SENATE SÉNAT

CANADA

DEBATES OF THE SENATE

2nd SESSION • 43rd PARLIAMENT • VOLUME 152 • NUMBER 17

OFFICIAL REPORT
(HANSARD)

Tuesday, December 8, 2020

The Honourable GEORGE J. FUREY,
Speaker

CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates Services: Josée Boisvert, National Press Building, Room 831, Tel. 613-219-3775
Publications Centre: Kim Laughren, National Press Building, Room 926, Tel. 343-550-5002

Published by the Senate
Available on the Internet: http://www.parl.gc.ca

THE SENATE

Tuesday, December 8, 2020

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

Prayers.

SENATORS' STATEMENTS

WORLD SOIL DAY

Hon. Robert Black: Honourable senators, I have risen on a number of occasions in the chamber and in the Committee on Agriculture and Forestry to speak on the importance of soil health. Today I would like to highlight the United Nations' World Soil Day, which took place last Saturday, December 5. This year's campaign — "Keep soil alive, protect soil biodiversity" — urges us to focus our attention on the workers below ground, from tiny bacteria to agile millipedes and slimy earthworms.

As a long-standing member of Ontario's agricultural community, I know how important the health of soils is. In fact, since becoming a senator in 2018, I have been consistently meeting with soil health stakeholders, including farmers, scientists and other agri-business owners — experts such as the godfather of soil health, Don Lobb, and academics like his son Dr. David Lobb and his colleagues at the University of Manitoba.

The Hon. the Speaker: I apologize for interrupting you, Senator Black, but it appears that some senators who are participating virtually may not have their microphones muted.

Honourable senators, it seems the issue is a bit more complex, so we will suspend until the matter is under control. Anyone opposed to suspending will please say "no."

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

• (1410)

The Hon. the Speaker: Honourable senators, we will restart the clock for Senator R. Black's statement.

Senator R. Black: Honourable senators, I have risen on a number of occasions in this chamber and in the Committee on Agriculture and Forestry to speak on the importance of soil health. Today I would like to highlight the United Nations World Soil Day that took place last Saturday, December 5. This year's campaign, "Keep soil alive, protect soil biodiversity," urges us to focus our attention on the workers underground, from tiny bacteria to agile millipedes and slimy earthworms.

As a long-standing member of Ontario's agricultural community, I know just how important the health of soils is. In fact, since becoming a senator in 2018, I have consistently been meeting with soil-health stakeholders, including farmers, scientists and other agri-business owners — experts such as the "godfather of soil health," Don Lobb and academics like his son Dr. David Lobb and his colleagues at the University of Manitoba.

Today, I am pleased to share that I recently communicated my intention to introduce a proposal for a new, updated soil health study at the Agriculture and Forestry Committee.

As honourable senators know, it has been 36 years since the Senate last completed a study on soil health, and in the decades that have passed since that report came out the agricultural landscape has changed and grown. Soil is not a renewable resource, and in 2016 only 7% of Canada's soil was deemed suitable for agriculture. Although some farmers have transitioned to more soil-friendly practices, such as no-till farming and crop rotations, a concerning amount of Canadian soil has already been eroded.

I am hopeful, if the committee chooses to undertake a soil health study when we next meet to discuss possible topics, that this study will connect Canadians from all walks of life by introducing soil health through a variety of lenses, including that of food security; environmental conservation; the link between air, water quality and soil health; and the role of soil in carbon markets and climate change. History has shown healthy soil to be essential to social, economic and political stability.

Honourable colleagues, we don't have much time left to save our soil — some say less than 50 years. The future of this country, and inevitably of the world, is intrinsically linked to the health of its ecosystem, which itself hinges upon soil health.

While World Soil Day has passed, I hope you will all get out any time you can, get your hands dirty in some soil and celebrate Canadian biodiversity.

Thank you. *Meegwetch*.

REPORT OF THE ROYAL COMMISSION ON THE STATUS OF WOMEN

FIFTIETH ANNIVERSARY

Hon. Donna Dasko: Honourable senators, on February 16, 1967, Prime Minister Lester Pearson announced the establishment of the Royal Commission on the Status of Women in Canada. The report of that royal commission was tabled on December 7, 1970; exactly 50 years ago. It was a milestone in the struggle to advance equality rights for women in this country.

The government of the day did not want this royal commission. They thought it would cause a lot of trouble, but a coalition of 32 women's groups, led by legendary feminist Laura Sabia joined with their Quebec sisters to demand an inquiry and threatened a march on Ottawa if it did not happen. They found a strong ally in Judy LaMarsh, the only woman in cabinet, and the commission came into being.

As a royal commission, it broke new ground: it was the first to be led by a woman, it reached out to the public, ordinary citizens could make submissions, it dropped the legalistic and formal style of previous commissions and the *CBC* covered its public hearings. Additionally, 900 people testified at its hearings, and 469 submissions and 1,000 letters of opinion were received.

Most important, the report documented the stereotypes, discrimination and huge obstacles faced by women in this country. Its 167 recommendations offered sweeping proposals and policies for change, including pay equity, employment equity, pensions, education reform, abortion rights, birth control, maternity leave, family law reform, female advancement, equality for Indigenous women under the Indian Act, and, yes, it recommended child care and more.

The royal commission led to vast legislative changes. As just one of many examples, the Statute Law (Status of Women) Amendment Act, 1974, amended 10 different federal statutes dealing with unemployment insurance, immigration, pensions, elections and more. Status of women ministries and advisory councils were established at the federal level and in most provinces.

A creation of the women's movement, the commission was a rallying point for further action and further activism on the part of women to achieve gender equality.

This Thursday, all parliamentarians are invited to a panel discussion I am hosting with the Honourable Hedy Fry to explore this chapter in our history and "her story." We will look at its successes, its limitations and its unfinished business. The young Monique Bégin, who ran the commission as its executive secretary and went on to become the first Quebec woman elected to Parliament, is among our distinguished panellists this Thursday. From the world we had, to the world we want, I hope to see you there.

Thank you. *Meegwetch*.

OVARIAN CANCER CANADA

WALK OF HOPE

Hon. Terry M. Mercer: Honourable senators, the Ovarian Cancer Canada Walk of Hope was again held this past September in over 34 communities nationwide, although it was a bit different this year because of the pandemic. Since we could not all gather in large groups, we each did our own small walks to ensure proper social distancing. My family and I walked in our neighbourhood to show our support for this important cause.

• (1420)

To date, the walk has raised over $29 million to help find a cure. I was proud to do it again. We again surpassed our goal and raised over $1,600. We could not have done it without you.

Thank you to colleagues here in this place and countless friends and family members for your continued support. I and my family truly appreciate it.

I walk for my wife, Ellen, an ovarian cancer survivor; I walk for my daughter-in-law, Lisa; I walk for my granddaughter, Ellie; and I walk for all the women in my life and for all the women in your lives. We will find a cure for this horrible disease.

With your continued assistance, I hope to continue to support all those researchers and medical professionals across Canada and the world to help make this happen.

Thank you, honourable senators.

Hon. Senators: Hear, hear.

PUSLINCH, ONTARIO—RENAMING OF STREET

Hon. Linda Frum: Honourable senators, you may be surprised to learn that in the community of Puslinch, Ontario, there is a street by the name of Swastika Trail. I imagine to your ears, as to mine, the street name is offensive.

The swastika is obviously associated with Hitler's murderous Nazi regime responsible for World War II and the death of 45,000 Canadian soldiers and 85 million souls worldwide, including 6 million murdered Jews.

It is true that before the Nazis adopted it, the swastika was culturally associated with South Asia, where it was revered for millennia as a sign of good fortune and well-being. But unfortunately, this once benign symbol was appropriated by the Nazis and it is undeniable that today, because of its association with Hitler's heinous regime, the swastika is a potent and enduring symbol of murderous anti-Semitism, hate and nihilism.

Swastika Trail in Puslinch, Ontario, was named as such in 1922. If that was not prior to the Nazi adoption of the symbol, it was prior to it being associated with their heinous crimes. While we can conclude there was not necessarily any ill intent when the name was originally chosen, that it has endured to this day is deeply insensitive and disrespectful. It is especially unpleasant for those living on Swastika Trail, many of whom have tried for decades to have the name changed, including through the courts. Unfortunately, an equal number of Swastika Trail residents would like the name and hideous events it conjures up to remain.

As the court that ruled in the dispute put it, ". . . the swastika is an abhorrent symbol, reminiscent of the atrocities perpetrated by the Nazis during World War II." However, that same court also ruled that the municipality was within its rights not to change the name. I believe the judge in this case made the correct ruling.

It is self-evident that no road in Canada should have a name that insults the memory of Canada's valiant war heroes or the victims of the Holocaust. However, we live in a free society in which citizens have a say in matters that affect them directly. The renaming of the Swastika Trail is the prerogative of those who live there. I can only appeal to those who have gone out of their way to block an appropriate name change to take it upon themselves to be decent and do the right thing.

GENDER PARITY IN THE SENATE OF CANADA

Hon. Frances Lankin: Honourable senators, I am feeling great about being able to make a statement today. I want to thank Senator Duncan for giving me her spot.

I had originally intended to speak to the fiftieth anniversary of the Royal Commission on the Status of Women in Canada, but on Sunday night — quite unrelated to my preparation of that statement — I was thinking of all the senators who have recently left us and retired, and how sad it was that during COVID and our hybrid sittings that we have been unable to celebrate them, their statements in the chamber and to gather together.

I decided to look at the Senate website. I noticed that there are now 11 vacancies that need to be filled. Then I took a closer look and — lo and behold and to my great surprise and delight — I discovered there are now 47 women senators and 47 male senators. We have become the first parliamentary institution in Canada to reach gender parity. I can see people celebrating that, and this is great. According to Senator McPhedran, her office and research, it may well be we are the first Senate in the world to reach gender parity.

There was a group of us working on planning a celebration expecting that the event may arrive this year, but because of COVID we have not done it. I want to thank those people: Senator McPhedran, Senator Dasko, Senator Dyck, Senator Verner, Senator Wallin, Senator Ataullahjan and Senator Moodie. The Speaker and his office was very helpful as well. If I have forgotten anyone, I am sorry. We will plan one for next year.

As Monique Bégin said yesterday, we have to focus on the election of more women to elected parliaments and legislatures. Many of us in this chamber have been founding members of Equal Voice, and we will continue to do that. Even though it is an appointed body, I want to say this is a major milestone.

As this moment has arrived, I am honoured to be serving Canadians in the Senate of Canada with all of you. Thank you very much.

Hon. Senators: Hear, hear.

[Senator Frum]

[*Translation*]

MS. JANET YELLEN

UNITED STATES FEDERAL RESERVE MODEL

Hon. Diane Bellemare: Honourable senators, on October 22, 2013, I invited my colleagues to join me in congratulating Janet Yellen, who shattered a glass ceiling by becoming the first woman to be appointed chair of the U.S. Federal Reserve. This outstanding labour economist has now shattered another glass ceiling by becoming the first woman to be nominated as treasury secretary of the United States.

I am a great admirer of this expert in labour economics and monetary economics. This summer, I had the privilege of having a private meeting with her. For over an hour, she talked to me about her experience at the Federal Reserve and the conduct of monetary policy in the United States, which as you know, pursues a dual mandate of price stability and maximum employment.

Thanks to her expertise in the complementary fields of labour economics and monetary policy, Janet Yellen made her mark on several universities and central banks in the United States. Ms. Yellen is first and foremost a Keynesian economist. One of Lord John Maynard Keynes's major contributions was to show that a wage is not a price for an hour of labour, but an income that enables people to consume to live. During a time of crisis, when employment drops, income drops too, thus reducing consumption and creating an even more serious employment crisis.

Keynes's work enabled the most developed economies to emerge from the stagnation of the 1930s. Janet Yellen and Keynesian economists like myself subscribe to the idea that full employment is not automatic. Most Keynesian economists believe that full employment is a goal to be pursued with determination, because the economic and social health of a community depends heavily upon it.

Janet Yellen advanced wage theory by developing the efficiency wage model, which holds that wages affect productivity. Low wages have a negative effect on productivity, while higher wages improve productivity. Incorporating this idea into Keynesian economic models once again showed how monetary policy affects the health of the labour market and the economy in general. These effects are not uniform across sectors, provinces, races and genders, and monetary policy must take that into account. That's what central banks do when they are tasked with ensuring both price stability and full employment.

I wish Janet Yellen every success as she takes up these new challenges, and I hope the Bank of Canada will be inspired by the U.S. Federal Reserve's dual mandate, which has served our neighbours to the south so well.

Thank you.

Hon. Senators: Hear, hear.

[*English*]

ROUTINE PROCEEDINGS

HUMAN RIGHTS

REPORT PURSUANT TO RULE 12-26(2) TABLED

Hon. Salma Ataullahjan: Honourable senators, pursuant to rule 12-26(2) of the *Rules of the Senate*, I have the honour to table, in both official languages, the first report of the Standing Senate Committee on Human Rights, which deals with the expenses incurred by the committee during the First Session of the Forty-second Parliament.

(*For text of report, see today's* Journals of the Senate, *p. 233.*)

• (1430)

[*Translation*]

LEGAL AND CONSTITUTIONAL AFFAIRS

REPORT PURSUANT TO RULE 12-26(2) TABLED

Hon. Mobina S. B. Jaffer: Honourable senators, pursuant to rule 12-26(2) of the *Rules of the Senate*, I have the honour to table, in both official languages, the first report of the Standing Senate Committee on Legal and Constitutional Affairs, which deals with the expenses incurred by the committee during the First Session of the Forty-second Parliament.

(*For text of report, see today's* Journals of the Senate, *p. 234.*)

[*English*]

ABORIGINAL PEOPLES

REPORT PURSUANT TO RULE 12-26(2) TABLED

Hon. Dan Christmas: Honourable senators, pursuant to rule 12-26(2) of the *Rules of the Senate*, I have the honour to table, in both official languages, the first report of the Standing Senate Committee on Aboriginal Peoples, which deals with the expenses incurred by the committee during the First Session of the Forty-second Parliament.

(*For text of report, see today's* Journals of the Senate, *p. 235.*)

[*Translation*]

THE ESTIMATES, 2020-21

MAIN ESTIMATES AND SUPPLEMENTARY ESTIMATES (B)—
SECOND REPORT OF NATIONAL FINANCE
COMMITTEE TABLED

Hon. Percy Mockler: Honourable senators, I have the honour to table, in both official languages, the second report (interim) of the Standing Senate Committee on National Finance, which deals with the expenditures set out in the Main Estimates and the Supplementary Estimates (B) for the fiscal year ending March 31, 2021 and I move that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

(On motion of Senator Mockler, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

THE SENATE

STATUTES REPEAL ACT—NOTICE OF MOTION TO RESOLVE THAT
THE ACT AND THE PROVISIONS OF OTHER ACTS
NOT BE REPEALED

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, pursuant to section 3 of the *Statutes Repeal Act*, S.C. 2008, c. 20, the Senate resolve that the Act and the provisions of the other Acts listed below, which have not come into force in the period since their adoption, not be repealed:

1. *Parliamentary Employment and Staff Relations Act*, R.S., c. 33(2nd Supp):

   -Part II;

2. *Contraventions Act*, S.C. 1992, c. 47:

   -paragraph 8(1)(*d*), sections 9, 10 and 12 to 16, subsections 17(1) to (3), sections 18 and 19, subsection 21(1) and sections 22, 23, 25, 26, 28 to 38, 40, 41, 44 to 47, 50 to 53, 56, 57, 60 to 62, 84 (in respect of the following sections of the schedule: 2.1, 2.2, 3, 4, 5, 7, 7.1, 9, 10, 11, 12, 14 and 16) and 85;

3. *Comprehensive Nuclear Test-Ban Treaty Implementation Act*, S.C. 1998, c. 32;

4. *Public Sector Pension Investment Board Act*, S.C. 1999, c. 34:

   -sections 155, 157, 158 and 160, subsections 161(1) and (4) and section 168;

5. *Modernization of Benefits and Obligations Act*, S.C. 2000, c. 12:

-subsections 107(1) and (3) and section 109;

6. *Yukon Act*, S.C. 2002, c. 7:

-sections 70 to 75 and 77, subsection 117(2) and sections 167, 168, 210, 211, 221, 227, 233 and 283;

7. *An Act to amend the Canadian Forces Superannuation Act and to make consequential amendments to other Acts*, S.C. 2003, c. 26:

-sections 4 and 5, subsection 13(3), section 21, subsections 26(1) to (3) and sections 30, 32, 34, 36 (with respect to section 81 of the *Canadian Forces Superannuation Act*), 42 and 43;

8. *Budget Implementation Act, 2005*, S.C. 2005, c. 30:

-Part 18 other than section 125;

9. *An Act to amend certain Acts in relation to financial institutions*, S.C. 2005, c. 54:

-subsection 27(2), section 102, subsections 239(2), 322(2) and 392(2);

10. *An Act to amend the law governing financial institutions and to provide for related and consequential matters,* S.C. 2007, c. 6:

-section 28, subsections 30(1) and (3), 88(1) and (3) and 164(1) and (3) and section 362;

11. *Budget Implementation Act, 2008*, S.C. 2008, c. 28:

-sections 150 and 162;

12. *Budget Implementation Act*, *2009*, S.C. 2009, c. 2:

-sections 394, 399 and 401 to 404;

13. *An Act to amend the Transportation of Dangerous Goods Act*, 1992, S.C. 2009, c. 9:

-section 5;

14. *Payment Card Networks Act*, S.C. 2010, c. 12, s. 1834:

-sections 6 and 7; and

15. *An Act to promote the Efficiency and adaptability of the Canadian economy by regulating certain activities that discourage reliance on electronic means of carrying out commercial activities, and to amend the Canadian Radio-television and Telecommunications Commission Act, the Personal Information Protection and Electronic Documents Act and the Telecommunications Act*, 2010, c. 23:

-sections 47 to 51 and 55, 68, subsection 89(2) and section 90.

APPROPRIATION BILL NO. 4, 2020-21

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-16, An Act for granting to Her Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2021.

(Bill read first time.)

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

(On motion of Senator Gold, bill placed on the Orders of the Day for second reading at the next sitting of the Senate.)

• (1440)

APPROPRIATION BILL NO. 5, 2020-21

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-17, An Act for granting to Her Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2021.

(Bill read first time.)

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

(On motion of Senator Gold, bill placed on the Orders of the Day for second reading at the next sitting of the Senate.)

[*English*]

CRIMINAL CODE

BILL TO AMEND—FIRST READING

Hon. Leo Housakos introduced Bill S-221, An Act to amend the Criminal Code (mischief related to memorials to first responders).

(Bill read first time.)

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

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

ABORIGINAL PEOPLES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY FEDERAL GOVERNMENT'S RESPONSIBILITIES TO FIRST NATIONS, INUIT AND METIS PEOPLES AND REFER PAPERS AND EVIDENCE SINCE BEGINNING OF FIRST SESSION OF FORTY-SECOND PARLIAMENT

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

> That the Standing Senate Committee on Aboriginal Peoples be authorized to examine and report on the federal government's constitutional, treaty, political and legal responsibilities to First Nations, Inuit and Metis peoples and any other subject concerning Aboriginal Peoples;
>
> That the documents received, evidence heard and business accomplished by the committee since the beginning of the First Session of the Forty-second Parliament be referred to the committee; and
>
> That the committee submit its final report no later than December 31, 2021, and that the committee retain all powers necessary to publicize its findings for 180 days after the tabling of the final report.

THE SENATE

NOTICE OF MOTION CONCERNING THE HONOURABLE LYNN BEYAK

Hon. Mary Jane McCallum: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

> That, as the actions of Senator Lynn Beyak have brought the Senate into disrepute, and notwithstanding any provision of the Rules or usual practice, she be expelled from the Senate and that her seat be declared vacant;
>
> That, notwithstanding any provision of the *Senate Administrative Rules*, and the *Senators' Office Management Policy*, the Standing Committee on Internal Economy, Budgets and Administration be authorized to determine the resources, if any, to be made available to Senator Beyak as a departing senator; and
>
> That a copy of this order be communicated to Her Excellency the Governor General.

IMPACT OF CHILD CARE ON CHILDREN, WOMEN, FAMILIES AND THE ECONOMY

NOTICE OF INQUIRY

Hon. Rosemary Moodie: Honourable senators, I give notice that, two days hence:

> I will call the attention of the Senate to childcare in Canada and its impact on children, women, families and the economy.

QUESTION PERIOD

FINANCE

FISCAL UPDATE

Hon. Leo Housakos: My question is for the government leader, Senator Gold.

Your government hasn't tabled a budget in two years. You did recently deliver a Fall Economic Statement, in which Finance Minister Chrystia Freeland referred to preloaded stimulus no less than five times in that statement as a means to that economic recovery. "Preload stimulus" is another one of your government's cute little catchphrases, the kind you roll out when you don't want Canadians to catch on to what it is you're actually trying to do. In fact, preloaded stimulus refers to the savings, the extra cash some businesses and hard-working Canadians have tucked away for a rainy day.

Senator Gold, last week in a television interview, Minister Freeland referred to unlocking these savings, this preloaded stimulus, saying, "Maybe it happens by itself, that's the best case scenario."

Senator Gold, what is she referring to as best case scenario? Can we have a commitment from this government that this government will not try to access the hard-earned savings of Canadians, which they have already paid taxes on?

Hon. Marc Gold (Government Representative in the Senate): Thank you very much for your question. Though I didn't have advance notice of the question, having read the *National Post*, as I do quite religiously, and the story of your colleague Mr. Poilievre, an old friend of mine, I think I'm in a good position to answer the question.

The fact is this government has taken extraordinary steps and, indeed, in many cases with the support of other parties and this chamber, to make sure Canadians have the means to weather both the health crisis and the economic crisis that have affected us. And, to the extent that Canadians are in a decent position relative to so many others in the world, it is in no small measure due to the efforts of all parliamentarians to support this government in its effort to put money in Canadians' pockets and help them weather the storm.

We are not out of the woods yet. The government remains committed to helping Canadians and it also remains committed to doing it in a fiscally responsible way, as this government will indeed do. Thank you.

Senator Housakos: If the fiscal affairs of this country and this government are in such great shape, the government would have the courage to table a budget on the other side and not wait two years. It's the only G7 country in the world, even during this pandemic, not to have tabled a budget in two years.

Senator Gold, your government was warned for a long time about the out-of-control spending even pre-pandemic, warned that it was unwise to leave the cupboards of this country completely bare, and having faced a pandemic we have now seen it firsthand. The government didn't listen and now their solution is to raid the cupboards once again.

Do you think that's fair? Do you think it's fair having the Minister of Finance saying she's considering going out there and putting her hands on taxpayers' savings? Again, we need a commitment from this government. Will this government promise not to go after the savings of hard-working Canadians and tax them again?

Senator Gold: Honourable senators, I do my best to answer questions in a factual, measured way. I have avoided, and will continue to avoid, playing partisan politics, but the language within which the honourable senator framed his question really is misleading. It is simply that the minister — and, indeed, any responsible minister — would properly observe that one of the ways in which we can get our economy back up and running is to support businesses and the families that depend on those businesses, and for Canadians to engage in economic activity. That means engaging in spending. And if they have the funds to buy things for their families, for themselves — in part, thanks to the support that the government has provided during these difficult times — then we will all be the better for it.

• (1450)

BUSINESS OF THE SENATE

COST OF HYBRID CHAMBER SITTINGS

Hon. Denise Batters: Senator Gold, in October, I asked you as the government leader in the Senate, how much hybrid Senate sittings would cost Canadian taxpayers. You guessed that it was around $400,000, stating, "I don't have a final costing for it, but it is money well spent . . . ." That's rather a cavalier attitude about public expenditures, Senator Gold, but perhaps not surprising given that your leader Mr. Trudeau previously assured Canadians that the budget will balance itself.

We have held the hybrid Senate sittings for a few weeks now and have seen numerous examples of technical failures that prevent senators from doing our jobs. We have a Zoom voting system where neither we nor the Canadian public can see and verify how senators vote on motions or legislation. Given that you are the government leader in the Senate, and we have been sitting in a hybrid Senate format for weeks, can you now tell us precisely how much all of this is costing?

Hon. Marc Gold (Government Representative in the Senate): Senator, thank you for your question. The figure to which you referred was the figure for the capital expenses for the equipment provided by the administration and was approved by CIBA. We're sitting in hybrid so that Parliament and the Senate can do its work on behalf of Canadians. Of course it costs money. It costs money if we sit here in person, and it costs money to enable those who are unable to be here to participate fully and represent their regions and their constituencies.

The focus on specific dollars that it may continue to cost us to support the work of the Senate through this pandemic is a legitimate question to ask. I would certainly endeavour to find the answer, and it will be a rolling answer because with every day that we sit and do the nation's business, there will be some costs associated with it. I would be remiss in my responsibilities as a senator and as a parliamentarian, leaving aside my role representing this government, not to underline the fact that the importance of the hybrid sitting is that it, finally, allows us to do our work, to do the work we were summoned here to do. I find it "passing strange," if I may borrow an expression from my friends down east, that the focus is not on doing our work, but the bean counting required for the dollars and cents, which is a matter of public record. I will be happy to get that information for you when it becomes available.

Senator Batters: Senator Gold, the Senate's financial disclosure for the last quarter has now been posted publicly online, but it is impossible to tell which expenditures relate to the hybrid Senate. Is it the $1.4 million for IT hardware for virtual Parliament or the multiple consulting contracts posted that offer no further detail? Since I asked you about this cost in October, and given that you have a $1.5 million office budget and a multitude of staff in your role as the government leader in the Senate, you've had time to make inquiries. So why aren't you being transparent with Canadians about the cost of the hybrid Senate? Do you think it doesn't matter or don't you want us to know?

Senator Gold: Senator Batters, thank you again for your question. I accept that every penny, every dollar we spent is taxpayers' money, and it's a legitimate question to ask what it costs us to run our operation. You'll forgive the exasperation in my voice, and I'm going on record to repeat that the important thing is that we're here doing our constitutional duty. The alternative — which seems implicit in the question — that we would be better off either exposing senators and staff to the risks associated with gathering in large numbers or, as bad, not allowing each and every senator who was summoned here to represent their province, their region and their constituency to do their job, or to have to make the impossible choice of exposing themselves, others and their families to risk is an irresponsible assumption, which I do not assume was underlying your question.

HEALTH

COVID-19 VACCINE ROLLOUT

Hon. Rosemary Moodie: Honourable senators, this question is for the Government Representative in the Senate.

Senator Gold, I wanted to ask you a question about the vaccine rollout. The federal government has not been clear around who will get the vaccine and when. This has raised criticism for the lack of specific details of a well-defined plan. Senator, this criticism is particularly focused on areas that designated planners do have the ability to exercise some degree of control over. In saying so, I want to acknowledge that there will be specific circumstances that fall outside of the complete control of government.

Senator, I attended a briefing yesterday with senior public health representatives, planners and government representatives that was often vague, made reference to hypothetical situations and lacked clarity and detail. When the government says, for example, that it's prioritizing health care workers who have direct contact with patients, are we including all physicians and nurses, PSWs and support staff who work in both hospital settings, as well as in community medical settings, doctors' offices, clinics, health care centres and long-term facilities, all of whom have direct contact with patients?

Has the government reached a firm agreement with the provinces about who is included in this category and in others so that Canadians can be clear about what they can and should expect?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question, senator. Obviously, all Canadians are focused on the development and rollout of the vaccine program. Yesterday was a pretty good day, and there was good news for Canada with the announcement that we are receiving up to 249,000 doses of a vaccine from Pfizer, part of a potential 76 million doses in the contract with Pfizer.

Thank you for mentioning the negotiations and discussions that are ongoing between the federal government and its provincial counterparts. As you well know, health is an exclusively provincial jurisdiction. The federal government is doing its part and has done its part to enter into contracts for hundreds of millions of doses of vaccines, many of which are proving promising, far more than we expect will be needed to vaccinate each and every Canadian. It has also worked with the provinces and territories to develop the logistical plan for the delivery. Once the vaccines are delivered, it is the provinces' responsibility to decide where they are to go first. Though discussions continue in an attempt to find common ground as to what that is, as I have said in this chamber before, it remains a matter for the provinces — and properly so — to manage. In my home province, for example, two long-term care homes have been identified, one in Montreal and one in Laval, because it's the province and the regional health authorities who are in the best position to know where the needs are greatest.

Over time, as more vaccines come to Canada and are distributed throughout this country, I'm sure Canadians from all walks of life and in all aspects of the health care profession will receive their vaccines.

Senator Moodie: Senator Gold, there are a lot of questions around the order in which people will get the COVID-19 vaccine. I would like to focus on the individuals who are under the direct purview of the federal government. I want to specifically ask about immigrants and refugees in Canada, especially those who are under federal detention.

My question is very simple: When will these individuals who are in precarious settings and under the direct purview of the federal government get their vaccines?

Senator Gold: Thank you for your question. It is true that there are many Canadians who fall within the exclusive responsibility and authority of the federal government. In this regard, the only answer I can give you — the best answer I can give you at this juncture — is that the Government of Canada believes a priority must be given to our more vulnerable seniors and our caregivers and health care workers.

• (1500)

[*Translation*]

TREASURY BOARD SECRETARIAT

PREVENTION OF VIOLENCE AGAINST WOMEN

Hon. Renée Dupuis: Honourable senators, my question is for the Government Representative in the Senate. Senator Gold, exactly two years ago, I asked a question of the government representative, a different senator at the time, about what action was being taken by federal departments and agencies to address the causes of violence against women, including sexual harassment, and to accelerate efforts in this area.

This week, we are marking the National Day of Remembrance and Action on Violence against Women, as we remember, more than 30 years later, the murders that took the lives of 14 young female students at École Polytechnique in Montreal. This year also marks the fiftieth anniversary of the report of the Royal Commission on the Status of Women, as Senator Dasko noted a few moments ago.

My question is the following: What tangible action is the government taking to follow through on the 167 recommendations of the royal commission of inquiry and, more specifically, what measures have been taken with respect to violence against women?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question, senator, and for raising this extremely important issue.

The tragic problem of violence against women is so broad that there are several answers. I will cite a few of them.

First, with respect to shelters to protect women and their families against domestic violence, the government is aware that there are not enough shelters for all the women and families who need to find a safe haven. Our government has made historic investments in this area, but it is just one element of a response to the problem of domestic violence.

Colleagues, I can also mention the millions of dollars in the 2017 and 2018 budgets to support many programs and initiatives aimed at preventing domestic violence.

With respect to the legal system, as you know, we passed legislation that made substantial amendments to the Criminal Code, including Bill C-75 in 2019, with respect to intimate-partner violence. Other amounts have also been earmarked for enhancing the legal system to help it address violence against women in general.

I could continue, but despite the tremendous efforts that this government has made, much remains to be done.

The Hon. the Speaker: Senator Dupuis, do you wish to ask a supplementary question?

Senator Dupuis: Yes, please. Senator Gold, would you be prepared to ask the Minister for Women and Gender Equality for a more specific answer? I know that there have been a lot of initiatives in this area.

The reason I ask is that we need an overall view of an action plan that does or does not address the 167 recommendations. In other words, a significant amount of public money was invested in the commission's findings, and now, decades later, we want to see what this money has produced.

Are you prepared to ask the minister to provide a clear answer or to come explain it to us in the Senate?

Senator Gold: As senators know, I've spoken with the other leaders about how we can continue this new, yet important, practice of inviting ministers to appear in this place and replace me during question period. I may have a personal stake here. I plan to discuss this with my counterparts in the other parliamentary groups, and I'd be happy if they all agree to let the minister come here and answer your questions directly.

[*English*]

AGRICULTURE AND AGRI-FOOD

SUPPORT FOR SECTOR

Hon. Diane F. Griffin: Honourable senators, my question is for Senator Gold, the Government Representative in the Senate.

Poultry and egg farmers welcomed Minister Bibeau's recent announcement of $691 million for support for the egg and poultry farmers who have lost domestic market share due to the Comprehensive Economic and Trade Agreement with Europe — CETA — and the Comprehensive and Progressive Agreement for Trans-Pacific Partnership, or CPTPP. Senator Gold, when will these programs be implemented and when will these funds be available to poultry and egg farmers?

Hon. Marc Gold (Government Representative in the Senate): Thank you, senator, for raising this question. Let me begin by pointing out, for the benefit of the chamber, that in the European trade agreement there were actually no concessions made to the chicken, turkey, egg and hatching egg sectors; it was only for cheese.

As for the CPTPP, the government remains committed to supporting supply management, and it will provide compensation to poultry and egg producers impacted by the trade agreement. Indeed, the government will provide up to $691 million for 10-year programs for supply-managed chicken, egg, broiler hatching egg and turkey farmers who have been impacted by that agreement. These programs, I should add, respond to what was asked for by the poultry and egg working group following the ratification of the treaty, and they will provide producers with targeted support to make on-farm investments that improve productivity as well as develop their market. It will be designed in consultation with senior representatives and will be launched as soon as possible.

Senator Griffin: When can the poultry and egg farmers expect similar support from version two of the North American Free Trade Agreement? They lost share, of course, because of the Canada-United States-Mexico Agreement now known as CUSMA?

Senator Gold: The government remains committed to providing full and fair compensation for the impacts of CUSMA on poultry and egg farmers. I have been advised by the government that details on the CUSMA compensation will be announced shortly.

[*Translation*]

INFRASTRUCTURE AND COMMUNITIES

DISASTER MITIGATION AND ADAPTATION FUND

Hon. Claude Carignan: Leader of the Government, on the evening of April 27, 2019, a dike collapsed in the Deux-Montagnes region. Within minutes, water flooded into 6,000 properties, 6,000 houses, leaving more than 6,000 families homeless.

This was obviously an unimaginable disaster for these people and for the municipality of Sainte-Marthe-sur-le-Lac, and it also seriously affected the neighbouring municipalities that had to work on reinforcing the dike and preventing a recurrence in 2020. The municipalities had to spend unbelievable amounts of money on preventive measures.

• (1510)

The government created a fund to prevent natural disasters and to carry out the work. It announced a $2-billion infrastructure plan, the Disaster Mitigation and Adaptation Fund, or DMAF, to build dikes and carry out work to try to prevent these situations.

The municipalities applied, but they were denied a large portion of the funding they requested because the work had been done on an emergency basis, before they could qualify for the program.

The Quebec minister responsible for infrastructure and the municipalities wrote to the Minister of Environment and Climate Change, Ms. McKenna, asking her if it was at least possible to revise the eligibility dates to cover urgent expenses that had been incurred as a preventive measure by the region's municipalities. Minister McKenna's response was negative.

The Government of Canada refuses to cover the very reasonable expenses incurred on a priority basis by the elected officials representing these municipalities. What does the government plan to do to fix this situation?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question, Senator Carignan.

As a Quebecer myself, I followed this situation closely as well, and as you put it so well, it was a disaster.

I can't give you a specific answer right now, but I will look into it. I'll ask the new minister about this and get back to the chamber as soon as I have an answer.

The Hon. the Speaker: Honourable senators, I would remind you to please keep your introductory remarks brief.

Senator Carignan: Mr. Speaker, you will understand that, given the importance of this issue, I had to present it in a way that would not only enable the Leader of the Government in the Senate to thank me for the question, but that would also enable me to thank him for his answer, which is something I have not done very often to date.

I would like to remind the Liberal government of the promise that it made during the last election campaign, which can be found in its election platform under the heading "Disaster Response." It reads:

> We will make sure that people get the help they need when there is a federally declared disaster or emergency.

Leader, am I going to have to tell the mayors and residents of Saint-Eustache, Deux-Montagnes, Sainte-Marthe-sur-le-Lac, Pointe-Calumet and Saint-Joseph-du-Lac that the Liberal government is not going to keep its promises?

Senator Gold: It's not up to me to tell you what you should say to the mayors of those communities. As I said, I will look into this and, as soon as I have an answer, I will share it directly with you and this chamber.

[*English*]

PUBLIC SAFETY

HUAWEI—5G TECHNOLOGY

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, my question for the government leader is a follow-up to a question I asked a few weeks ago. In July, the U.K. government announced that British telecom carriers had to stop buying 5G equipment from Huawei at the end of this year and to remove Huawei kit from their infrastructure by 2027. Recently, the U.K. government has gone a step further, setting a deadline of September 2021 for carriers to stop any further installation of Huawei equipment and introducing a bill in their House of Commons to enshrine into legislation these directives regarding high-risk vendors.

Leader, this illustrates how seriously one of our closest allies, and Five Eyes partner, regards the security threat posed by Huawei. Why has your government not shown a similar sense of urgency to complete its 5G security review in Canada?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. The security of our infrastructure is of fundamental importance, not only to Canada but to its allies, as you properly point out. Canada has a very robust relationship not only with the Five Eyes, of which it is a part, but with many other countries with whom it has arrangements for the protection of our citizens and theirs. Canada remains committed to making sure that our infrastructure is as secure as it can be. Risks come from many quarters, as was pointed out in recent analysis.

I can assure this chamber that there is a robust discussion going on within government and with the five allies as to the best way to protect our networks. When a decision has been reached, it will be announced.

Senator Martin: Again, we are the last of the Five Eyes allies, and it is a very important alliance. Just like the budget has been delayed for almost two years, the same goes for this decision.

North American telecom carries such as TELUS, Bell and Verizon have joined tech giants such as Apple and Samsung on the next G Alliance industry group to develop what 6G will look like. Leader, what do you think is most likely to happen first, the deployment of 6G technology or a final decision from your government's security review of 5G and Huawei?

Senator Gold: Senator, when I was a graduate student at law school, my constitutional law teacher, Laurence Tribe, said that if you live by the crystal ball, you have to be prepared to eat glass. I have a strong stomach, as you can tell from my performance this year, but, frankly, I don't know what will come first. I do know that the government is focused on the issue, and it is focused on the security of our infrastructure and will make the announcements when it's ready to do so.

ORDERS OF THE DAY

POINT OF ORDER

SPEAKER'S RULING RESERVED

Hon. Donald Neil Plett (Leader of the Opposition): Your Honour, I hope you will indulge me. I'm rising on two points of order. I wasn't in the chamber Thursday evening when Senator Lankin raised a point of order, so I didn't have an opportunity to speak to it. I would like to make some very brief comments, if I could.

The Hon. the Speaker: Senator Plett, are you asking me to reopen debate on a point of order? If so, I have done it in the past, and if you say there are others who are interested in participating in the debate, and I know that there may be, I'm prepared to open it up, but I will only entertain new items.

Senator Plett: Thank you, Your Honour. I apologize. I should have asked first.

As I said, there was debate last Thursday evening on Motion No. 14:

> That the Standing Senate Committee on Official Languages be authorized to examine and report on the Government of Canada's decision to award a contract for a student grant program to WE Charity . . . .

During that debate, Senator Lankin raised a point of order regarding language used by Senator Housakos in his speech.

Your Honour, you have been in this chamber for quite a few years now. I am sure that last Thursday you said to yourself that, yes, the language used by Senator Housakos to describe the relationship between the Prime Minister and WE Charity was sharp but that you have heard much sharper language before in this Senate Chamber to describe a Prime Minister. I want to reassure you; you are right. You have heard much worse.

Your Liberal colleagues repeatedly used words such as "scandal," "fraud," "breach of trust," "bribery" and other similar terms to describe the actions of the Conservative government. I remember well a speech by Senator Cowan in December 2013, when he used the term "bribery" four times, "breach of trust" four times, "fraud" six times, and "scandal" six times in one single speech. We all considered then, as we should still consider today, that this is part of the political discourse. Therefore, on this basis, I invite you to reject Senator Lankin's point of order.

During the same debate on Thursday, Senator Dupuis seemed to raise a question of privilege. I said "seemed to" because her intent was not clear. During the weekend, I reviewed Hansard and decided that, since it was not clear if there was a question of privilege, I should not take any chance of Your Honour ruling on it before I had the opportunity to offer some arguments.

I do not believe that Senator Dupuis raised a valid question of privilege. She summarized her argument by closing with the following:

> Invoking parliamentary privilege to attack, for political or other reasons, public officials before this captive audience of senators is unacceptable.

• (1520)

Questioning, criticizing and attacking public officials for decisions they have made is the essence of Parliament. Parliamentary privilege does not insulate senators from hearing criticism of their political leaders and allies. This is a bizarre — some would even say ridiculous — argument and is not, in my opinion, a valid basis for a question of privilege. However, it allows me to raise my concerns with the approach of some of our colleagues. Some do not seem to understand the notion of parliamentary privilege. I don't want to give a master class on privilege here today, so I invite all senators to read the Eleventh Report from the Standing Committee on Rules, Procedures and Rights of Parliament entitled, *Parliamentary Privilege: Then and Now*.

Finally, should Your Honour rule that Senator Housakos indeed should not have accused the Prime Minister of bribery, as he apparently did last Thursday, I suggest that we then hear from all the key players involved in the WE scandal, starting with, but not limited to, the additional participants in the scandalous affair: Prime Minister Trudeau, Sophie Grégoire, Alexandre Trudeau, Margaret Trudeau, former finance minister Bill Morneau, the Kielburger brothers and other officials of WE to appear before a Committee of the Whole to explain their position. This would allow all senators to determine if Senator Housakos's language was over the line, as Senator Lankin has said. Before we condemn Senator Housakos, he should have a chance to prove that there was indeed nefarious activity by the Prime Minister and his family.

Let's never forget that, in the chamber, we should always seek to ensure accountability, regardless of who is in power.

Thank you, Your Honour.

The Hon. the Speaker: Honourable senators will know it's my usual practice on points of orders and questions of privilege, as it is with most Speakers in Westminster systems of government, that, once you finish debate in the chamber, you no longer entertain either written or oral submissions unless it's a case where a senator asks for special reason to have the debate reopened, and I have done that in the past.

Last night, I received written notice from a senator that I was not going to take into consideration, but since Senator Plett has asked for and received permission to reopen debate, I will take that into consideration. It was a letter from Senator Dupuis outlining some of her points, so that will be taken into consideration as well.

Hon. Frances Lankin: Your Honour, I thank Senator Plett for raising additional points for consideration. I have to admit, the mischievous side of me is urged to move the adjournment of the Senate at this point in time, but I won't do that.

I do want to say, Your Honour, in response to his point, the fact that this kind of language has been accepted, tolerated and used in this chamber over the years is, to me, of no import to the consideration of the situation we are in.

I want to ask you to reflect on the question that if the accusation of accepting a bribe and giving political favours — which Senator Housakos alleged of the Prime Minister, his family and then-Minister Morneau — is not over the line of the Rules of this chamber, what would be?

I am well aware of the argument that Senator Plett put forward around parliamentary privilege. I have sat in a legislative chamber, I have seen the points of order around parliamentary language and I realize the rules are different in each legislature, and in the House of Commons and here. We have a different history.

I also recognize the previous rulings. I would say there has been — within this new independent Senate, and the reforms that we are bringing forward — the type of decorum we are trying to establish, and the less partisan nature, except for the official opposition, of course, in their role. I do admire the political tactics they are using to get their issue out there. I get that, too. But I would ask you to give serious consideration to what the rule for "sharp or taxing" language actually means and when it would be of any use to us in terms of calling decorum to this chamber, if not now. Thank you very much.

The Hon. the Speaker: Senator Housakos, you are well aware that rule 2-5(1) allows me to entertain debate to the point where I feel I've heard enough, so if you have something new to add, please go ahead.

Hon. Leo Housakos: Your Honour, I'm jumping back into the debate after Senator Lankin has done likewise. I want to respond to a couple of key points.

This institution is a parliamentary chamber and language is very flexible. We have latitude by the Speaker to do our work. I think my colleague has appropriately pointed out several occasions where similar language has been used.

For my colleague to say this is an attempt on our part to be tactical is completely unfair. We make and review laws in this country, and I think it's appropriate on my behalf if I want to investigate sections 119 and 121 of the Criminal Code to see if they apply to an executive branch of the government when they're doing something inappropriate, because that's fundamentally our job. I think that's what this place is about and I think all of us should start doing our job.

Hon. Yonah Martin (Deputy Leader of the Opposition): Your Honour, this is just a point that I wanted to make in light of what Senator Lankin has added. That is how important the history of the Senate is, and what was said in the past. I recall that when I first became deputy leader I received a giant book, the *Companion to the Rules of the Senate of Canada*, with all sorts of Speakers' rulings and explanations. Its application was to provide context. I thought that was extremely helpful to me and I read it from beginning to end. That has been the way I have come to understand and appreciate the *Rules of the Senate,* and I'm only speaking to that point that we must look at what has happened in the past. I know that it's not precedent-setting per se.

With leave, we're allowed to do a lot of different things in this chamber, and I think our debate on the chamber floor allows us to enter into such debate. They may be difficult and harsh at times, but we all do our best to stay focused on the issue at hand. I advise all senators if they have not had a chance to take time to read the *Companion to the Rules of the Senate of Canada* because there are excellent examples that should inform us to this day.

The Hon. the Speaker: I see there are a couple of more senators who wish to participate in the debate. I would just caution you that the debate concerns whether or not certain language used by a senator was unparliamentary. We don't need to really hear outside views about what people think of particular lead ups or things that have gone on in the past, unless, of course, somebody wants to point to an order or ruling from the past, and that would certainly be appropriate. The purpose of reopening the debate was to hear any new debate.

[*Translation*]

Hon. Renée Dupuis: When I spoke in the Senate on Thursday evening, I very clearly stated, as the blues will show, that I was rising in support of the point of order and that I could have raised a question of privilege. I reread the blues. They are clear. I just wanted to reassure my colleagues that I spoke clearly in support of the point of order raised by Senator Lankin.

I will stop there in order to obey the instructions you just gave about sticking to the essential issues surrounding this debate.

Thank you.

[*English*]

The Hon. the Speaker: Thank you.

Hon. Pat Duncan: Your Honour, since we're adding new arguments and since my colleague Senator Martin has noted the *Companion to the Rules of the Senate of Canada*, if I may, I would draw your attention to the following from that publication, which quotes pages 142 and 143 of *Beauschesne's Parliamentary Rules and Forms, 6th Edition*:

> In the House of Commons a Member will not be permitted by the Speaker to indulge in any reflections on the House itself as a political institution; or to impute to any Member or Members unworthy motives for their actions in a particular case; or to use any profane or indecent language; or to question the acknowledged and undoubted powers of the House in a matter or privilege; or to reflect upon, argue against or in any manner call in question the past acts and proceedings of the House, or to speak in abusive and disrespectful terms of an Act of Parliament.

• (1530)

Your Honour, my understanding is that it is outside any parliamentary democracy to ascribe false and unavowed motives to a member of a House of Commons, a legislature or this

esteemed chamber. I would strongly recommend that in your ruling you consider this and that such a discussion also be further reviewed by the Standing Senate Committee on Rules, Procedures and the Rights of Parliament for further discussion and clarity to be outlined in the companions and in the *Rules of the Senate*. Thank you, Your Honour.

The Hon. the Speaker: I would like to thank all senators who have taken part in the debate, and I will take it under advisement.

OFFSHORE HEALTH AND SAFETY ACT

BILL TO AMEND—SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Ravalia, seconded by the Honourable Senator Pate, for the second reading of Bill S-3, An Act to amend the Offshore Health and Safety Act.

Hon. David M. Wells: Honourable senators, I rise today to speak to Bill S-3, An Act to amend the Offshore Health and Safety Act. I would like to thank our colleague Senator Ravalia for his remarks on Thursday last week regarding this bill and, additionally, for his kind words about my father's life and dedication to improving the state of Canada's offshore health and safety.

I also thank him for referencing my sponsorship of the original Offshore Health and Safety Act in 2014. And as you may know, colleagues, I have a long history of work related to health and safety in the offshore, extending from my previous role as Deputy CEO and board member of the Canada-Newfoundland and Labrador Offshore Petroleum Board, the primary regulating organization for Canada's offshore.

Colleagues, I was honoured to have been the Senate sponsor of Bill C-5 in 2014. This bill became law later that year. It was called the Offshore Health and Safety Act. This act played a critical role in increasing worker safety in our Atlantic offshore areas. As Senator Ravalia mentioned as well, it was broad in scope and addressed many of the complexities of the issues at hand, especially regarding clarifying processes, jurisdictions and responsibilities of all parties involved. That bill provided five years for implementation.

Offshore health and safety is one of the most important issues requiring our attention and speaks to the fundamental role of government: the protection of its citizens. Offshore workers should be able to arrive at work, day in and day out, knowing that we have implemented the proper regulations to ensure that they will be as safe as possible and to ensure that they will return home to their families at the end of each shift. For so many in our Atlantic provinces, these issues are not just a matter of legislation; they are personal, affecting the lives of themselves and their loved ones.

In recent decades, my home province of Newfoundland and Labrador has had to face devastating offshore tragedies. Senator Ravalia spoke about the *Ocean Ranger* disaster on Valentine's Day of 1982. The *Ocean Ranger* was a semi-submersible drilling rig and was described as "indestructible."

On that day, there was a storm off the coast of Newfoundland, which capsized the rig, resulting in the tragic deaths of all 84 on board. There were no survivors. This was Canada's worst tragedy at sea since the Second World War. A good friend of mine, Darryl Reid, was one of the 84 who lost their lives. In Newfoundland and Labrador, these tragedies hit us directly because we are a small, tight community and everyone is within two or three degrees of separation.

Almost 30 years later, on March 12, 2009, Cougar helicopter Flight 491 crashed into the North Atlantic after experiencing mechanical trouble. The helicopter was ferrying 18 offshore workers to oil platforms off the coast of Newfoundland. Tragically, 17 lost their lives and there was only one survivor, my friend Robert Decker. The search and rescue technician who was lowered down by helicopter and pulled Robert out of the North Atlantic that day was Ian Wheeler, a high school classmate of mine.

Robert lived on our cul-de-sac. He delivered our paper when he was younger. I brought a pot of stew to his home when his family did not know whether he was going to live or die. The walk to his house, colleagues, was 30 seconds. You see, it is easy to understand why I, as a Newfoundlander sponsoring the Offshore Health and Safety Act in the Senate in 2014, and our former colleague the Honourable George Baker, also a Newfoundlander, served as the critic. It's similarly easy to understand why now, in 2020, our colleague Senator Ravalia, a Newfoundlander, is the sponsor of Bill S-3 and why I am the critic. Colleagues, that the minister in charge of getting this done and hasn't, who is also a Newfoundlander, is frustrating to me.

These catastrophes have brought so much devastation to my home province. They are deeply rooted. We mark time with them, asking questions like, "Where were you when you heard about it?" Health and safety legislation and regulations are personal to so many. Bolstering offshore health and safety means decreasing the likelihood that these devastating events will happen, and the likelihood that more parents, spouses and children will spend their lifetimes grieving.

As Deputy CEO of the Canada-Newfoundland and Labrador Offshore Petroleum Board, I consistently prioritized the health and safety of our workers, and our senior leadership team worked to effect positive change on the culture of Canada's offshore safety. We set out to inspire a culture of safety. We hosted safety culture conferences and worked tirelessly to ensure that offshore workers were safe, felt safe and cared about issues of safety.

Those safety conferences continue to this day. And colleagues, to show that this was not just words from the top, I also completed the safety training. This training consisted of a variety of tasks, such as firefighting, getting out of a space that was filled with dangerous gasses and smoke, jumping from a ship into the frigid North Atlantic and remaining there for more than 30 minutes.

The most challenging was being strapped into a seat in a helicopter and being lowered into the water. At this point, the helicopter is flipped upside down because that is what happens when a helicopter goes down in the water. You are upside down, strapped in your helicopter seat, with the water level rising, and you have to wait for it to fill the cabin so the pressure is equalized. Then you remove your five-point harness and bang the window out with your elbow or fist and exit the small window, all while holding your breath underwater, upside down, in the dark.

It was our goal to ensure that all of our offshore workers felt a part of the safety culture that we encouraged and that they were trained and ready to deal with any event that could arise.

Colleagues, we know that the offshore petroleum boards — one in Newfoundland and Labrador and one in Nova Scotia — play critical roles in meeting our health and safety goals. However, the boards cannot do it alone. They require the cooperation of government to prioritize these issues and to push forward necessary legislation and regulations.

The 2014 Offshore Health and Safety Act was a promising step forward, but with Bill S-3, the bill in front of us now, there is no promising step forward. This bill simply asks for an extension of two years. The government's legislative summary states that it is necessary because of the complexity of the regulations and the need to secure agreement from Newfoundland and Labrador, and from Nova Scotia.

The 2014 Offshore Health and Safety Act outlined a path towards permanent health and safety regulations for our Atlantic offshore. However, I understand that the act of putting permanent OHS regulations into place is one that requires study and coordination, so transitional regulations were put in place when the Offshore Health and Safety Act was enacted, giving the government a five-year period of time to conduct the necessary analysis and to determine permanent regulations. These transitional regulations were necessary at the time, but critical elements were still delayed awaiting this five-year window, including the establishment of an Occupational Health and Safety Advisory Council. We're still waiting on that because the legislation hasn't passed. What few people know is that an extension was already given in the second 2018 Budget Implementation Act. That was a one-year extension tucked into the 884-page omnibus BIA. Now the government is asking for two more years.

• (1540)

Prior to these transitional regulations, the offshore petroleum boards had to find ways to ensure that the health and safety priorities were being met without regulations. So health and safety standards were made conditions of licensing for resource development companies, and they knew that health and safety negligence would result in licence suspension or revocation. That was a workaround solution before the development of codified regulations.

Now, even the codified regulations we do have are transitional and are not being given any priority from this government. This legislation makes that even more evident. The government has made it consistently clear that offshore health and safety is not important to them. But I ask the question — and it's not rhetorical — given our history of tragedy, what could be more important in the offshore than safety?

Colleagues, we passed the end of the five-year period in 2019, and the one-year extension expiry is upon us. The transitional regulations are set to expire in a few weeks on December 31, 2020. The bill in front of us now, Bill S-3, seeks to extend these transitional regulations for two more years until December 31, 2022.

The fact that this is now in front of us is shameful. The government has had five years plus a one-year extension to develop the regulations to protect our offshore workers, workers who are putting their lives at risk each day. What we see here, colleagues, is a rush job. The sponsor's speech was Thursday, and the bill could have its third reading as quickly as tomorrow.

This has come down to the wire in such a way that the text of the bill is retroactive, out of fear that it will not get passed before transitional regulations expire. In this case, if the bill is passed in February or March 2021, the transitional regulations would be "revived on January 1, 2020."

This is a pure abdication of responsibility by the government, the Department of Natural Resources and the minister from Newfoundland and Labrador, and the MP for the riding in which I live and where many offshore workers live.

The government has failed our workers. I ask again: What is more important to the government than bringing safety to some of our most at-risk workers? In the past five years, the government could not find the time to develop permanent regulations, ones that are simple and clearly based on existing provincial and federal regulations and the practices of the board, including the provisions of conditions of licence. Why has this taken so long and why are we scrambling for an extension mere weeks from the expiry of the transitional regulations and mere days from Parliament adjourning until 2021? Safety of citizens is a fundamental responsibility of government.

Honourable senators, we are weeks away from the automatic termination of the current extension. At the expiry of this third time frame, will we be sitting here being asked again to consider an extension of these same regulations in two years? Thank you.

Hon. Pierrette Ringuette (The Hon. the Acting Speaker): Are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Acting Speaker: It was moved by Senator Ravalia, seconded by the Honourable Senator Pate, that this bill be read the second time.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator Ravalia, bill referred to the Standing Senate Committee on Energy, the Environment and Natural Resources.)

JUDGES ACT
CRIMINAL CODE

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Dalphond, seconded by the Honourable Senator Galvez, for the second reading of Bill C-3, An Act to amend the Judges Act and the Criminal Code.

Hon. Paula Simons: Honourable senators, today I wish to speak to Bill C-3, An Act to Amend the Judges Act and the Criminal Code.

In September of 2014, Mr. Justice Robin Camp, as he was then, stepped into an Alberta provincial courtroom to preside over the trial of a Calgary man who stood accused of sexual assault.

Camp had very little experience as a criminal trial judge or with criminal law in any form. Originally from South Africa, he had only practised law in Canada for 12 years before he was appointed to the bench, and his practice had been one of civil litigation with a concentration in oil and gas law.

As Camp himself later said, his knowledge of Canadian criminal law was, to use his own expression, "non-existent." Nonetheless, he was presiding in the case of a man who'd been accused of raping an Indigenous teenaged girl. But Camp seemed to have had a hard time remembering exactly who was on trial — the girl or her alleged assailant. Over and over again, he referred to the young woman as the accused. That's pretty much how he treated her, cross-examining her from his bench about her behaviour on the night in question.

If she really hadn't wanted to have sex, he asked, why didn't she just keep her knees together? Why didn't she try to "sink" her bottom, to use the judge's words, so that the man couldn't penetrate her? Why didn't she scream?

When the girl testified that the alleged assault had hurt her physically, Camp scoffed, saying that, "sex and pain sometimes go together, that — that's not necessarily a bad thing."

He mocked the homeless teenager for not having a job and suggested the alleged incident was largely her fault because she'd been drinking and should have been more careful that night.

When the Crown prosecutor tried to explain the Canadian laws of sexual consent, Camp pooh-poohed her:

> Are children taught this at school? Do they pass tests like drivers' licences? It seems a little extreme. Can you show me one of those places it says that there's some kind of incantation that has to be gone through? Because it's not the way of the birds and the bees.

The accused was acquitted. Not long after that, the judge was promoted, appointed to the Federal Court. If it hadn't been for a complaint filed by law professors from the University of Calgary and Dalhousie University, Robin Camp might well still be there. Instead, he's gone down in Canadian legal history in all the wrong ways. He resigned from the bench after an inquiry panel of the Canadian Judicial Council unanimously recommended his removal.

Yet, in a darkly ironic way, we may need to thank Robin Camp because we probably wouldn't be having this important debate without him. He became the inspiration for and incitement of Bill C-337, a private member's bill introduced in the other place during the last session by my erstwhile Alberta parliamentary colleague Rona Ambrose. Ms. Ambrose was rightly concerned that Canadian judges were not receiving sufficient education and training in the jurisprudence of sexual consent and in the legal precedents that govern modern sexual assault proceedings.

Ms. Ambrose's bill died on the Order Paper in the spring of 2019 to the great frustration of many. It was introduced in a modified form as Bill C-5 this spring — and died on the Order Paper yet again. It returns to us today, twice revenant, as Bill C-3. But despite the delays, I put it to you, my Senate colleagues, that C-3, the bill we have before us today, is an example of the Senate doing some of its most useful work.

The original bill, Bill C-337, however well-intentioned, raised some significant concerns about protecting the independence of the judiciary and about protecting the privacy of those who might be mulling the idea of applying for consideration as a judge.

When the bill came to the Senate Standing Committee on Legal and Constitutional Affairs, senators on that committee, including the bill's sponsor, Senator Dalphond, and our former colleague Senator André Pratte, weighed in with thoughtful questions and practical amendments that did a great deal to address some of the vulnerabilities of the original legislation. The new Bill C-3 which we have before us now was very much informed and shaped by the work of all the senators on that committee.

I have spent much of this strange COVID era speaking to high school students and university students and Rotarians about the work of the Senate and whether this upper chamber serves any useful purpose. In my home province of Alberta, there is, to put it politely, considerable skepticism about the value of what we do here. But should we pass this bill — as I hope we will — I will be proud to point to it as a clear case of the Senate doing its job and doing it well, giving sober second — and third — thought to important legislation to make sure we get it right and don't create unanticipated problems.

• (1550)

Bill C-3 is a credit to the hard work and passion of Rona Ambrose and to all the senators who did their own hard work to give this bill its final form and shape.

And let it be said that while I began my remarks by singling out Robin Camp, his comments were far from an isolated incident. This isn't legislation prompted by one outlier of a judge. We have a systemic problem in Canadian courts — and, it must be said, in Alberta courts — when it comes to an understanding of the case law relating to sexual assault and consent.

Before Robin Camp, there was the late John McClung of the Alberta Court of Appeal. He was hearing an appeal in the case of a man who stood accused of sexually assaulting a 17-year-old girl who had come to his trailer for a job interview. The girl, said McClung, had not presented herself in ". . . a bonnet and crinolines" — as though bonnets and crinolines were proof of sexual purity or a defence against assault. He went on to suggest that the accused's actions were ". . . less criminal than hormonal" and suggested the girl might better have dealt with the situation with what he termed ". . . a well-chosen expletive, a slap in the face or, if necessary, a well-directed knee."

It is perhaps not irrelevant to note that the accused in this case, Steve Ewanchuk, had previously been convicted four times of sexual assault, and would later be convicted of the sexual assault of an 8-year-old child. After eight sexual assault convictions, he was deemed a long-term offender in 2007 and was released under a strict supervision order just this year. So perhaps it wasn't just the hormones, after all.

While McClung and Camp made national headlines, there have been other disturbing Alberta cases which I covered which seemed almost as problematic, if less notorious. There was the Edmonton judge who acquitted a man in the sexual assault of his adolescent stepdaughter, suggesting the girl should have done a better job of staying away from him. Then there was the Edmonton judge who ordered a homeless Indigenous rape victim held in remand for five days, simply to guarantee that she'd appear at trial, forcing her to be transported to court in the prison van in shackles, right alongside the serial rapist who was later convicted of kidnapping, stabbing and sexually assaulting her, and later deemed a dangerous offender. I could continue, but I think by now you have grasped my larger theme.

While Bill C-3 is a good step forward, it is no panacea to address the deeper problem of the lack of diversity on our courts. We must continue our efforts to ensure that the bench is a more accurate reflection of contemporary Canadian society, that our judges have not just the classroom training, but the lived experience to try the cases before them. We need more women on the bench, we need more Indigenous judges, more racialized judges, more LGBTQ judges so that our judiciary better represents the reality of Canada today.

Our courts face another challenge. Once upon a time, lawyers in private practice ended up doing all kinds of law, especially when we lived in smaller communities and local lawyers were more akin to general practitioners, dealing with everything from divorce to drunk driving to wills and estates. But more and more in the last decades, Canadian lawyers have become specialists, experts in tax law or labour law, environmental law, insurance law or criminal defence. They spend years honing and narrowing very particular skills, first in law school and then in their profession. But once lawyers are appointed to the bench, they have to preside over all kinds of cases. They need to become generalists and experts at the same time. And when we continually appoint lawyers with little or no experience in criminal law to try criminal cases, well, that can lead to mistakes and miscarriages of justice.

It is not the work of Bill C-3 to fix all those problems. A few mandatory courses designed to bust the myths around sexual assault won't help us to diversify our courts, nor to address the effects of appointing lawyers who are narrow-subject-matter specialists to the bench.

However, what Bill C-3 and its predecessor Bill C-337 have done is to engage Canadians in this important national debate about the way we select and train those who are given the extraordinary responsibility of sitting in judgment upon their fellow Canadians. It is no small or easy task to be a judge. It is a great trust and I know, at times, a great burden.

The goal of Bill C-3 should really be to make that job just a little bit easier, to give new judges the tools, training and support they need to carry out their difficult and sometimes morally challenging work. The bill now strikes the right balance — respecting the independence of judges and of the Canadian Judicial Council, while at the same time, preparing new judges for the duties and dilemmas ahead. It stands as a worthy legacy for Rona Ambrose and for all the sexual assault victims who've had to fight for their dignity and to have their voices heard. Thank you and *hiy hiy*.

The Hon. the Acting Speaker: Would the honourable senator take a question?

Senator Simons: I would be delighted to take a question.

[*Translation*]

Hon. Pierre-Hugues Boisvenu: Congratulations on your speech. As the bill's critic, I fully support it. It will undoubtedly go a long way toward helping the judiciary adopt a more sensitive approach to victims of sexual assault. We know the Canadian Judicial Council has been making training available to judges for the past four or five years. Do you have any data relating to that training, which has been available to judges for several years, and is it having the desired impact? Do we know if judges' behaviour and attitudes are changing? Regarding the

judge you mentioned in your speech, the one who made such baffling and unacceptable comments about a victim, do you know if that judge has already taken this type of training?

Senator Simons: Thank you for your question, senator. I'm sorry, but I didn't get the interpretation, so it's a little hard for me to understand the subtleties of your question, but I'll try to answer it anyway.

[*English*]

It's absolutely necessary that we respect the independence of the Judicial Council because we need to make sure that our judiciary is independent and that we in the Senate and in Parliament in general are not overly interfering in the independence and the integrity of the Judicial Council. However, it's also really important for Canadians to have continued confidence in our courts, that Canadians understand that the judges who sit in these cases have the training, background and experience they need to adjudicate them fairly. And it is also important that the Canadian Judicial Council continue to have the robust power to discipline judges where necessary so that Canadians retain confidence in the integrity of their courts and in the fairness of the judicial process.

[*Translation*]

Senator Boisvenu: I'm sorry that you didn't get the interpretation. I'll repeat my question, and perhaps you could provide us with the information later. We know that the Canadian Judicial Council has been offering sexual assault training to judges for several years. I just wanted to know if you have data on that training. Here's my other question. People in the other place have said that other types of training should also be provided to judges, such as training on segregation and racist behaviour. One thing I am concerned about in particular is family violence. We know that it's a real problem in Canada and that the sentences handed down by judges are often minimal. Do you believe that this sexual assault training that is provided to judges, which is a very good approach, should be extended to include other types of situations that are problematic in Canada, including violence against women, domestic violence?

[*English*]

Senator Simons: If I may answer that question, I managed to get the translation on so I got all the subtleties this time. I don't, I'm afraid, have information specifically about the efficacy of the training programs we have. I know that for both the provincial courts and for the superior courts — the Court of Queen's Bench as they are known in my home province of Alberta — it is absolutely necessary that judges have ongoing training, whether that's workshops provided by other judges. In my previous incarnation as a journalist, I was often asked to speak at training sessions for judges in Edmonton.

An understanding of the law around domestic violence is absolutely essential, and I absolutely share your profound concern that those cases are not always adjudicated with an understanding of all the complexities that go into a partner's decision to perhaps remain in an abusive relationship.

We don't want to get into a situation where Parliament is being so prescriptive that we're coming up with a rubric every year, a checklist of all the things judges have to learn. We shouldn't be micromanaging the courts to that extent.

• (1600)

I'm hoping that Bill C-3 perhaps will be a prod and an inspiration to those who train judges, both provincially and at the Superior Court level, to provide that kind of ongoing professional support, so that judges are kept up to date about changes, not just —

The Hon. the Acting Speaker: Senator Simons, your time has expired. Are you requesting an additional five minutes? Senator Dalphond would also like to ask you a question.

Senator Simons: If Senator Dalphond would like to ask me a question, I would be happy to request another five minutes, if the chamber agrees.

The Hon. the Acting Speaker: Is it agreed, honourable senators?

Some Hon. Senators: No.

The Hon. the Acting Speaker: I'm sorry, senator; it is not agreed.

(On motion of Senator Martin, debate adjourned.)

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Gagné, seconded by the Honourable Senator Petitclerc:
>
> That the following Address be presented to Her Excellency the Governor General of Canada:
>
> To Her Excellency the Right Honourable Julie Payette, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Chancellor and Commander of the Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.
>
> MAY IT PLEASE YOUR EXCELLENCY:
>
> We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

Hon. Murray Sinclair: Honourable senators, I would like to make some comments in reply to the Speech from the Throne, and share with you some thoughts on the government's policies to advance Senate reform and reconciliation, and the connection between these subjects.

You may recall that in my first speech in the Senate in 2016, I began with this thought: Based upon my experience and the way I have been raised, I believed and treat this place, the Senate of Canada, as though it is the place of "Canada's council of elders." I told you then that, among my people, elders are treated with great respect, for it is recognized that their experience and life achievements have given them the right to be seen as wise people, and the responsibility to behave as such.

Elders are consulted by the community about the community's or individuals' most significant problems, and their advice is sought to help those who have the ultimate responsibility to govern the community and make final decisions about the lives of those within it.

Elders do not become or take up the cause of one side or the other in a dispute; rather, they work to help others overcome their differences. Elders help the community, including younger generations of leaders, to find the best path.

As I said then, I see many similarities with this place. At its best, the Senate is a body composed of respected individuals of wisdom and experience, exercising their formal powers with restraint, and helping to guide our federation by listening, discussing and advising on issues. At our best, senators help the elected chamber of the day find the optimal path for Canada.

Almost five years later, this remains my vision of the Senate. If this chamber strives to function as a council of elders, I believe the Senate will gain a more respectful internal culture, as well as greater credibility with Canadians and members of Parliament. This enhanced credibility will help the Senate deliver better public policy, just as elders' standing in Indigenous communities influences decision making.

Since the government's introduction of an open and arm's-length appointment process, the Senate increasingly includes a more diverse group of wise and experienced people, more representative of our society. Today's Senate has more voices for Indigenous nations and racialized communities, as well as gender parity. These developments are positive signs that the Senate will continue to move away from its historic role, in part, as a defender of establishment interests.

A more diverse and representative Senate membership furthers the idea of a council of elders, as a wise and just body that will serve all Canadians, particularly long-marginalized communities.

In recent years, the Senate has done excellent work to this end, including around government efforts to answer the Calls to Action of the Truth and Reconciliation Commission. We have contributed to new laws to revitalize and protect Indigenous languages and to restore Indigenous jurisdictions over child and family services. Indigenous senators are sponsoring government bills to establish a national day for truth and reconciliation, and to recognize the importance of Aboriginal and treaty rights in Canada's Oath of Citizenship.

I am confident that the Senate will support measures in the Speech from the Throne to reform the criminal justice system and to implement the United Nations Declaration on the Rights of Indigenous Peoples. To achieve this last goal, I note that the government has introduced Bill C-15, a historic milestone on the path to reconciliation.

The government's Senate policies have also advanced reconciliation by giving a greater voice to many of Canada's founding peoples in Parliament and federal law-making. This change is a reminder that such representation should always have occurred, and should always continue in the future, including with access to an open and arm's-length appointment process. Certainly, distinguished Indigenous leaders have served in the Senate prior to such a process, but such an avenue is more inclusive. That is a good thing.

In becoming a less partisan place, the Senate can also bring objectivity and long-term thinking to problems like climate change, over-incarceration and poverty. The more partisan House of Commons has struggled to adequately address those issues, though the Speech from the Throne was encouraging.

Regarding the Senate, however, changes to both internal practices and procedures are required to establish a deliberative body deserving of description as Canada's council of elders. The government should play a role in driving these changes to fulfill its promise of an independent Senate.

Currently, we continue to see excessive partisanship and centralization of power in structuring our proceedings. By shifting to more fair and transparent approaches to decision making, the Senate can work in a more substantive and less adversarial way, with greater public accessibility and relevance. We can move towards a culture and institutional structure that we can envision more as a circle of independent individuals, and away from hierarchical factions, with some groups having outsized procedural powers.

For example, on September 1 of this year, Senator Dalphond and I circulated draft language to all senators for potential changes to the Senate's Rules for non-government business, including House of Commons private members' bills, Senate public bills, committee reports and motions. The purpose of those changes would be to implement fair and transparent processes for debate, study and voting on such items.

As you know, that draft language is based on the long-standing rules of the House of Commons, as well as a 2014 Senate Conservative caucus proposal spearheaded by the late former Speaker Senator Nolin, and also developed by Senator White and former Senator Joyal. In this sense, these potential Senate rules have already demonstrated considerable consensus and utility in Parliament over the years. For this reason, I hope that senators will implement these, or similar rules, in the coming months so that fair and transparent rules may apply to non-government work in this chamber, this Parliament.

Such reform is necessary for the proper functioning of a more independent Senate. An independent Senate needs to be able to vote on independent propositions, not only on government initiatives and changes to government initiatives. At the same time, these changes would build on well-established parliamentary practices and ideas with diverse and long-standing support among current senators and groups. All individual senators will finally be able to propose bills and motions, with a fair opportunity to reach votes and committee studies. However, the business of any government of the day would retain procedural priority, as it should.

If a majority of senators supports these proposals, this reform raises the question of whether rule changes should proceed, absent consensus.

In my view, the Senate should proceed with adopting fair and transparent rules regardless of whether there is unanimity. After all, this decision affects more than the interests of senators; it affects the interests of elected members of Parliament and of all Canadians in their democracy. Currently, it is almost impossible for the public to follow or even understand Senate proceedings on private members' bills and Senate public bills. That consideration alone should be determinative. Moreover, consensus should not be a precondition to doing the right thing, and I do not think members of Parliament or Canadians would judge this to be a hard case.

I also do not think members of Parliament or Canadians would endorse transactional approaches to legislation and other work in this chamber. They would expect us to vote on bills based on evidence and merit.

• (1610)

In speaking of non-government business reform, I agree with the comments of Senator Frum, who said in this chamber in 2014:

> What is the right thing to do when there is a reasonable proposal, a wise proposal, a proposal that will reform the Senate for the better? What is the right thing to do when a small group of senators refuses to even consider it and then cries foul because there is no consensus? . . .
>
> If we want to do what's best for the Senate, not for the government side or the opposition and independent sides, but for the institution as a whole, we should embrace any reform within our power to make the Senate more accountable, responsible and democratic. . . . It is a modest change, but it would be a change for the better. If we fear reforms as straightforward as this one, I despair that we will ever accept any Senate reform at all.

To improve Senate rules, I would also add my support for a committee to manage timelines for government bills — indeed, rule changes for non-government bills and a government business committee were recommendations of the 2019 progress report of the office of the previous Government Representative. Government action along these lines would also deliver on a government election commitment to allocate more time for private members' business to be debated and voted on in Parliament. The benefit of a government procedural avenue for internal reforms would be that such a process could more readily involve a conclusion after a reasonable period of time.

In closing, I would repeat remarks from my first speech to this chamber; that in listening to the Senate's debates, I have felt a significant degree of pride in this place and all of you. Today I would add that I have felt a significant degree of pride in your many achievements and efforts to improve the lives of Canadians over the years and in our work together. At its best, the Senate of Canada is our country's council of elders. With all of you, with your wisdom, experience and knowledge, I know the Senate will often be at its best. We need to do what we can to ensure that it can function as such.

Thank you. *Meegwetch*.

Some Hon. Senators: Hear, hear.

(On motion of Senator Gagné, 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 Boehm, for the second reading of Bill S-207, An Act to amend the Criminal Code (independence of the judiciary).

Hon. Mary Jane McCallum: Honourable senators, I rise today to speak in support of Bill S-207, An Act to amend the Criminal Code (independence of the judiciary).

I would like to thank Senator Pate for bringing this important bill forward. I would also like to extend my gratitude to Mr. MacKenzie Cheater, a criminal law practitioner based in Winnipeg, whose support was instrumental in the crafting of this speech. I wanted to thank MacKenzie, a young man, for taking the time to walk a senior citizen through the sentencing process and mandatory minimums, generally, and the public opinions and statistical analysis of the amendments.

The words I will give on this matter I fully attribute as his own:

> The exponential growth of MMS laws has had a profound impact on the promise made by the Supreme Court of Canada in 1999's *R v. Gladue*, to address the legacy of colonialism and oppression of indigenous persons through the sentencing process.
>
> It is well established in Canada that indigenous offenders are incarcerated at a much higher per capita rate than non-indigenous offenders. This problem is most pronounced in my home province of Manitoba, which was specifically noted by the in the *Gladue* decision, at paragraph 47:

". . . it was the Manitoba justice inquiry that found that although aboriginal persons make up only 12% of the population of Manitoba, they comprise over 50% of the prison inmates. Nationally aboriginal persons represent about 2% of Canada's population, but they represent 10.6% of persons in prison"

These statistics reflect the situation in Manitoba in 1999. In response to this growing problem across Canada, Parliament passed Bill C-41 in 1996 — *An Act to Amend the Criminal Code (Sentencing) and Other Acts in Consequences Thereof*. This legislation codified existing common law sentencing principles such as proportionality and restraint, but also created a new sentencing provision, now set out in Section 718.2(e) of the Code. This Section states:

"all available sanctions, other than imprisonment, that are reasonable in the circumstances . . . should be considered for all offenders, with particular attention to the circumstances of aboriginal offenders."

The Supreme Court first had the opportunity to consider this Section in the landmark decision of *R v. Gladue*. The SCC noted the comments of then Justice Minister Allan Rock during their decision on the correct interpretation of this new sentencing provision, at paragraph 46:

"Through this bill, Parliament provides the courts with clear guidelines . . . .

The bill also defines various sentencing principles, for instance that the sentence must be proportionate to the gravity of the offence and the offender's degree of responsibility. When appropriate, alternatives must be contemplated, especially in the case of Native offenders.

A general principle that runs throughout Bill C-41 is that jails should be reserved for those who should be there. Alternatives should be put in place for those who commit offences but who do not need or merit incarceration.

Jails and prisons will be there for those who need them, for those who should be punished in that way or separated from society. . . . [T]his bill creates an environment which encourages community sanctions and the rehabilitation of offenders together with reparation to victims and promoting in criminals a sense of accountability for what they have done.

It is not simply by being more harsh that we will achieve more effective criminal justice. We must use our scarce resources wisely."

The Court in *Gladue* ultimately found that Section 718.2(e) was a call to action to address systemic discrimination and racism against Indigenous persons in the criminal justice system. As the decision states, at paragraphs 64 and 65:

"These findings cry out for recognition of the magnitude and gravity of the problem, and for responses to alleviate it. The figures are stark and reflect what may fairly be termed a crisis in the Canadian criminal justice system. The drastic overrepresentation of aboriginal peoples within both the Canadian prison population and the criminal justice system reveals a sad and pressing social problem. It is reasonable to assume that Parliament, in singling out aboriginal offenders for distinct sentencing treatment in s. 718.2(e), intended to attempt to redress this social problem to some degree. The provision may properly be seen as Parliament's direction to members of the judiciary to inquire into the causes of the problem and to endeavour to remedy it, to the extent that a remedy is possible through the sentencing process.

• (1620)

It is clear that sentencing innovation by itself cannot remove the causes of aboriginal offending and the greater problem of aboriginal alienation from the criminal justice system. The unbalanced ratio of imprisonment for aboriginal offenders flows from a number of sources, including poverty, substance abuse, lack of education, and the lack of employment opportunities for aboriginal people. It arises also from bias against aboriginal people and from an unfortunate institutional approach that is more inclined to refuse bail and to impose more and longer prison terms for aboriginal offenders. There are many aspects of this sad situation which cannot be addressed in these reasons. What can and must be addressed, though, is the limited role that sentencing judges will play in remedying injustice against aboriginal peoples in Canada. Sentencing judges are among those decision-makers who have the power to influence the treatment of aboriginal offenders in the justice system. They determine most directly whether an aboriginal offender will go to jail, or whether other sentencing options may be employed which will play perhaps a stronger role in restoring a sense of balance to the offender, victim, and community, and in preventing future crime."

The radical promise of the SCC to revolutionize the sentencing process was reviewed again in 2012's R v. Ipeelee, where the Court made the following remarks, at paragraph 63:

"Over a decade has passed since this Court issued its judgment in Gladue. As the statistics indicate, section 718.2(e) of the Criminal Code has not had a discernible impact on the overrepresentation of Aboriginal people in the criminal justice system. Granted, the Gladue principles were never expected to provide a panacea. There is some indication, however, from both the academic commentary and the jurisprudence, that the

failure can be attributed to some extent to a fundamental misunderstanding and misapplication of both s. 718.2(e) and this Court's decision in Gladue."

The issues identified by the SCC in Gladue and confirmed in Ipeelee have only grown worse since 2012. A Statistics Canada report from May 9th, 2019 now finds that Indigenous persons make up 75% of the Manitoba prison population, while only accounting for 15% of the province's overall population. The only conclusion to draw from this data is that systemic discrimination towards Indigenous persons continues to pervade our criminal justice system.

Section 718.2(e) was designed to help remedy the over-incarceration of Indigenous offenders by re-thinking the sentencing process. It requires a sentencing judge to consider all alternatives before imposing a jail sentence. While this is not always possible, the consideration has to be meaningful and take into account the unique background of the offender before the court.

Mandatory minimum sentencing laws serve to directly undermine the use of alternatives to incarceration. It is impossible for a sentencing judge to exercise discretion and craft a non-custodial sentence where jail is mandated by the Code. …

It is unsurprising that the Truth and Reconciliation Commission of Canada specifically addressed this concern in their call to action [number 32], published in 2015:

"We call upon the federal government to amend the Criminal Code to allow trial judges, upon giving reasons, to depart from mandatory minimum sentences and restrictions on the use of conditional sentences."

[A concise] critique was published by the Osgood Hall Law Journal in 2001, in the article *Mandatory Minimum Prison Sentencing and Systemic Racism*:

"Mandatory minimum prison sentences alter the criminal justice framework. They drain the control of the judiciary over punishing offenders and bestow quasi-judicial powers on police and prosecutors. This shift in powers contradicts the accepted understanding that in the criminal justice system, the police, the Crown, and the judiciary assume distinct, albeit complementary roles. The police are responsible for investigating crimes, arresting, and charging persons suspected of breaching the law. The role of the Crown attorney is to prosecute the offenders. Finally, judges preside over trials and are responsible for imposing sentences.

When mandatory prison terms are integrated into the justice system, the gatekeeping role of the police assumes even greater power. Individuals investigated and charged by the police are confronted by two stark options: proceed to trial and, if found guilty, face mandatory prison time (in which the judge has no discretion to consider the circumstances of the offence and offender) or, upon agreement between defence counsel and the prosecutor, plead guilty to a lesser charge that carries a lighter sentence. Being charged with an offence with a mandatory sentence means that individuals, regardless of their culpability, may be placed into a situation in which pressure to assert their guilt is intensified." . . .

This is the danger of mandatory minimum sentencing laws — they shift power from the Courts to the Crown and Police. The chance that systemic discrimination will be amplified and further marginalize Indigenous people within the criminal justice system is heightened where power is moved from transparent to non-transparent bodies. . . .

I believe that Bill S-207 is an effective solution to the problems presented by MMS laws. I would ask that you support Bill S-207 and help to create a more just, effective and fair justice system.

Thank you.

Some Hon. Senators: Hear, hear.

(On motion of Senator Duncan, debate adjourned.)

BILL TO AMEND THE CANADA ELECTIONS ACT AND THE REGULATION ADAPTING THE CANADA ELECTIONS ACT FOR THE PURPOSES OF A REFERENDUM (VOTING AGE)

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator McPhedran, seconded by the Honourable Senator Loffreda, for the second reading of Bill S-209, An Act to amend the Canada Elections Act and the Regulation Adapting the Canada Elections Act for the Purposes of a Referendum (voting age).

Hon. Rosa Galvez: Honourable senators, I rise today to support Bill S-209, which aims to lower the voting age to 16. This bill is in complete alignment with the Senate's constitutional mandate to protect minorities who lack representation in Parliament, such as youth and future generations. Before me, Senator McPhedran, Senator Mercer, Senator Miville-Dechêne, Senator Omidvar and Senator McCallum have, with eloquence, given reasons and arguments in support of lowering the voting age to 16. These solid arguments include the following: young people already have many adult responsibilities, but are denied the same rights; they are expected to follow the law but have no say in making it; and they are already participating in politics despite attempts to dismiss them from the political process, even when they make conscious, wise voters.

Lowering the voting age will help increase voter turnout and will improve the lives of youth. In a democracy, we don't deny people the vote because we think they might vote against one's ideas; universal suffrage is the right of all citizens and the ability to vote should not be taken away lightly or arbitrarily. Finally, legislation to lower voting age has strong support around the world, and voting laws are changing to reflect that with positive

results. Indeed, when the voting age has been lowered to 16, young people have shown interest in voting in Norway, Scotland and Austria.

[*Translation*]

As you know, knowledge and experience are not criteria for voting eligibility.

Seventeen-year-old Amélie Beaulé pointed out:

> The argument that we're not wise enough to elect our leader is puzzling. Wisdom is the human quality of aspiring to knowledge and understanding while knowing how to keep an open mind. If we lack wisdom, then why do we have the right to drop out of school at 16?

• (1630)

[*English*]

In 2017, the editors of the Oxford English Dictionary chose "youthquake" as their word of the year, defined as a significant cultural, political, or social change arising from the actions or influence of young people.

Indeed, people under the age of 18 have won a Nobel Prize, reached the summit of Mount Everest, conducted cancer research, became published authors, taught graduate-level courses in nuclear physics, ran their own schools, worked for NASA and risked their lives almost every day to save others.

According to a 2019 Abacus poll, young Canadians between 15 and 30 years old prioritize solving global ". . . challenges such as climate change, profound demographic change, economic transition and disruption, and the rise of extremism and political polarization around the world . . . . "

Young Canadians are well aware of these challenges that have disproportional impacts on them, but since young people are under-represented in politics, these issues affecting them are under-represented as well.

[*Translation*]

Aya Arba, from Gatineau, is a wonderful example. She is a Grade 9 student who is involved in her school community and loves history, politics, science and astronomy. She said, and I quote:

> The climate crisis, human rights, social and economic inequities — there are so many issues on which the country would do well to listen to us. I think a lot of us are ready to vote, since we're much more aware and informed on the main issues in our country, even more so than our parents and grandparents were at our age. Thanks to the internet, we have all the information in the world at our fingertips. It's not uncommon to see kids as young as 14 talking about politics and sharing their views in a somewhat idealistic eagerness to make a difference.

Solène Tessier, from Montreal, echoed that sentiment, saying, and I quote:

> I have been a social activist since I was a child. When I was four years old, I sang to raise funds for a women's shelter. In kindergarten, I was the representative for the school's green committee, and I've been involved in student life at school ever since. When I was eight years old, I marched for women. In 2012, I marched in the red square movement with my mother, banging pots and pans, to defend my future and my right to education. I was the one who convinced my father to protest as well. I was 10 years old. I've done a lot of volunteer work for various causes. When I was 15, I spent three hours every week at the hospital keeping patients company. It was at that age that I began developing my own values and political opinions. I listen to the National Assembly debates from time to time. Sometimes they talk for a long time, but it's not so bad. At 17, I became a youth climate leader for ENvironnement JEUnesse. I give presentations in schools. I'm motivated by hope, the hope of a green, healthy future where I will be comfortable in my community, and I sincerely believe that we will get there together. It's such a wonderful vision for society.
>
> As an engaged young person, it's hard not to be able to vote. We use our voices, we demand action, but we can't participate in that action by voting for the people who must carry it out. Without a political presence, our voices are not being heard. If we don't feel heard, we will not feel motivated, even though everyone congratulates us for our involvement and our petitions. Climate change is very far off for older people who will not fully experience it. Today's voters are not voting in the interests of youth; they're concerned about what affects them in the here and now.
>
> We, the youth, will live with the real-life consequences of climate change. If we all have to wait until we are 18 to have the right to vote and demand more action from governments, it will be too late to manage the consequences. Young people would be less anxious about their future if they weren't just spectators of politics. I would have liked to vote in the last federal election, which would have been possible if 16 was the voting age. And I would have preferred to vote in a mixed member proportional system. Instead, I got involved with Extinction Rebellion Canada, and I'm taking part in direct actions because I feel like I can't have an impact otherwise. When I get involved, my anxiety drops a lot and it gives me hope. And it's working, it got the climate crisis on the show *Tout le monde en parle*.

Solène turned 18 this summer. She's been contributing to society for 14 years, but she hasn't yet been able to vote.

[*English*]

Her concerns are also echoed by Zoe Keary-Matzner and Sophia Mathur from Ontario.

Zoe Keary-Matzner, 13 years old, said:

Young people's futures are being destroyed by the older generations. We do not have a say in the decisions governments are making about our own future. That is why we protest, because it is the only thing we can do to protect ourselves. It would be nice to decide our own futures for once, so if the voting age were lowered, we could make our voices heard and have a say in government decisions.

Zoe wants to study animal behaviour as an ethologist one day, but she is scared about what biodiversity loss will mean for her career plans.

Sophia Mathur adds:

> I have been lobbying politicians since I was seven-years-old for climate action. All my friends know the issues that are impacting our lives. We are 13 years old which means we can't vote to protect our future until 2025. That is too long to wait to protect our future from climate breakdown.

Sophia Mathur was the first student in Canada to join the #FridaysForFuture movement in November 2018. That is well before Swedish activist Greta Thunberg galvanized the youth climate movement, which resulted in more than half a million people in the streets of Montreal in September 2019, and many more throughout Canada.

Both Zoe and Sophia are suing the Ontario government for weakening its climate targets, which will lead to widespread illness and death — as we are seeing with COVID-19 — and violating their Charter rights to life, liberty and security.

Colleagues, the youth want political action to protect their future. Either we give them the means to act — by allowing them to exercise democratic rights — or we will keep finding our own children, nieces, nephews, grandchildren and their friends in courts or watching them protest in the streets.

Many of my colleagues have proposed legislative action to help the youth, from Girl Scouts to protection from pornography and a proposed commissioner of youth. But as the testimony I have conveyed today clearly shows, the best thing we can do for youth is to let them speak for themselves, which they are obviously capable of doing, and to support Bill S-209.

Thank you, *meegwetch*.

(On motion of Senator Black (*Ontario*), debate adjourned.)

• (1640)

COMMISSIONER FOR CHILDREN AND YOUTH IN CANADA BILL

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Moodie, seconded by the Honourable Senator Mégie, for the second reading of Bill S-210, An Act to establish the Office of the Commissioner for Children and Youth in Canada.

Hon. Murray Sinclair: Honourable Senators, I wish to speak briefly — and to honour my Senate idol the former Senator Baker I will be brief — on second reading of Bill S-210, An Act to establish the Office of the Commissioner for Children and Youth in Canada. I know many have spoken before me, so I will be concise.

First of all, I want to make the point that it would be a serious mistake to reject the concept of creating such a position. The creation of this office has long been needed, and the situation concerning the needs of children is a matter of growing concern.

Like many of you, I have been fortunate enough to have had many roles other than being senator, but one of the greatest I have ever held is the title of father and grandfather. Those of you who have children, or have spent time with children — whether in your family or in your work, and whether they're yours or others — understand that in many ways they are a product of the generations and the communities they come from and that preceded them. Whether through history, traditions or genetics, joy and sorrow can and are often passed down to our children and impact them for their whole lives. We must not underestimate the deep and shared responsibility we have as family members, as a nation and as communities toward our children.

In Canada, there have been numerous historical failures in caring for Indigenous children and upholding our responsibility toward them. Many of you are aware of the Sixties Scoop, of the long history of residential schools and of the continued overrepresentation of Indigenous children in the child welfare system as examples of these failures.

I would suggest to you that if there had been such an office as an office of child commissioner in place during the last century, there would have been someone who could have intervened and said about residential schools, "This is not right. We need to stop this."

Can you imagine how that story might have turned out differently?

I would also point out to you that the detention of children by the Canadian Border Services Agency, and the poor indicators in their overall physical and mental well-being that has been shared by many of our colleagues, is also a matter of concern and adds to the legitimacy of this office being created. The child commissioner in this legislation would work to increase the

federal government's accountability and transparency regarding children, and especially those who fall under its jurisdiction such as refugee and Indigenous children.

This proposed commissioner must advocate for the needs of Canadian children and give them a greater voice, which is crucial to ensuring their best interests. I understand that many have voiced concerns about certain provisions of the bill. I am confident that the concerns that are specific to Indigenous communities and its leaders, suggesting that this legislation and our office may have a negative impact on their right to self-government, can have their concerns resolved in committee by introducing a non-derogation clause. I know Senator Moodie is already preparing language based on feedback she has recently received from Indigenous senators and others, and is open to amendments that will strengthen her legislation.

I would like to applaud our colleague Senator Moodie for introducing this bill and for moving the conversation forward. I believe in the need for the office of the child commissioner. Inaction is not an option. I would encourage you, colleagues, to allow this bill to go to committee soon, where I look forward to seeing young people and other stakeholder groups participate in the testimony of witnesses and ensure that their voices are heard.

All Canadian children deserve a greater place in our public discourse. They deserve to be a greater priority. This sacred responsibility is one Canada has shirked, and at times neglected, for far too long. It is time that we do better. I believe Bill S-210 is a step in the right direction. I therefore encourage you to send it to committee as soon as possible. Thank you very much.

(On motion of Senator Duncan, debate adjourned.)

[*Translation*]

MODERN SLAVERY BILL

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Miville-Dechêne, seconded by the Honourable Senator Pate, for the second reading of Bill S-216, An Act to enact the Modern Slavery Act and to amend the Customs Tariff.

Hon. Diane Bellemare: Today I rise in support of Bill S-216, An Act to enact the Modern Slavery Act and to amend the Customs Tariff, introduced by Senator Miville-Dechêne. I am deeply grateful to her for reintroducing this bill.

I also want to congratulate Liberal MP John McKay, who introduced his private member's bill, Bill C-423, the "Modern Slavery Act," in the House of Commons in December 2018, seconded by Conservative MP Arnold Viersen. The two of them were co-chairs of the All-Party Parliamentary Group to End Modern Slavery and Human Trafficking.

A number of senators, including Senators Lankin, Griffin, Boyer, Omidvar, Coyle and Jaffer, spoke in favour of this bill. I thank them too, and I won't repeat what has already been said. Modern slavery has no place in this world, and we must fight it.

I won't spend my allotted time talking about the reasons for this bill. My colleagues have already done a brilliant job of covering that.

Instead, I would like to point out that the bill has a non-partisan history in this Parliament and that the Senate has a duty to advance this cause on the legislative side. Given that some countries have already adopted legislation to fight modern slavery, it would make sense for a Senate committee to study Bill S-216 in light of their experiences. That could be a source of inspiration for Canada.

First let's take another look at the content of the bill.

[*English*]

In short, Bill S-216 is supply chain transparency legislation which represents the first step in the long haul of changing the global supply chain of goods in order to prevent modern slavery. The purpose of the act is to implement Canada's international commitment to contribute to the fight against modern slavery through the imposition of reporting obligations on large businesses involved in the production of goods in Canada or elsewhere, or in the importation of goods produced outside of Canada. For now, the focus is on large businesses that have the means to produce these reports.

The obligation here is one of filing an annual report that is true, accurate and complete. However, no obligation is imposed to reduce or diminish the use of child or forced labour. The bill introduces fines and punishments on failure to comply of no more than $250,000. The new bill has also added a requirement for the minister to maintain an online, publicly accessible electronic registry containing a copy of every report filed.

• (1650)

The bill provides for the tabling in Parliament of an annual report by the Minister of Public Safety and Emergency Preparedness. In addition, a new provision allows for the review of the proposed legislation every five years after the day it comes into force. The bill also amends the Customs Tariff to exclude the entry of goods mined, manufactured or produced, in whole or in part, by forced labour or child labour.

[*Translation*]

Bill S-216 addresses some of the recommendations set out in the House of Commons report entitled *A Call to Action: Ending the Use of All Forms of Child Labour in Supply Chains*, which was released in October 2018. The report was tabled by the Standing Committee on Foreign Affairs and International Development, chaired by former Liberal MP Michael Levitt. Conservative MP Erin O'Toole and NDP MP Guy Caron were vice-chairs of the committee at the time.

This bill partly addresses recommendation 6 in the report, which calls on the federal government to advance initiatives to motivate businesses to eliminate child labour and forced labour in their supply chains.

The Government of Canada's response to the report, dated February 2019, states that the government will carefully consider recommendation 6 as it explores possible supply chain legislation. Accordingly, the government launched consultations on the matter in 2019. In addition, an interdepartmental working group that includes Employment and Social Development Canada and Global Affairs Canada has been actively looking into the development of supply chain legislation since 2017-18.

Despite these intentions, the government has not introduced any legislation since tabling that response roughly two years ago. Bill S-216 seeks to respond to these delays. It is a major step forward in the legislative process and deserves to be studied in committee.

Bill S-216 is modelled after a law that has been in force since June 2015, having been passed in 2014 under Stephen Harper's Conservative government. The Extractive Sector Transparency Measures Act seeks to deter and detect corruption in the extractive sector through the implementation of measures that enhance transparency and impose reporting obligations with respect to payments made by entities. This law, which is currently in effect, sets out powers, obligations and penalties similar to those included in Bill S-216.

This bill would also represent a tangible step toward achieving the goals set out in the United Nations 2030 Agenda for Sustainable Development, including goal 8.7, which seeks to end modern slavery and eliminate the worst forms of child labour.

[*English*]

Other jurisdictions have put in place legislation that I believe will be very useful in determining the weaknesses and strengths of the latter. We do not want to repeat the same mistakes by, for example, having legislation that is too broad without consequences of fines that will lead to entities reporting at their whim without any repercussions.

[*Translation*]

The Modern Slavery Act, which took effect in the United Kingdom in 2015, requires entities to publish a statement of the steps they have taken to fight against modern slavery, or a statement that they have taken no such steps. No financial penalties are imposed for non-compliance, but the Secretary of State can seek an injunction to require an entity to comply with the law. Australia's Modern Slavery Act, which was passed in 2018, also does not impose financial penalties for non-compliance. However, New South Wales, an Australian state, has a law on the same subject that imposes fines when an entity under its jurisdiction fails to produce a statement. California has a similar law, the 2010 Transparency in Supply Chains Act.

These jurisdictions chose the name-and-shame approach to fighting modern slavery. In other words, they require companies to report cases of modern slavery in hopes that the shame will make them change their supply sources and thus put an end to the exploitation of children in the countries of origin.

France took a different approach when it passed Law No. 2017-399 on March 27, 2017, the corporate duty of vigilance law. The law requires companies to publish and follow a plan containing reasonable vigilance measures to identify risks and prevent serious violations of human rights and fundamental freedoms and serious harm to the health and safety of humans and the environment as a result of the company's activities. Both third parties and the government can seek an injunction, as well as damages, to require an entity to comply with the law.

[*English*]

The most comprehensive so far is the Dutch Child Labor Due Diligence Act, which is due to come into effect mid-2022. The law imposes reporting obligations and companies will have to investigate whether their goods or services are produced using child labour and, if it is the case, must make a plan to prevent this practice from occurring. The law also imposes important administrative fines and criminal penalties for non-compliance. Entities that fail to comply with the legislation can be subject to fines of up to €870,000 or 10% of their total worldwide revenue if the fine is not deemed an appropriate penalty. Furthermore, the responsible company director can face up to two years' imprisonment if the company receives two fines within five years for breaking the law.

The European Commission is expected to introduce legislation in 2021 to make human rights due diligence mandatory for EU companies as per its announcement in April of this year. This commission is currently holding a public consultation on sustainable corporate governance and due diligence.

Similar legislation is gaining demand in other states, such as Germany, Hong Kong, Luxembourg, Sweden and Switzerland, among others. Without a doubt, Bill S-216 is in line with legislation in other countries and our international obligations.

[*Translation*]

Based on the interest in Canada and the initiatives of other countries, it is clear that the issue of child and forced labour transcends party lines and demands meaningful action from the private sector, civil society organizations, consumers, investors and all levels of government.

This is a complex issue. On the one hand, we need to remember the role that global supply chains play in economic growth, employment, skills development and technology transfer. On the other hand, low profit margins and competition among manufacturers have led to the proliferation of unacceptable practices and poor working conditions in factories manufacturing for global brands.

Bill S-216 will help establish and enforce international standards against modern slavery and protect children from shameless exploitation.

I think this bill urgently needs to be adopted at second reading and sent to committee for study.

Thank you.

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

• (1700)

[*English*]

OFFICIAL LANGUAGES

MOTION TO AUTHORIZE COMMITTEE TO STUDY THE GOVERNMENT'S DECISION TO AWARD A CONTRACT FOR A STUDENT GRANT PROGRAM TO WE CHARITY—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Housakos, seconded by the Honourable Senator Martin:
>
> That the Standing Senate Committee on Official Languages be authorized to examine and report on the Government of Canada's decision to award a contract for a student grant program to WE Charity, a third party without the capacity to do so in both official languages, in apparent contravention of Canada's *Official Languages Act*, when and if the committee is formed; and
>
> That the committee submit its final report no later than February 28, 2021.

Hon. Donald Neil Plett (Leader of the Opposition): Honourable colleagues, I rise today to speak in support of Senator Housakos' motion:

> That the Standing Senate Committee on Official Languages be authorized to examine and report on the Government of Canada's decision to award a contract for a student grant program to WE Charity, a third party without the capacity to do so in both official languages, in apparent contravention of Canada's *Official Languages Act*, when and if the committee is formed; and
>
> That the committee submit its final report no later than February 28, 2021.

Colleagues, Senator Housakos made a compelling case for why the Senate should support this motion. He spoke convincingly of the responsibility that we as parliamentarians have to ensure that the rights of minorities, in this case the francophone communities across Canada, are protected.

Allow me to quote one paragraph from Senator Housakos' speech which sums up his argument nicely:

> Despite the obvious corruption I've described, the most harmful part of this scandal is the blatant lack of respect for the French language. The fact that WE Charity had to hire the public relations firm National to administer the grant program in French was totally illegal under section 25 of the Official Languages Act. Section 25 states that any organization providing services on behalf of the federal government must do so in both official languages. The program that the federal government concocted for WE Charity was not designed in compliance with the Official Languages Act. It is therefore up to us, as parliamentarians, to speak out in support of French and to make sure it is respected.

Colleagues, it could not be clearer, yet as I listened to Senator Housakos' speech outlining the importance of this study, I couldn't help but notice once again that some senators are reluctant to undertake any examination which may end up reflecting badly upon the Prime Minister and his Liberal Party. This is not the first time that we have seen this hesitancy in this chamber. To a certain degree it is understandable; senators are usually loyal to the Prime Minister who appointed them.

I understand that those senators who were appointed by the current Prime Minister are not officially members of his caucus, but their tendency to act as though they are members is still quite strong. Now that they command the plurality in this chamber, there is perhaps an even greater tendency to try and compensate for the Prime Minister's minority in the other place and rise to his defence whenever the occasion requires it.

I am not interested in rehashing the debates of the past over whether senators opposite are aware of this tendency, but I do want to note that this predisposition is quite evident to those who are observing the proceedings of this house, from both within the chamber and from outside, and I am deeply concerned that this predisposition to shield the Prime Minister from criticism or accusation impedes this chamber from undertaking any study that may reflect badly upon him or his government, such as this one.

We saw this repeatedly in the last session of this Parliament. There were numerous efforts to undertake committee examinations of the government's many scandals that were repeatedly defeated as the Prime Minister's appointed senators circled the wagons to protect their leader.

The best example of this, colleagues, is when we tried to have our Legal and Constitutional Affairs Committee study the actions of the Prime Minister and his staff in the SNC-Lavalin affair. We brought a motion forward in February of 2019, but the motion was diluted down to nothing in an amendment by the government leader in the Senate and supported senators who wanted to protect the Prime Minister.

In March, we tried again with a second motion, but the motion was challenged through a point of order. When this failed, senators tried to adjourn the debate. When that failed, they tried to push through a ridiculous amendment which would have called

former prime minister Stephen Harper and his former chief of staff as witnesses before the committee. It was nothing but blatant obstructionism over and over.

Colleagues, it is regrettable that personal biases and loyalties sometimes obstruct the advancement of important committee studies which are in the public interest. We must do what we can to avoid such obstruction, as we know what is in the Prime Minister's interest does not always align with the public interest. For this reason, it is imperative that we set aside our partisanship and look carefully at the facts before making a decision to support or oppose the initiative which lies before us today.

In this context, I would like to make three points which are relevant to our consideration of the motion before us.

First, it is not unreasonable for a Senate committee to examine a matter which contemplates the possibility that the Prime Minister has broken the law, since this Prime Minister has already established a consistent track record of doing so. Yes, I said, "breaking the law."

Second, it is not unreasonable for a Senate committee to undertake an examination which may end up exposing corrupt activity by the government, since corruption has been a hallmark of this government.

Third, it is inappropriate for this chamber to shy away from an examination of this government's record simply because such a review may amplify the public's awareness of objectionable or scandalous behaviour by this government. To dodge subjects which may shine a negative light on the government would provide it with a blanket exemption from scrutiny since it is difficult to find any significant length of time where the Liberal government has not been embroiled in one scandal or another.

I would like to take some time to elaborate on these three points, beginning with the first one: It is not unreasonable for a Senate committee to examine a matter which contemplates the possibility that the Prime Minister has broken the law, since this Prime Minister has already established a consistent track record of doing so.

Colleagues, it is a matter of public record that Prime Minister Justin Trudeau has been found guilty of breaking the Conflict of Interest Act 10 times in less than four years. Not twice, like we often hear, but 10 times. The Ethics Commissioner has investigated the actions of the Prime Minister twice, and between these two reports, he was found in contravention of the law on a total of 10 counts.

The first report, completed in 2017 by former ethics commissioner Mary Dawson, was 66 pages long and entitled *The Trudeau Report*. It ruled on Trudeau and his family accepting a vacation on the Aga Khan's private island in the Bahamas. In that investigation, the commissioner found that the Prime Minister had contravened sections 5, 11, 12 and 21 of the Conflict of Interest Act.

Section 5 of the Conflict of Interest Act requires that a public office-holder arrange his or her private affairs in a manner that will prevent the public office-holder from being in a conflict of interest. The commissioner found:

> . . . that Mr. Trudeau **failed to meet the general duty** set out in section 5 when he and his family vacationed on the Aga Khan's private island.

That was count one.

Subsection 11(1) prohibits a public office holder or a member of his or her family from accepting any gift or other advantage that might reasonably be seen to have been given influence to the public office holder in the exercise of an official power, duty or function.

• (1710)

Paragraph 11(2)(b) provides an exception to this prohibition where the gift or advantage is given by a relative or a friend, but the commissioner found that, contrary to what Mr. Trudeau said, the personal relationship between Mr. Trudeau and the Aga Khan did not fit within the concept of friend as contemplated by paragraph 11.

Colleagues, this was not accepting a bottle of wine or a nice tea set. This was a gift worth tens of thousands of dollars.

The commissioner found that these gifts could reasonably be seen to have been given to influence Mr. Trudeau in the exercise of an official power, duty or function, and therefore, that Mr. Trudeau also contravened subsection 11(1).

That was count two.

Section 12 prohibits ministers and members of their families from accepting travel on a non-commercial chartered or private aircraft unless certain exceptions apply, namely, travel required as part of the minister's official duties, in exceptional circumstances, or with the prior approval of the commissioner.

The commissioner found that Mr. Trudeau contravened section 12 on two counts when he and his family accepted travel on the Aga Khan's helicopter in December 2016 and when his family accepted travel on the non-commercial chartered aircraft arranged by the Aga Khan in March 2016. The commissioner ruled that the travel was not required as part of his official duties, the circumstances were not exceptional and the Prime Minister did not seek the prior the approval of the commissioner. Again, a gift worth thousands of dollars.

Those were counts three and four.

Section 21 requires that the public office-holders recuse themselves from any discussion, decision, debate or vote on any matter in respect to which they would be in a conflict of interest.

The commissioner found that Mr. Trudeau contravened section 21 on two counts when he failed to recuse himself from two discussions during which he had an opportunity to improperly further the private interests of the Aga Khan's Global Centre for Pluralism. These discussions took place shortly after

Mr. Trudeau's family had vacationed on the Aga Khan's private island, and they resulted in a $15 million grant to the Aga Khan's organization.

Those were counts five and six — and that was just the first report.

The second report followed fewer than two years later in August 2019 after Mario Dion had taken over as the Conflict of Interest and Ethics Commissioner. Mr. Dion was asked to look into the SNC-Lavalin scandal and determine if the Prime Minister had used his position to seek to influence a decision of the Attorney General of Canada, the Honourable Jody Wilson-Raybould, relating to a criminal prosecution involving SNC-Lavalin, contrary to section 9 of the Conflict of Interest Act.

The commissioner's report was 58 pages long and was entitled *Trudeau II*. You cannot help but wonder if they chose to resort to a numerical standard of titling the reports because they were anticipating more reports to follow.

As the commissioner reported:

> Section 9 of the Act prohibits public office holders from using their position to seek to influence a decision of another person in order to further their own private interests or those of their relatives or friends, or to improperly further the private interests of a third party.
>
> SNC-Lavalin was charged in February 2015 with criminal offences that allegedly took place between 2001 and 2011. Under a remediation agreement, also called a deferred prosecution agreement, the criminal charges could be deferred or suspended. At the time, Canada did not have a regime to allow remediation agreements. In early 2016, SNC-Lavalin began lobbying officials with the current government to adopt a remediation agreement regime. Following public consultations, amendments to the *Criminal Code* allowing for such a regime were adopted as part of the 2018 federal budget.
>
> On September 4, 2018, the Director of Public Prosecutions informed the office of the Minister of Justice and Attorney General that she would not invite SNC-Lavalin to negotiate a possible remediation agreement. The Prime Minister's Office and the Minister of Finance's office were then informed of this decision by Ms. Wilson-Raybould's office. Mr. Trudeau then directed his staff to find a solution that would safeguard SNC-Lavalin's business interests in Canada.

The first step in the commissioner's analysis was to:

> . . . determine whether Mr. Trudeau sought to influence the decision of the Attorney General as to whether she should intervene in a criminal prosecution involving SNC-Lavalin following the decision of the Director of Public Prosecutions.

The commissioner reported that:

> The evidence showed there were many ways in which Mr. Trudeau, either directly or through the actions of those under his direction, sought to influence the Attorney General.

There were many ways.

Colleagues, not once or twice, but many times.

However, the report said:

> Simply seeking to influence the decision of another person is insufficient for there to be a contravention of section 9. The second step of the analysis was to determine whether Mr. Trudeau, through his actions and those of his staff, sought to improperly further the interests of SNC-Lavalin.

The report further stated that:

> The evidence showed that SNC-Lavalin had significant financial interests in deferring prosecution. These interests would likely have been furthered had Mr. Trudeau successfully influenced the Attorney General to intervene in the Director of Public Prosecutions' decision. The actions that sought to further these interests were improper since they were contrary to the Shawcross doctrine and the principles of prosecutorial independence and the rule of law.

For these reasons, the Ethics Commissioner:

> . . . found that Mr. Trudeau used his position of authority over Ms. Wilson-Raybould to seek to influence, both directly and indirectly, her decision on whether she should overrule the Director of Public Prosecutions' decision not to invite SNC-Lavalin to enter into negotiations towards a remediation agreement.

A single finding of improper influence is enough to lead to a contravention of section 9 of the act. Commissioner Dion found that the Prime Minister had contravened the act not once, not twice, not three times, but on four separate occasions.

That brings the total violations of the Conflict of Interest Act to 10: 6 violations in the first report, and 4 violations in the second report.

Colleagues, you would think that having failed to learn his lesson the first time, the Prime Minister would have learned it the second time. Yet, less than a year later, after *Trudeau II*, the Ethics Commissioner announced that — wait for it — Trudeau III was already under way. He was launching, a third investigation into the Prime Minister, this time over the WE Charity Canada scandal.

Trudeau III sounds like a sequel to a bad movie. We don't know what the commissioner's findings will be, but what we do know is that we are dealing with a Prime Minister who has already broken the law 10 times. That probably qualifies him as a serial offender under this act. I say all of this to illustrate my first point: It is not unreasonable for a Senate committee to examine a

matter that contemplates the possibility that the Prime Minister has broken the law, since this Prime Minister has already established a consistent track record of doing so.

Second, colleagues, it is not unreasonable for a Senate committee to undertake an examination that may end up exposing corrupt activity by the government, since corruption has been a hallmark of this government.

Before some honourable member of the Prime Minister's unofficial caucus decides to jump up in his defence, allow me to point out that this is not my verdict; this is the verdict of the majority of Canadians.

In August of this year, Ipsos released the results of a poll that showed:

> A majority . . . of Canadians agree . . . that the WE charity scandal shows that the Prime Minister and his government are corrupt . . . . Of the respondents to the Ipsos poll, 56% agreed that the Prime Minister and his government are corrupt.

• (1720)

This means that the shoppers at the Rideau Centre across the street were representative of all Canadians, you could walk into the mall and start asking people, "Do you think the Prime Minister and his government are corrupt?" and every second person would answer, "yes."

Colleagues, this government's corruption has even attracted the attention of the international community. In February 2020, Transparency International released its 2019 Corruption Perception Index which rates 180 countries by perceived levels of public sector corruption. This is not some political arm of an opposition party in Canada: it is a Berlin-based, non-governmental organization that monitors government corruption around the world.

An article accompanying their 2019 Corruption Perception Index was entitled, *Canada Falls from its Anti-Corruption Perch*. Here is what it said in part:

> . . . the Prime Minister. The state of the affair even garnered a passive of warning from the OECD which monitors enforcement of signatories to its anti-bribery convention.

Yes, colleagues, I read that right. The OECD put Canada on notice that it was going to closely monitor how things were unfolding and even sent a letter to the Canadian authority confirming its concerns. It wasn't very long after that we learned that former finance minister Bill Morneau was going to run for the top job at the OECD. Apparently the Liberal government is not happy with what the OECD is doing and they want to try to make some changes to get a better rating for their Liberal Party.

Colleagues, concerns about possible corruption are not something that should be swatted away dismissively or taken lightly. Even the UN takes these issues seriously, stating, "Corruption undermines democratic institutions, slows economic development and contributes to governmental instability."

In 2016, the OECD put it this way in their report, *Putting an End to Corruption*:

> Corruption undermines sustainable economic, political and social development, for developing, emerging and developed economies alike. Corruption endangers private sector productivity. . . hinders public sector productivity . . . and is a threat to inclusive growth by undermining the opportunities to participate equally in social, economic and political life and impacting the distribution of income and well-being. Corruption also erodes trust in government and public institutions, rendering reform more difficult.

We should not simply shrug at the fact that 56% of Canadians believe the Liberal government is corrupt. Nor should we make the mistake of thinking this is just the result of the SNC-Lavalin scandal. The truth is we don't know. It may only be the tip of the iceberg.

Colleagues, when it comes to ethics, the government has a responsibility to not just be ethical, but to appear ethical. The same applies to corruption. A government must not only be free of corruption, but free of even the appearance of corruption. And nothing breeds suspicion over corruption more quickly than a large-dollar, sole-source contract to friends and former colleagues.

For example, in June of this year, the Liberal government signed a $237 million contract for 10,000 ventilators from a company owned by former Liberal MP Frank Baylis. This particular ventilator had not even been approved for use by Health Canada when the contract was signed.

Furthermore, according to testimony at the House of Commons Ethics Committee last week, the ventilators are the same design used by a U.S. company where they sell for about $13,000 each. Baylis's firm is charging the Canadian government roughly $23,000 each for the same machine — $10,000 more than the U.S. manufacturer, which suggests that Canada paid $100 million more than what they should have paid.

Then there was the AMD Medicom. This Canadian company supplies medical equipment around the world and was granted a 10-year, $382-million sole-sourced contract to deliver "made in Canada" N95 masks for health care providers. The only problem was that when AMD Medicom was awarded the contract, it did not have any manufacturing facilities in Canada. It had plants in Taiwan, China, France and the United States, but none in Canada.

How does a company without a Canadian factory win a sole-sourced $382-million contract to manufacture masks in Canada? The government claims that they were the only company capable of fulfilling the contract, but several Canadian businesses in the same industry disagree and believe there was ample reason to put the contract through a competitive tendering process. The failure to do so just feeds into the government's reputation for corruption.

Although the Ethics Commissioner declined to investigate, questions also continue to swirl around the CMHC's decision to award an $84 million sole-source contract to MCAP, a mortgage finance firm, in order to manage the Canada Emergency

Commercial Rent Assistance program. The MCAP's vice-president is none other than the husband of the Prime Minister's chief of staff. This gives the clear perception of corruption, and it is the government's duty to ensure that they avoid even the appearance of corruption. They have failed miserably to do so.

The government's questionable practice of granting sole-source contracts is well established. The *National Post* reported in August this year that the federal procurement ombudsman launched an investigation into a series of sole-source government contracts awarded to the WE organization since 2017. According to the Office of the Procurement Ombudsman, the deals "were signed between 2017 and 2020 by four federal departments: Global Affairs Canada, the Privy Council Office, the Public Health Agency of Canada and the Canada School of Public Service."

Whether the Procurement Ombudsman discovers any improprieties remains to be seen. But it is entirely appropriate for his office to investigate these concerns and report to Canadians in the same way that it is appropriate for this chamber to examine matters of concern, even if they may reflect negatively on the government.

Colleagues, there are many more examples of questionable sole-source contracts. It was the government's handling of the Canada Student Service Grant that really shook Canadians' trust. As you know, this is what became known as the "WE scandal." And since it can be hard to keep track of all the details behind the never-ending allegations of corruption this government faces, allow me to briefly refresh your memory on some of the details.

The Canada Student Service Grant, or CSSG, was announced on April 22. In the government's words, the CSSG was supposed to:

> . . . help students gain valuable work experience and skills while they help their communities during the COVID-19 pandemic. For students who choose to do national service and serve their communities, the new Canada Student Service Grant will provide up to $5,000 for their education in the fall.

As you know, the program never got off the ground. After signalling their intent to launch the program, it took another two months to announce the official kick off and less than three days for the whole thing to start to unravel amidst allegations of impropriety.

Because of the government's insistence on blacking out huge sections of information provided to House of Commons committees, and because of their prorogation of Parliament that shut down the committees, and because of their endless filibustering to prevent the committees from resuming their work, we still have not gotten to the bottom of this scandal.

• (1730)

But here's what we do know: The government began looking at how to help students weather the pandemic financially in early April. On April 5, the Minister of Finance discussed ideas with the Prime Minister, and two days later, WE Charity was contacted by the minister's department to probe the idea further.

Two days after that, on April 9, WE Charity sent an unsolicited proposal for a youth program to Minister of Diversity and Inclusion and Youth Bardish Chagger, and Minister of Small Business Mary Ng. A week later, Minister Chagger met with WE's co-founder Craig Kielburger to discuss their proposal. However, when Minister Chagger appeared before the House of Commons Finance Committee, she failed to mention this meeting.

On April 19, Rachel Wernick, a senior official with ESDC, contacted WE Charity to discuss possibilities for a student service program. It is not clear who pushed Ms. Wernick to call WE. She said it had been mentioned by someone in Minister Morneau's department.

It was three days later, on April 22, that the Prime Minister announced his government would be launching the Canada Student Service Grant Program. That very same day, WE Charity emailed Ms. Wernick an updated proposal for a grant that included details of the proposed program of which even Ms. Wernick was unaware. Then on May 5, Minister Chagger brings a proposal to the COVID-19 cabinet meeting that recommends WE Charity as the preferred administrator of the program. It was approved. Then on May 22, the whole of cabinet considered and approved the plan, with the Prime Minister in the room participating.

One month later, on June 25, the government announced that WE Charity had been awarded $19.5 million to run the $912 million program. We would later learn that the program would only deliver $500 million in services, and WE Charity would in fact receive a potential $44 million. That little adjustment increased the administration fees for WE Charity from 2% of programming costs to 8.6%.

Right after the public announcements, the wheels began to fall off. On June 28, the Conservatives asked Auditor General Karen Hogan to investigate the arrangement, noting that this was a sole source, untendered contract with a group that had well-documented connections to the Trudeaus. In the coming days, the grant to WE Charity was cancelled as the Ethics Commissioner announced two separate investigations into the matter, and conflict of interest began surfacing faster than the public could keep up with.

On July 9, WE Charity confirmed that Margaret Trudeau had been paid a total of $312,000 for speaking at 28 WE events between 2016 and 2020. Alexandre Trudeau, the Prime Minister's brother, was paid $40,000 for 8 events in the 2017-18 academic year. Sophie Grégoire Trudeau received $1,400 for a single appearance in 2012. On March 4, both Sophie and her mother-in-law Margaret Trudeau were headline speakers at WE Day in the U.K. On their website, WE Charity describes Sophie as more than an ambassador of the WE Well-being Initiative; she is its mentor, booster and champion.

Last August, former minister of finance Bill Morneau announced $3 million in federal funding to WE for its social entrepreneurs program. The announcement was made in the same month that his daughter began working for the charity and one month before the federal election was called. In his testimony to the Finance Committee last week, then-Minister Morneau admitted that WE Charity had paid expenses for two trips he took

with his family, to the tune of $41,366. He also said that his family had previously made two donations of $50,000 each to WE Charity, including one in June of this year.

Global News reported that, in total, WE Charity was the recipient of at least $5.5 million in federal government funding from 2015 to 2019.

The troubling links between the Trudeau government and WE Charity appeared to be endless. Gerald Butts, the Prime Minister's former principal secretary and best friend, had been listed as an outstanding partner and supporter of WE Charity. Mélanie Joly, the Minister of Economic Development and Official Languages, participated in multiple WE events. Seamus O'Regan, the PM's Minister of Natural Resources, worked with WE Charity as the honorary chair of Artbound, a charity that fundraises on behalf of WE. Katie Telford, Justin Trudeau's Chief of Staff, was a co-founder at the Artbound charity that Minister O'Regan chaired. Between the two of them, they are reported to have been involved in helping raise $400,000 for WE Charity in 2010 and 2011.

Colleagues, as you know, the Ethics Commissioner, the Lobbying Commissioner, the RCMP and the House of Commons Ethics Committee continue to investigate this matter. It is unclear when Canadians will have a full accounting of what happened and why, but what is clear is the Prime Minister's abject failure to recuse himself from these decisions and to avoid the appearance of corruption.

This underscores my second point; that it is not unreasonable for a Senate committee to undertake an examination that may end up exposing corrupt activity by the government, since corruption has been a hallmark of this government.

My third point is that it is inappropriate for this chamber to shy away from an examination of this government's record simply because such a review may amplify the public's awareness of objectionable or scandalous behaviour by this government. To dodge subjects that may shine a negative light on the government would provide it with a blanket exemption from scrutiny, since it is difficult to find any significant length of time where this Liberal government has not been embroiled in one scandal or another.

I have already mentioned the Aga Khan vacation scandal, along with the SNC-Lavalin affair. For the sake of time, I won't torture you with a comprehensive list of scandals, since we would all like to spend Christmas at home, but allow me to refresh your memory with just a few more examples.

You may recall that only one year after being appointed as the Minister of Finance, Bill Morneau introduced Bill C-27, which resulted in an immediate increase in the value of pensions sold by the minister's company, Morneau Shepell. When the bill was tabled in the House of Commons, the value of Morneau Shepell shares jumped and former Minister Morneau just happened to still be holding $21 million of those shares.

While he was the President of Treasury Board, Scott Brison tried to block approval for a contract for a naval supply ship being built at the Davie shipyard in Quebec because he was lobbied to do so by New Brunswick's powerful Irving family, owners of a rival Halifax shipyard. Then-Minister Brison also tried to argue that there was no need for him to set up a conflict of interest screen to prevent him from participating in government decisions involving two of Atlantic Canada's wealthiest families, even though he used to chair one of their investment firms and his spouse continued to sit on the company's board of directors.

Then there was Dominic LeBlanc, who in spite of connections to the powerful Irving family, was appointed to be Minister of Fisheries, Oceans and the Canadian Coast Guard. He had to consult with the Ethics Commissioner for weeks in order to figure out how to stickhandle around that obvious conflict of interest.

Later, the Ethics Commissioner Mario Dion would find Dominic LeBlanc guilty of breaking the Conflict of Interest Act because he awarded a lucrative Arctic surf clam licence to a company linked to his wife's cousin.

Speaking of Dominic LeBlanc and Scott Brison, we still don't know their exact role in the Vice-Admiral Norman affair. The Liberals tried to renege on a contract for a supply ship in order to give it back to the Irvings. When they got caught, they decided they would get the head of Vice-Admiral Norman. The Prime Minister even sent him to trial before the police had completed an investigation, but Scott Brison and Judy Foote left their positions. Vice-Admiral Norman was paid a sum of money and had to sign a confidentiality agreement.

• (1740)

How about Seamus O'Regan? The government spent more than $180,000 defending him in a defamation suit. Indigenous Services Minister Marc Miller was called onto the carpet for hosting a private fundraiser for his re-election campaign that was held in New York City of all places. He never did reveal the donor list.

Minister Maryam Monsef had to admit that she was not actually born in Afghanistan as she had led people to believe all these years. Minister Sajjan was found to have lied about his role in Afghanistan. Minister Champagne was discovered to have mortgages with the Bank of China for two apartments in London. John McCallum was fired as ambassador in Beijing after improper comments on Canada's relationship with China.

Gerald Butts and Katie Telford, who at the time were Justin Trudeau's two top aides, received $207,000 in moving expenses that they agreed to repay a significant portion of only after the story went public and caught on fire. Then there was Marwan Tabbara. He was allowed to run for the Liberal Party in the 2019 election even though detailed allegations of sexual harassment had already been made against him. After being arrested in April of this year, he remained in the caucus for almost two months because the PMO claimed they knew nothing about it.

Darshan Singh Kang had to leave the Liberal caucus over accusations of sexual harassment. Liberal MP Nicola Di Iorio didn't show up for work for a year after he announced his resignation, and then the public found out he didn't actually resign. Former Liberal MP Raj Grewal admitted he racked up millions of dollars in debts playing casino blackjack and ended up resigning from the Liberal caucus after the news came to light following an RCMP investigation. But after suddenly announcing that he had paid off his seven-figure debts, he stayed on as a member of Parliament for the rest of the parliamentary session. You may recall that Mr. Grewal was already under investigation by the federal Ethics Commissioner at the time and was later found guilty of being in violation of the Conflict of Interest Act.

And let's not forget Jody Wilson-Raybould, Jane Philpott and Celina Caesar-Chavannes — three strong women thrown under the bus because they would dare to stand up to Justin Trudeau.

Then there was the "thank you for your donation" incident where the PM's elitist and condescending attitude was on full display. Before that, we had "elbowgate," when Justin Trudeau shoved aside fellow MP Ruth Ellen Brosseau because he was in a hurry to vote. Then there was the "Kokanee grope" incident, when the Prime Minister groped a female journalist. Then he said he would not have done this had he but known that the woman was a national reporter; it's okay to grope a local reporter but not a national one. We all remember that our Prime Minister decided it was a lesson for not just him but, indeed, for her and the rest of us. We now know that some "people experience things differently."

In 2015, we learned that Justin Trudeau was billing charities for speaking engagements even as he was an MP. This was a first, colleagues — a sitting politician who charges people to hear him speak. When he got caught, he said he was sorry and wrote a cheque. A few weeks later, he was caught again; he had charged the House of Commons for expenses that had also been reimbursed by organizations to which he spoke. Again, we had the "I'm sorry; here's a cheque" routine.

Finally, let's not forget the three, four, five or more incidents where Justin Trudeau wore blackface because he thought it was funny to pretend that he was Black. We don't know how many times he did that, because he clearly can't remember.

Colleagues, I could go on but I think I made my point: It's inappropriate for this chamber to shy away from an examination of this government's record simply because such a review may amplify the public's awareness of objectionable or scandalous behaviour by this government. Truly, colleagues, if you are independent then you should welcome this.

Even from this partial list you can see that dodging subjects because they may shine a negative light on this government could easily become a blanket exemption from scrutiny since it is difficult to find any significant length of time where this Liberal government has not been embroiled in one scandal or another.

I believe the motion before us is important and deserves the support of this chamber. As Senator Housakos said:

> The program that the federal government concocted for WE Charity was not designed in compliance with the Official Languages Act. It is therefore up to us, as parliamentarians, to speak out in support of French and to make sure it is respected.

We should thank Senator Housakos for this motion, and we should clearly all vote in favour. I understand that some senators are reluctant to undertake an examination which may reflect badly upon the Prime Minister and his Liberal Party, but I urge you to look beyond partisan loyalties and consider the importance of protecting bilingualism within all of Canada. Thank you.

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate): Would Senator Plett be able to take a question?

Senator Plett: Yes, absolutely.

Senator Gagné: Senator Plett, I'm sure you will agree with your colleague's statement that I will be quoting in a couple of seconds. It's actually a statement in his speech on this motion. Senator Housakos did say:

> Politicians from all parties use the issue of language to win votes and score political points. Unfortunately, despite the fact that official languages are a recurring theme in political discourse, very little effective concrete action is being taken to address the plight of Canadian bilingualism. Let's stop using language as a political tool. Let's unite our voices in both French and English, to make Canada into a truly bilingual country. That will be good for everyone.

Senator Plett: I'm not sure, senator, that there was a question there.

Senator Gagné: Do you agree with this —

Senator Plett: Absolutely. I often agree with Senator Housakos. Some would even say I agree with him most of the time. Let me say, Senator Gagné, for you and me who come from — and I think we used to be the only bilingual province. We may not be any more, but we were the only official bilingual province. Senator Gagné, you can look this up. There were other provinces that were saying they have bilingualism, but we were the only official one; certainly a province that has one of the largest francophone communities outside of the province of Quebec.

I absolutely agree we should not allow bilingualism to be a political issue. However, we have clear rules and laws, and here is one that was being broken by a company being given a contract when they did not have any type of French service or bilingual services in their organization. That is against the law.

Senator Gagné: Senator Plett, you're certainly aware of the fact that the Official Languages Commissioner, Raymond Théberge, is looking into whether WE was able to provide its services in both official languages, as the law requires. Do you not agree that this is the proper form and process?

Senator Plett: I always believe that we turn things over to the proper authorities to investigate that and, indeed, this as well. I will answer it with a question: Would you support Senator Housakos's motion if, in fact, the commissioner decides that it wasn't?

[*Translation*]

Hon. Éric Forest: Senator, seeing as you are a fundamentally partisan member of the Conservative Party of Canada and would never, ever filibuster for strictly partisan purposes, please tell me, since the Ethics Commissioner has already given his assessment and condemned some of Mr. Trudeau's actions from an ethics standpoint — as we all acknowledge — what more will this motion add, especially after such a nuanced, non-partisan plea from you?

Finally, I would like to know what Mr. Miller was doing holding a fundraiser in New York City when he was running in Montreal.

• (1750)

[*English*]

Senator Plett: I think, Senator Forest, the motion speaks for itself. That is clearly what it will do:

> That the Standing Senate Committee on Official Languages be authorized to examine and report on the Government of Canada's decision to award a contract for a student grant program to WE Charity, a third party without the capacity to do so in both official languages . . . .

Senator Housakos is saying that the committee should examine and report. I cannot know ahead of time what that committee is going to decide and what punishment there should be if they decide that is correct. We will have to allow the committee, like we usually do, to come back to us with a report, and then we would have to make a decision on that report.

[*Translation*]

Senator Forest: Isn't it up to the Commissioner of Official Languages to conduct these audits?

[*English*]

Senator Plett: Again, Senator Forest, your caucus has a number of motions on the Order Paper right now where we send things to committee — one of the reasons we have committee. The Official Languages Commissioner absolutely should do that. I believe that, clearly, the committee should summon the Official Languages Commissioner to question him. We still, however, have an obligation as senators to do the proper thing. When we see corruption in our government, we should bring that to the forefront. Certainly, Senator Forest, you agree with that concept.

Hon. Leo Housakos: Senator Plett, it seems you and your colleagues have been accused of partisan politics, but let's be clear. We have a situation of the Trudeau family receiving hundreds of thousands of dollars in honorary fees from an organization that supposedly didn't pay, and it was a volunteer organization. In exchange, they get back potentially $900,000 of a single-source contract. Yet, the majority of colleagues in this chamber who are non-partisan are preoccupied with the language we use in calling this what it is.

An Hon. Senator: Question.

Senator Housakos: The question is coming. I have the flexibility to include a preamble before my question, colleagues. Those of you who haven't been around here long enough, in due time you'll learn that.

My question, Senator Plett, is the following: I've received thousands of emails from taxpayers and Canadians who want solid answers to these questions. Are we not doing a disservice to this institution when the majority of government-appointed senators are playing partisan politics and not allowing Parliament to do its job?

Senator Plett: First of all, let me say thank you very much, Senator Housakos, for that question. I'm glad you brought your cheering squad with you, your cheerleaders, so they can clap and make comments while you have the floor. Thank you to your cheerleading team as well.

Senator Housakos, I believe that the taxpayers of this country, the voters in this country, deserve this. When people want to say we're playing partisan politics, the fact of the matter is that you and I, senator, represent in excess of 6 million people in this chamber right now — that we know of. All other colleagues, aside from our caucus, are independent. I don't know who they represent, but I know who I represent. I represent 6 million people, at least.

So I believe this chamber has an absolute obligation, a constitutional obligation, when we see something wrong, to bring that to the forefront, as is done here all the time. That needs to continue.

I believe you have provided a perfect venue for a committee — which right now doesn't have government legislation — to investigate a scandal, a scandal among all scandals. Certainly this is a government that has more scandals than you or I have seen in our lifetimes, at least since Justin Trudeau's father was in power. So here we are, and we have people laughing at us because we want to do what we have been constitutionally mandated to do.

Hon. Donna Dasko: Will the senator accept another question?

Senator Plett: Absolutely.

Senator Dasko: Senator Plett, I am heartened to hear about your fulsome support for bilingualism in this country and the support expressed by your colleague Senator Housakos.

My question is as follows: Will you publicly urge your friend and my premier, the Premier of Ontario, to increase French-language services in the province of Ontario and to implement official bilingualism for the province of Ontario?

Senator Plett: Thank you for that question. No, I will not, and I'll tell you why. I'm a senator from Manitoba in the Senate of Canada, a federal institution. I will not impose my wishes on a premier of a province other than my own. I will ask my premier in Manitoba — and we have official bilingualism in Manitoba, so I'm happy about that. I've said that. I will encourage my province to continue with it, not yours.

The Hon. the Speaker: Senator Plett, will you take another question?

Senator Plett: Certainly.

Hon. Judith Keating: Senator Plett, I'm also happy to hear that you fully support the defence of bilingualism. However, in the pursuit of that interest, do you know which is the only officially bilingual province in the country?

Senator Plett: You would probably say it's New Brunswick, and I still believe Manitoba is as well.

Senator Keating: Well, no; actually, that would be incorrect. New Brunswick —

The Hon. the Speaker: Senator Keating, did you wish to ask a supplementary question?

Senator Keating: No, that's fine, Your Honour.

(On motion of Senator Dupuis, debate adjourned.)

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

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

On the Order:

> Resuming debate on the motion of the Honourable Senator Deacon (*Ontario*), for the Honourable Senator Lankin, P.C., seconded by the Honourable Senator Pate:
>
> 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 September 30, 2022.

The Hon. the Speaker: Senator Omidvar, I caution you that I may have to interrupt you in about two minutes because it is two minutes to 6:00.

Hon. Ratna Omidvar: Thank you, Your Honour. I appreciate the fact that I will be cut off in a couple of minutes.

Honourable senators, I find myself once again in the unhappy position of standing between you and some food. I cannot promise to be short, because there is just a minute and a bit left over. However, I do want to start the debate on Senator Lankin's motion to launch an inquiry into the future of work by anchoring it in our debates today.

I think this is a really important motion, but I also think it is refreshing to debate a motion about the future because we rarely do this. We are so caught up in the present — as we have heard in the last two or three hours — by legislation from the other place, which looks at everything through an electoral lens of maybe four years or less. Sometimes we forget that, in this chamber, we have an enormous privilege to look into the future in a non-partisan way in the interests of Canadians, because we can and we must, as senators.

• (1800)

Before I take you into the future of work, I want to look into the past, because history always serves up important lessons. I looked for a proxy in time from which to draw, and landed upon the invention of the steam engine in the 1700s in Great Britain.

The Hon. the Speaker: My apologies, Senator Omidvar, but I have to interrupt you. When we return, you'll be given the balance of your time, of course.

Honourable senators, it is now six o'clock and, pursuant to rule 3-3(1) and the order adopted October 27, 2020, I'm obliged to leave the chair until seven o'clock, unless there is leave that the sitting continue.

If you wish the sitting to be suspended, please say, "suspend."

Some Hon. Senators: Suspend.

The Hon. the Speaker: The sitting is suspended until 7 p.m.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

• (1900)

The Hon. the Speaker: Resuming debate on Motion No. 27. For the balance of her time, Senator Omidvar.

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 Deacon (*Ontario*), for the Honourable Senator Lankin, P.C., seconded by the Honourable Senator Pate:
>
> 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 September 30, 2022.

Hon. Ratna Omidvar: Honourable senators, let me revert to my truncated comments on Senator Lankin's motion on the future of work. In the short time before the break, I referenced our unique capacity and, indeed, our responsibility, to look into the future on matters of substance that are critical for our future as a society. I remind honourable senators that we are a house of sober second thought and not, as we have seen in the last hour of our debates, a secondary place for political afterthought.

Look into the future we shall, but before we do that, I want to take us into the past. History serves us many valuable lessons, particularly in terms of disruption. I searched for a proxy in time to draw from and landed on the invention of the steam engine in the 1700s in Great Britain.

This was nothing short of a revolution, and it changed the context of work and the future of workers at that time. People started to get paid by the hour instead of working from sunrise to sunset. Factories powered by steam could be located anywhere instead of only close to water.

The invention powered a boom in transportation and infrastructure, but this Industrial Revolution had an underbelly, because it heralded in an unprecedented era of child labour. All the new factories and mines were hungry for workers and required the execution of simple tasks that could be easily performed by children. Children as young as six had to work for 14 hours a day. There was little time for breaks and no time for school.

However, no words of mine will compare with those of Charles Dickens as he painted his unforgettable picture of child labour in *David Copperfield* and *Oliver Twist*. Then, as now, with great disruption, comes great innovation. It creates wealth and opportunity for some, but it also contributes to inequality and deprivation for others.

I think we can equate the tech revolution of today to the industrial revolution of yesterday. The nature of work has changed. First, people no longer stay with one job or even one career until they retire. Second, the mainstays of industries that supported our economy and worked for so many years, such as manufacturing, have succumbed either to globalization or have been changed by technology. They have become more and more automated and less labour intensive. Third, occupations that are completely new and unheard of, with titles such as content manager or social media influencers, have sprung up.

But just as the invention of the steam locomotive led to a rise in child labour, today's digital disruptions have given rise to precarious work. This is the underbelly of the digital economy, because this work has few, if any, benefits; likely no sick days; no paid statutory holidays; and job security is unheard of.

The explosion of the digital space with new digital tools, leading to what we now commonly refer to as the gig economy, is now the prevailing feature of our society. Workers and work are easily finding each other by signing on to apps such as Uber and Lyft, and Statistics Canada tells us this type of work has increased 70% from 2006 to 2016 and includes 1.7 million workers.

That was in 2016, four years ago. The digital space has increased so much since that time that the numbers are likely much higher today and will continue to rise.

The study showed that the gig economy is not lucrative as an income generator. On average, someone only makes about $4,000 in the gig economy. That's certainly not a lot of money to provide a home, food or clothing. It may be nice pin money or a good secondary income for students, for instance, but I know you will agree with me that no one can live on that amount of money.

Canadians seem to agree. A survey by Angus Reid found that two out of three Canadians were concerned about the lack of benefits, and a majority were concerned about the lack of regulations that protect temporary and contract workers.

I also believe that this gender-equal Senate will be interested in the place of women in the gig economy, because women participate in the gig economy more than men. But, as in other industries, there seems to be a persistent wage gap. Women earned an hourly rate that is 37% lower than that of men, even when controlling for variables, such as hours worked, education, occupational category and feedback score. This comes from a study by the Institute for Gender and the Economy that reconfirms the old gender bias is in play in new industries.

Further, I should note that the highest share of gig workers is in the arts, entertainment and recreation industry, sectors that are traditionally big employers of women.

Another demographic contributor to the gig economy is recent immigrants. A full one third of all male gig workers were recent immigrants. This is not surprising to me. We still have not been able to deal with the unemployment and underemployment of recent immigrants, even though I do want to give credit to all levels of government for trying. Ryerson University, in a research project led by Laura Lam, points to the mountains of hurdles that immigrants face in getting a job in their field of experience, on the one hand, and then compare this difficulty with the ease with which they can find other employment through digital platforms. This pushes more and more immigrants to the gig economy.

The research concludes that gig work has become sort of a new rite of passage for immigrants. The sweat shops of yesterday have now been replaced by the gig platforms of today. And all of this is marketed as the "sharing economy" in the name of "innovation."

I am hopeful, though, that we may be able to solve this most wicked of problems with the aid of technology. If digital platforms can link the drivers of cars with riders, there must be a way of linking immigrants with credential recognition in ways we may not be able to imagine today.

Technology can be a great enabler. Already, there are digital platforms that filter out interviewer bias based on foreign-sounding names. As you may have heard, interviewers screen out resumés simply based on the fact they have a name they are unfamiliar with, possibly without recognizing their own bias.

It is technology that has served up a solution to this problem. Technology can possibly take us further, enabling engineers to get work as engineers or teachers to work as teachers instead of driving Ubers.

I'm not anti-technology and neither am I completely down on the gig economy. I believe it comes with trade-offs. Despite challenges, it provides flexibility to workers to determine their own hours and availability. It allows for a quick way to make money if you happen to lose a job or can't get a job. It provides many people the opportunity to earn a bit of extra income for, let's say, students or retirees. Plus, it can help provide work-life balance.

So this study must look for ways to leverage the positives and deal with the negatives in figuring out how this brave new world will work for everyone. A fresh look at EI benefits, sick-day benefits, workplace rights and workplace conditions is urgent. As more and more workers are pushed into the gig economy, the question of whether they are employees or contractors is an urgent one to come to grips with.

I would also like to touch on the language in the motion that refers to temporary foreign workers. Not all temporary foreign workers are gig workers, but regardless, they enjoy limited rights in the workplace, just as gig workers do. The reality of low pay, limited rights and temporary status makes them doubly, if not triply, precarious.

• (1910)

The increase in the number of temporary foreign workers has seen a rise in stories of abuse, particularly when a worker is not tied to a sector but to one particular employer, making it difficult, if not impossible, for the worker to address any abuse. Much has been said in this crisis about the abuse, housing and working conditions on many farms in Canada, but I will submit that the triangulation of no opportunities, no securities and low wages coupled with temporariness creates a perfect storm. The temporariness and its impact on the labour market and the workers should be an important focus of this study.

As one example, let me point out that temporary foreign workers who are tied to a single employer, or to any employer, are required to pay into EI, but can rarely make a claim for benefits and receive them. I believe this should offend our sense of fairness.

Finally, I would like to talk about how I believe this study could be conducted. As I have been a long-standing member of the Social Affairs Committee, I am conscious of the fact that it is a very busy committee, and a committee that tends to get a good amount of legislation, both government and private. To deal with this, I believe a subcommittee of the main committee should be struck to study this issue because it is an important one that needs to be looked at in depth. A dedicated subcommittee would make sense.

In fact, it may be reasonable to consider a permanent mandate for such a subcommittee, since the terrain of the committee is huge. After all, the committee is not just about social affairs, but it is also about science and technology. If I were able — and I'm not — to wave a magic wand and re-engineer the committees, then this should, by rights, be not one committee but at least two or even three. But I am happy to take things incrementally. The creation of a permanent subcommittee would be an important step.

There is precedent to this idea. When the Social Affairs Committee was completing a seminal report on poverty, housing and homelessness, a subcommittee led by Senator Keon did a study on population health. The studies were well received by the government and led to changes in legislation and regulations.

In conclusion, I believe this is an important study to focus on the disruptions, both positive and negative, that the gig economy has created; to examine changes in legislation and regulations that will protect workers, the economy and employers; to look at the particular demographics that are impacted, such as women, immigrants and temporary workers; and be bold enough to imagine new solutions to new and old problems. Honourable senators, I urge us to get on with this work. Thank you.

Some Hon. Senators: Hear, hear.

Hon. Marty Deacon: Honourable senators, I rise today in support of Senator Lankin's motion to authorize a study on the future of Canadian workers, a study most needed as we witness the rapid rise of the gig economy in Canada. Of course, this is not — as indicated by Senator Omidvar — a new phenomenon. It is a tide we've seen coming for some years now.

Between 2005 and 2016, the proportion of Canadian workers working in the gig economy rose from 5.5% to 8.2%. We can only expect this number to rise as Canadians everywhere are being asked to stay inside and avoid crowds when they can. This has translated into an increased use of door-to-door, dining apps, package delivery and single-passenger ride-hailing services. The National Finance Committee has heard some of these real-life stories over the past weeks. Furthermore, just as demand for those services has risen, the number of Canadians looking for work has skyrocketed at the same time. According to a recent Policy Options article in August of this year, the unemployment rate for the core working cohort of 25 to 54 years old was 8.9%, up from 5.5% a year earlier. It has been shown that long periods of unemployment translates to a move into gig work.

We tend to think of these jobs as temporary side gigs to supplement someone's income. We also associate these jobs with young folks who are trying to make a few extra dollars where they can. This could not be further from the truth. Just last week, I had a chance to meet and speak with gig workers in the Waterloo region who spanned age ranges covering five decades. They do not refer to themselves as gig workers, but just as workers, as these are their jobs. They were not students looking to make extra money in their spare time, they were mothers and fathers trying to make ends meet. They talked about poverty, the deep desire to be more economically stable, the loss of hope and their shrinking network of support. They only want financial stability, but they fear they are quickly becoming invisible as we begin to discuss our economic recovery.

As Senator Lankin pointed out, these jobs come with no benefits or job security, and the pandemic has only made the situation worse. Even if they get sick, these workers have no access to sick leave and are forced to choose between risking public health or a paycheque to pay their bills. And what a paltry paycheque it can be. Statistics Canada reported that in 2017, as indicated earlier, with a job within the gig economy it's about $4,300 a year. Say that a few times and think about that. Moreover, workers in the bottom 40% of annual income distribution were about twice as likely to be involved in gig work as others were.

I also worry that as more Canadians move into the gig economy these services will continue to elbow out traditional unionized jobs that were and are more sustainable in the long-term. We need to look no further than the city of Ottawa to see how this is playing out. It was only in 2016 that ride-hailing apps like Uber and Lyft were legalized in the city. Since then, it has been reported that close to 600 cab drivers have quit due to a drop of at least 40% in their daily income. To compete with these new ride-hailing services, many jurisdictions have toyed with the idea of deregulating their own industries; a race to the bottom that ensures all workers in an industry are left more vulnerable than they were before.

Honourable senators, it sounds like I might be here to be hard on companies that have disrupted various industries. That is not the case at all. Innovation is crucial in any economy, and the success of these various services is a testament to our demand for them. But as long as they operate in a system where they are allowed to pay their workers a pittance while providing none of the benefits many Canadians have come to rely on, they will continue to do so. We cannot leave it to the workers to advocate for themselves.

While Canadian workers at Foodora won the right to unionize in February, the company announced it was closing its Canadian operations entirely a few months later. They cited the pandemic as the reasoning, but the timing was a little questionable.

Honourable senators, this is where we can help. This is not an issue that can be quickly changed and legislated to tilt the balance back in favour of Canadian workers. We have to work, and work hard, to find a way to move forward together, where innovation, Canada and Canadian workers can thrive. It is my understanding that this is an issue which has been on the Social Affairs Committee's radar for some time, and the urgency of such a study is only increasing. The present crisis will upend industries for years to come in ways that will be hard for us to predict. Winners and losers might emerge, but we don't need to be caught off guard when that happens. It is all too clear that the gig economy had momentum coming into this pandemic and it stands to gain more than it will lose as we emerge from it.

• (1920)

With the benefit of foresight, it is crucial that we begin to take a closer look at how we can coexist with the gig economy in a way that can benefit the greatest number of Canadians.

I can think of no better place to begin this process than at the very respected Standing Senate Committee on Social Affairs, Science and Technology, which is why I support this motion.

Thank you. *Meegwetch*.

Hon. Senators: Hear, hear.

Hon. Nancy J. Hartling: Honourable senators, I am speaking to you from the traditional unceded territory of the Mi'kmaq people.

First of all, I want to thank Senator Lankin for being a leader in this place on so many levels. Her years of experience not only with legislation but in the labour movement and the charitable sector has provided her with a lot of insight and sound knowledge.

Some of you may not know that when many of us "newbies" came to the Senate in 2016, Senator Lankin played a pivotal role in helping us become acquainted with our new roles. We were invited to share meals and discussed many topics and ideas. Senator Lankin always had time to explain things and guide us in how things worked. She is like a godmother sharing her wisdom, and I deeply appreciated this.

So today I stand to support this excellent motion on the future of workers as it relates to precarious employment, the digitalization of work and the gig economy.

Thank you, Senator Lankin, for proposing this motion for the Standing Senate Committee on Social Affairs, Science and Technology to take a closer look at this timely and important subject. It is certainly the right time to do this as many are currently discussing where the fault lines are occurring in our economy and our workplaces. It is even more important to examine this subject now due to the pandemic. The economic consequences of COVID-19 have not been felt equally across Canadian society. Many will need years to recover financially, while others have profited and are thriving. Now is an opportune time to assess the future of our labour market in order to build back better, while considering the well-being of Canadians.

When you hear the expression "gig economy," it brings one back to our earlier life when people got a gig — usually to play in a band at a bar or at an event in a local hall. They were paid in cash or maybe they would get a few beer on the side but no other benefits or remuneration.

There is a direct link to today's "gigs" or a "gig economy," which consists of a labour market characterized by the prevalence of short-term contracts or freelance work as opposed to permanent jobs.

This term has greatly expanded to now include many skilled workers and several apps and websites where you can apply for gig work, such as drivers on Uber, Lyft or Amazon delivery; consulting accountants or other financial experts on SpareHire; and various freelance workers, such as graphic and web designers, writers and marketers on Fiverr. Those who put their properties for rent on sites such as Airbnb are also considered part of the gig economy.

As you can see, there are various types of work and ways to be involved. For some folks, by choice or circumstances, participating in many aspects of a gig economy is how they make a living. For example, this could mean someone is a driver by night, a web designer by day and all the while putting their home on Airbnb for extra income. The more skills and resources you have, the more gigs you could acquire. The major downfall is that these do not come with job stability, paid sick days or benefits.

In my family, I am well acquainted with the gig economy. In the 1950s, my grandmother ran a tourist home, a bed and breakfast, and she took in boarders and ran a country store. At the end of the day, she made a livelihood and worked very hard, but it came without benefits or a pension. She was a strong supporter of young women going to university, and she strongly encouraged me to get an education to acquire better employment opportunities.

As a senior, my grandmother's income was very limited. She lived with her daughter to help her financially. I always referred to what she did as "patching income." By utilizing all the skills she had, she could make an income, patching it together to acquire income from here and there.

I learned a lot from my grandmother and I began patching my income too. In my early career days, I worked at a non-profit agency while acquiring two university degrees. My salary was modest and benefits were limited, but I loved my work. I was raising my children on my own, so I needed to make more income to support us. I found ways to make money — some gigs. I had an income property, rented part of my house, took on contracts to work at universities and other work that I could find. I was able to sustain a decent livelihood, though it was without benefits or a pension plan.

I am sharing these personal examples because it's important to understand that many Canadians are living in our gig economy — or perhaps I should say they are surviving in this reality. They are making ends meet but without long-term security. A new Statistics Canada study shows that the share of gig economy workers in Canada is increasing, which is a worrisome trend.

Since the pandemic, many people are scrambling for their livelihoods. Those who were in the precarious employment areas may not have qualified for programs such as the emergency benefits offered by the federal government, like CERB. We already know that women, immigrants and Indigenous peoples are unevenly impacted by this current reality.

For all these reasons, I strongly support an in-depth study at the Standing Committee on Social Affairs, Science and Technology to further investigate this topic and make recommendations on issues such as proper pay, work conditions and employee rights, which are all at risk in the gig economy. Gig companies might exploit people to gain a competitive edge. That means many people are earning less than minimum hourly wages and are without financial security.

There are many facets that could be explored. It is important to ensure that marginalized people — especially Black people, Indigenous people, people of colour and women — are included. I look forward to a report on the future of the workers in the gig economy as I believe it will enlighten us and help us prepare for the future. Thank you.

Hon. Senators: Hear, hear.

(On motion of Senator Dagenais, debate adjourned.)

THE SENATE

MOTION TO CALL UPON THE GOVERNMENT TO CONDEMN THE JOINT AZERBAIJANI-TURKISH AGGRESSION AGAINST THE REPUBLIC OF ARTSAKH NEGATIVED

On the Order:

> Resuming debate on the motion of the Honourable Senator Housakos, seconded by the Honourable Senator Smith:
>
> That the Senate of Canada call upon the Government of Canada to immediately condemn the joint Azerbaijani-Turkish aggression against the Republic of Artsakh, uphold the ban on military exports to Turkey, recognize the Republic of Artsakh's inalienable right to self-determination and, in light of further escalation and continued targeting of innocent Armenian civilians, recognize the independence of the Republic of Artsakh.

Hon. Peter M. Boehm: Honourable senators, I rise today to speak to Motion No. 36 moved by our colleague Senator Housakos.

I do not and cannot support this motion, colleagues, for a number of reasons. I will not dwell on the points made by Senator Housakos, Senator Carignan and Senator Dalphond in their excellent speeches. Rather, what I intend to do is outline the foreign policy reality, with which I have a bit of experience, and state why, in particular, Canada cannot simply recognize the "Republic of Artsakh."

A common theme among motions on foreign policy — and there are several before the Senate — is that they often seek remedies that are in practice far more complex than the motions reflect. In other words, the Government of Canada is often asked to take actions that are unrealistic and untenable.

And while the Senate can make its feelings known to government on international issues, only the Crown has the power to make decisions and act on foreign policy because it falls under the Royal prerogative. I think we all know that.

As it relates to this motion, it, among other points, asks the Senate of Canada to call upon the Government of Canada to ". . . recognize the independence of the Republic of Artsakh."

To start, Canada recognizes the region in question as Nagorno-Karabakh, because it is, under international law, part of Azerbaijan.

Artsakh is the name Armenia and Armenians use for the region, which they see as a reflection of their national identity and statehood. Fair enough.

This dispute over territory is, of course, at the heart of the conflict between Armenia and Azerbaijan. On that basis, I will refer to the region for the rest of my remarks as Nagorno-Karabakh to be consistent with Canada's policy and that of all our allies and like-minded partners.

• (1930)

Were Canada to recognize the independence of the disputed area in Armenia's favour, it would be the first and only sovereign country in the world to do so. Some jurisdictions have taken this step but they are limited to subnational entities. These include the state of New South Wales in Australia, a few states in the United States and several municipalities in the state of California in Italy, to name but a few. So not exactly the best case here for Canada to join in.

On November 25, as some of you know, our counterparts in the French Senate passed a motion that, among other points, invited the French government to "recognize the Republic of Nagorno-Karabakh." The motion passed nearly unanimously by a tally of 305 to 1. On December 3, France's National Assembly also passed a motion calling on the government to recognize the region as a republic by a margin of 188 to 3.

Rather than taking these votes as a sign that the Senate of Canada should follow suit, it is important to note that France and Turkey have been feuding lately, specifically over free speech and concerns about Islamic extremism, as well as commercial and territorial interests in the Eastern Mediterranean, as Senator Housakos has rightly pointed out.

The motions in the French Parliament and the count by which they passed must be seen for what they are: political statements against Turkey, a staunch ally of Azerbaijan, and shows of support for France's sizeable Armenian community, rather than actions based on sound foreign policy — what we would call realpolitik. Canada's position on Nagorno-Karabakh emphasizes the importance of a peaceful resolution to the conflict, the crucial role of the Organization for Security and Co-operation in Europe, the OSCE, and the principles of non-use of force, territorial integrity and self-determination.

While Canada recognizes Azerbaijan's territorial integrity, its position does not prejudge the form of a future settlement of the Nagorno-Karabakh question, within the OSCE's Minsk Group, co-chaired by France, Russia and the United States, which play a central mediating role. The other permanent members are Armenia, Azerbaijan, Belarus, Finland, Germany, Italy, Sweden and Turkey. As such, recognizing the independence of Nagorno-Karabakh would not be consistent with Canadian policies, nor the policies of Canada's allies and partners, all of whom support the Minsk Process. In addition, were Canada to recognize the region's independence as a republic, it would contradict Canada's support for territorial integrity elsewhere in the region, including in Ukraine and Georgia.

Armenia and Azerbaijan would each prefer that Canada call the other side the aggressor. From a foreign policy standpoint, there were aggressors on both sides, and victims too, as tends to be the case in armed conflicts. It is important to keep in mind that, in matters of international affairs, things are rarely binary.

Many of you will have been contacted by the embassies of Armenia and Azerbaijan, and by members of each country's diaspora community in Canada. A different story will emerge depending on who is telling it, but we must remember that there are usually three sides to every story.

This latest round of fighting was a flashpoint in a long-standing conflict going back to 1991, but it is not clear which side started it this time. This is one reason why, with foreign policy motions, it is crucial to have all the facts, especially regarding conflicts such as this, that are not as well-known or understood outside of Global Affairs Canada.

I would encourage colleagues to call on — as I did and do — the expertise of our best-in-the-world public servants at Global Affairs Canada, who are always ready and willing to provide briefings to senators and staff.

On September 27 of this year, fighting broke out between the armed forces of Armenia and Azerbaijan along the so-called "Line of Contact" in Nagorno-Karabakh. On one side, Azerbaijan said it launched a military operation in response to shelling along this Line of Contact. On the other, the Armenian government accused Azerbaijan of launching an air- and artillery-attack on civilian settlements in Nagorno-Karabakh.

This is what I meant by three sides to every story. What was consistent across both sides is that facts on the ground were difficult to verify. There was a high level of misinformation and disinformation. Both sides continually accused each other of war crimes and violations of international humanitarian law, and political rhetoric from both sides was aggressive, with each claiming to have inflicted heavy casualties on the other. Further, I have received lists from both sides of foreign fighters allegedly involved in the conflict.

At the end of the day, the real tragedy is that of the civilian populations in both Armenia and Azerbaijan. There have been many innocent victims on both sides, colleagues.

This brings me to my next point; one which has concerned me and many of us for some time. I mentioned earlier in my remarks the many communications from the Armenian and Azeri communities in Canada to senators since October 28, when Senator Housakos moved this motion. It is a stark reminder, fuelled by remarks made in this chamber and beyond, of the impact of diaspora politics on our legislative discourse, and of the inherent danger in one ethnic community working against another in their new home, which is our country, Canada.

Diaspora communities are important. Their diverse cultures and histories make Canada and our society richer and more vibrant. And, of course, they are also politically important in domestic terms. My own parents came to Canada as Transylvanian-Saxon refugees from what is now Romania. On one day in September 1944, they and their families were forced to flee the place, people and things they held dear for over eight centuries. They lost everything. Many senators proudly share similar family stories and have themselves lived the refugee or immigrant experience.

Diaspora communities also often play an important economic role in promoting tourism, culture and trade between the countries they call home. Some of the best ambassadors for a country are members of its diaspora community. However, when one community is pitted against another in a country far removed from a conflict, there are often consequences.

Right here in Ottawa, the potential for such deadly consequences played out when, in 1982, Turkish diplomat Colonel Atilla Altikat was assassinated while driving to work. An Armenian militant group claimed responsibility just hours after the colonel was gunned down; revenge, it said, for Turkey's central role in the Armenian genocide of 1915.

At a 2008 memorial for Colonel Altikat, Paul Heinbecker, a former Canadian ambassador to Germany and the United Nations, and former colleague of mine said:

> Canada cannot survive as a multicultural, diversity-valuing society if national, ethnic or religious groups import their conflicts into Canada.
>
> Diaspora politics is the tinder of a fire that could consume not just those who ignite it, but all of us.

This is why diaspora politics are of concern — because of what can happen when all anger is unleashed. What we are seeing with this motion and with the reaction to it by the diasporas of both sides is a prime example of diaspora politics.

Obviously, this current fighting between Armenia and Azerbaijan has not resulted in violence on Canadian soil, but I wanted to provide an example of the extreme potential consequences.

What must be understood is that, as with all ethnic conflicts, fighting today between one side and the other does not just suddenly appear out of the ether.

When fighting erupts between groups, they are usually flashpoints in long-standing conflicts, the results of years, maybe decades, generations or even centuries of disputes over territory, religion, and ethnic and tribal differences.

The soldiers fighting this latest battle were raised — as were their parents, their grandparents and ancestors, as was I — to have a strong connection to the history and national identity of their respective country's ethnicity and/or languages, especially in contrast to the other side.

In the case of this conflict, it is further complicated by the fact that Armenia's population is mostly Christian, while Azerbaijan's is mostly Muslim. And it is that strong connection to home, whether home is the country of birth or ancestry, that fuels the passionate activism of diaspora communities, especially when their homeland has a history of war and/or oppression that forced its residents to flee and seek refuge elsewhere.

This is totally understandable. This is why a motion being debated in the Senate of Canada about a long-standing conflict in the Caucasus is getting so much attention: because of the strong connection to homelands marked by ethnic conflict and the flight of their people.

The communities in Canada are strong and well organized, especially the Armenian community, which is why there has been so much response to this motion, and perhaps why it exists in the first place. It is important to stand up for what is right and to call attention to situations that could escalate to ethnic cleansing and genocide, which we've seen far too many times, even in recent history. I appreciate Senator Housakos's concerns in that regard, and I share them.

• (1940)

However, we must also be careful about wading into a long-standing ethnic conflict and demanding that our government do things that it cannot do because it is what a diaspora community wants to hear.

The actions we take and the words we say in this chamber have real-world impacts and consequences, colleagues, and we must be mindful of that.

On that note, I wish to briefly comment on the point of the motion that calls on the Government of Canada to "uphold the ban on military exports to Turkey."

Following allegations of Canadian sensor technology in Turkish drones being used by Azerbaijan's armed forces, Canada suspended the relevant export permits to Turkey on October 5 to allow time to further assess the situation.

Canada remains the only country to take measures in this area. While restrictions continue to apply to military exports to Turkey, Canada considers on a case-by-case basis whether there are exceptional circumstances, including but not limited to NATO cooperation programs, that must justify issuing an export permit for military items. So, exceptions might be made when circumstances warrant but there is no plan to remove the overall ban.

On November 9, the fighting between Armenia and Azerbaijan ended with a peace deal brokered by Russia and Turkey. Armenia was required to put down its weapons and leave the areas surrounding Nagorno-Karabakh.

Russia now has its armed forces, 2,000 peacekeepers, in the corridor connecting Armenia to Nagorno-Karabakh, which it has always prized for its strategic value, and Turkey will have a direct transportation route through Armenian territory to Azerbaijan and the Caspian Sea, giving Turkey access to Central Asia and China's Belt and Road Initiative.

So, while many innocent Armenian and Azeri civilians fled the places their ancestors called home for centuries and others died, Russia and Turkey both came out as winners. That is what I meant about foreign policy not being binary, especially when it involves a long-standing ethnic conflict from which regional powers stand to gain.

Foreign policy is hard, colleagues. It directly impacts people's lives, their physical safety and their economic and social well-being. There are real consequences to the choices governments make when it comes to foreign policy — some positive, some negative. This is why we must understand how and why these decisions are made, even if we do not always agree, and that these issues need to be handled very carefully and diplomatically.

Working through formal channels of direct bilateral communication behind the scenes is how the real work gets done. Just because we do not always see the work in public does not mean it is not happening. Though, in this case, Canada's Minister of Foreign Affairs, François-Philippe Champagne, twice issued joint statements — on September 29 and October 5 — interestingly, with his British counterpart, Dominic Raab, condemning the violence on both sides, urging an end to continued military action, and calling for a peaceful resolution through the Minsk Process.

The Hon. the Acting Speaker: Senator Boehm, I'm sorry, your time has expired. Do you wish for five additional minutes?

Senator Boehm: I could probably do it in one minute.

The Hon. the Acting Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

Senator Boehm: Further, Prime Minister Trudeau spoke with the Prime Minister of Armenia and the President of Turkey, and Minister Champagne spoke with his counterparts in those countries too. Leaders and foreign ministers of other countries have done the same, and they have also been speaking with each other. This is diplomacy.

Colleagues, I was not sure I would speak on this motion. However, given the number of foreign policy motions before the Senate, with their varying degrees of practicality and the diaspora element in this case, as well as my previous life and career as a diplomat and negotiator, I felt I should add my perspective.

I will vote against this motion if the times comes, and I thank you for your attention and indulgence.

Some Hon. Senators: Hear, hear.

Hon. Leo Housakos: Would Senator Boehm take a question?

Senator Boehm: Of course.

Senator Housakos: I will try to be short because I know time is restricted.

Senator Boehm, thank you for sharing your point of view on this issue. Can you tell the Senate how long have the indigenous Christian people, the Armenian people, been living in the area that you call Nagorno-Karabakh and I call Artsakh? How many centuries have they been indigenous to that land? When did the Azeri Turks first show up in the history books and arrived in that territory and started claiming it?

Second, can you confirm that Azerbaijan and, more particularly, Nagorno-Karabakh have been creations of the Soviet Union more than a cultural or indigenous flow of people there?

And the last question is why is the Canadian government so hesitant in calling out Turkey, as we saw in their behaviour in Syria, as we constantly see their behaviour in the Aegean? Why does the Canadian government continue to not call Turkey out, when we saw again, from October 2019, our Canadian government didn't respect our own military ban against this Turkish government?

Senator Boehm: Thank you very much for the questions — three, I think — Senator Housakos.

On the first point, although I am a historian, at least by academic training, I don't have all the details. I just know that the territory has gone back and forth any number of times. There has been movement of peoples there. Well, I've read the history; I just don't have it all in my mind at the moment.

To the second point, whether this was a creation of the Soviet Union, I would go even further and agree with you and say Joseph Stalin bears a lot of responsibility here, but he's not around to defend himself, thankfully.

On the third point on Turkey, I don't know. My understanding is that there is a dialogue going on with Turkey. I think relations have been strained a little bit. Turkey is a member of the G20, as you all know, and is a member of NATO. Some of these discussions are taking place there. In a recent meeting of the NATO Parliamentary Assembly, I know there was robust debate about Turkey and the Turkish representatives were very much on the defensive. So I suspect on that last point, which I appreciate is a key point, there will be more discussion in the future, including on the internal affairs of Turkey, the human rights situation and developments you have outlined in your speech.

Hon. Michael Duffy: Senator Boehm, thank you very much for that enlightening speech, which we all should take to heart. You mentioned the 1982 event at the western parkway and Island Park Drive. There is a memorial there to the Turkish diplomat who was murdered. However, in 1985 we lost a great Canadian, a young man, a student at the University of Ottawa, Claude Brunelle, who was a security guard at the Embassy of Turkey. It seems to me that the warning you serve to us tonight, would you agree, is not just theoretical but actually practical, and we've seen it in this very capital city of ours?

Senator Boehm: Thank you, Senator Duffy, for your question and your comment. The longer version of my speech did have a reference to the memorial, which is very close to the Island Park bridge going across the Ottawa River, and also a reference to Canadians who had fallen, who had been killed or wounded in the diplomatic service of their country, but I think the point you make is very valid.

Some Hon. Senators: Question!

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

Some Hon. Senators: Question!

The Hon. the Acting Speaker: It was moved by the Honourable Senator Housakos, seconded by the Honourable Senator Smith, that the Senate of Canada call —

Hon. Senators: Dispense.

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

Some Hon. Senators: No.

The Hon. the Acting Speaker: All those in favour, in the chamber, please say "yea."

Some Hon. Senators: Yea.

The Hon. the Acting Speaker: All those against, in the chamber, please say "nay."

Some Hon. Senators: Nay.

The Hon. the Acting Speaker: In my opinion, the "nays" have it.

And two honourable senators having risen:

The Hon. the Acting Speaker: I see two honourable senators rising. Is there agreement on a bell?

Some Hon. Senators: Now.

An Hon. Senator: Thirty minutes.

The Hon. the Acting Speaker: We need to leave for a 30-minute bell. Is it agreed? A 30-minute bell. The vote will take place at 8:19.

Call in the senators.

• (2020)

Motion negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Batters	Ngo
Beyak	Patterson
Boisvenu	Plett
Dagenais	Poirier
Housakos	Richards
MacDonald	Seidman
Marshall	Smith
Mockler	Wells—16

NAYS
THE HONOURABLE SENATORS

Bellemare	Galvez
Bernard	Gold
Black (*Alberta*)	Griffin
Black (*Ontario*)	Harder
Boehm	Hartling
Boniface	Jaffer
Bovey	Keating
Boyer	Klyne
Brazeau	Kutcher
Busson	LaBoucane-Benson
Cordy	Loffreda
Cormier	Marwah
Cotter	Mégie
Coyle	Mercer
Dalphond	Miville-Dechêne
Dasko	Moncion
Deacon (*Nova Scotia*)	Munson
Deacon (*Ontario*)	Omidvar
Dean	Pate
Downe	Ravalia
Duffy	Saint-Germain
Duncan	Simons
Dupuis	Tannas
Forest	Verner
Forest-Niesing	White
Francis	Woo—53
Gagné	

ABSTENTIONS
THE HONOURABLE SENATORS

Lankin	Oh
McCallum	Wetston—5
McPhedran	

Hon. Frances Lankin: Honourable senators, I would like to explain my abstention to you out of respect.

• (2030)

I'm a member of the National Security and Intelligence Committee of Parliamentarians. At the beginning of our term about three years ago, we had a discussion with respect to votes on matters, particularly foreign affairs, but matters that may impinge on national security issues. Whether or not this motion is, I'm not commenting.

The reason for this decision as a group was so that colleagues do not have a perception that we either have been or have not been privy to any classified secret information, and therefore having that inform our decision. So I will on this and other like motions abstain.

Thank you very much for the opportunity, Your Honour.

Hon. Jane Cordy: Honourable senators, I ask leave of the Senate that Inquiry No. 12 on the Notice Paper be brought forward and called now.

The Hon. the Acting Speaker: Senator Cordy is seeking leave. Is leave granted?

An Hon. Senator: No.

The Hon. the Acting Speaker: Senator Cordy, leave is not granted.

ADJOURNMENT

MOTION NEGATIVED

Hon. Donald Neil Plett (Leader of the Opposition) moved:

That the Senate do now adjourn.

The Hon. the Acting Speaker: All those in favour of the motion for the adjournment of the Senate will please say, "yea."

Some Hon. Senators: Yea.

The Hon. the Acting Speaker: All those opposed will please say, "nay."

Some Hon. Senators: Nay.

The Hon. the Acting Speaker: I believe the nays have it.

And two honourable senators having risen:

The Hon. the Acting Speaker: I see two senators rising. Do we have an agreement on a bell?

An Hon. Senator: Thirty minutes.

The Hon. the Acting Speaker: We have an agreement on 30 minutes. The vote will take place at 9:01.

Call in the senators.

• (2100)

Motion negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Ataullahjan
Batters
Beyak
Black (*Ontario*)
Dagenais
MacDonald
Martin
Patterson
Poirier
Seidman
Smith
Wells
Woo—13

NAYS
THE HONOURABLE SENATORS

Bellemare
Bernard
Black (*Alberta*)
Boniface
Bovey
Boyer
Brazeau
Busson
Cordy
Cormier
Cotter
Coyle
Dasko
Dawson
Deacon (*Nova Scotia*)
Deacon (*Ontario*)
Dean
Downe
Duffy
Duncan
Dupuis
Forest
Forest-Niesing
Francis
Gagné
Gold
Jaffer
Keating
Klyne
Kutcher
LaBoucane-Benson
Lankin
Loffreda
Marwah
McPhedran
Mégie
Mercer
Miville-Dechêne
Omidvar
Pate
Ravalia
Saint-Germain
Wetston—43

ABSTENTIONS
THE HONOURABLE SENATORS

Galvez
Simons—2

• (2110)

Hon. Rosa Galvez: I would like to have the opportunity to express the reason for my abstention.

Honourable senators, I abstained out of protest. I'm extremely disappointed that we got to this point at which we have to stop our work. I am disappointed, but mainly I am ashamed. This is not what Canadians deserve. Nobody expects that we agree on everything or on anything. Sometimes we have to agree to disagree.

(*At 9:10 p.m., pursuant to the order adopted by the Senate on October 27, 2020, the Senate adjourned until 2 p.m., tomorrow*.)

CONTENTS

Tuesday, December 8, 2020

CONTENTS

Tuesday, December 8, 2020

PAGE

ORDERS OF THE DAY