here, of course, to find justice for the victims. We all do. I can tell you all that those were some pretty horrible times we experienced in this institution.

But I want to say that I, for one, was in a position of leadership where, unfortunately, I had to take this particular sad story to the finish line rather than being there in the initial stages. I was only named Speaker in 2015, and I unfortunately replaced the Chair of Internal Economy at the time, Senator Nolin, due to his death.

I'm very proud of Speaker Nolin and the action he took. I'm very proud of the steering committee of Internal Economy at the time, that in the absence of a formal complaint from the victims — and now I hear for the first time there was a formal complaint filed in February 2015. By then, there was a full investigation.

So the point of the matter is, colleagues, the Chair of Internal Economy, the steering committee of Internal Economy at the time, in the absence of any formal complaints from any of the victims, took it upon themselves to bring in an outside investigator because they found the high turnover in then Senator Meredith's office very suspicious. And Senator Nolin, with the steering committee at the time, took the unprecedented step to bring in an outside investigator, similar to the harassment policy that is being proposed and was tabled today. And that's what we had, colleagues. We had an outside investigator come in. We did this, of course, in respect of the request of the six victims to protect their anonymity, which made it very difficult. In the absence of a formal complaint in the court system, with the police or with our own formal investigative system, we still went forward. We brought in an outside investigator. He thoroughly investigated, and he provided a report to Internal Economy.

Colleagues, when Senator Verner and others say that we used parliamentary privilege and give some kind of veiled impression that we were trying to hide something, the only thing we were trying to hide is respecting the demand of the six victims to respect their anonymity. That's what we did.

When you invoke parliamentary privilege of Internal Economy — because we took that report and, yes, in a closed-door meeting behind complete respect of the rules, the committee decided to give a briefing to members of Internal Economy of that report in confidence, again respecting the wishes of the victims. That's the only reason we invoked parliamentary privilege.

By the way, somehow the impression is given that the chair did it. I can't invoke parliamentary privilege. As we all know, committees in their deliberations determine if you do an in camera meeting. Colleagues, when you're doing a review of a report from an outside investigator about issues of this nature in HR, I think we all agree, those deserve to be deliberated in camera.

I also want to go a step further because somehow the Ethics Officer gave the impression that it prohibited his investigation. If it wasn't for that in camera privileged report, which we sent to the Ethics Officer, he wouldn't have had a report himself. He wouldn't have anywhere to start.

And the only reason Don Meredith is no longer legitimately before this august place today is because unprecedented steps were taken, colleagues. Maybe we haven't had a perfect past, but I can tell you the intentions of Internal Economy, of all senators at that time, was to get to the bottom of it. Yes, it took a little bit of time because, to this day, we respected the wishes of those victims.

I just wanted to put that context on record, honourable senators, because many of you were not here at the time. But I can tell you, the intentions were only noble, and we did the best we could in the interests of the complainants.

Some Hon. Senators: Hear, hear.

(On motion of Senator Duncan, for Senator Bernard, debate adjourned.)

(*At 9:10 p.m., the Senate was continued until tomorrow at 2 p.m.*)

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