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Wednesday, March 17, 2021

The Honourable GEORGE J. FUREY,
Speaker

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THE SENATE

Wednesday, March 17, 2021

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

Prayers.

SENATORS' STATEMENTS

INDIGENOUS WOMEN

Hon. Mary Jane McCallum: Honourable senators, I start today by thanking the magnificent Indigenous women who, over the course of Canadian history, have paved the way for their descendants, despite facing many overwhelming challenges. The stories of these women, established since the 1800s but begun centuries before, are still relevant today. They capture snapshots of Indigenous women's history, experiences and knowledge about creating a strong sense of identity, despite facing racist and sexist marginalization. These women all wanted to create a world where every Indigenous woman and their descendants could live a life of freedom and equality.

In this statement, I will set the backdrop with some of the laws and policies that allowed for the continual displacement and marginalization of First Nations spiritually, physically and politically, but did not prevent female Indigenous firsts as they persevered throughout.

In 1452, the papal bulls allowed all possessions and property to be removed, and legalized slavery as an act of "just war." In 1493, the Doctrine of Discovery and *terra nullius* allowed colonizers to legally deem Indigenous-occupied lands as unoccupied or uninhabited. In 1497, the era of the fur trade in Canada began.

The Royal Proclamation of 1763 recognized the nation-to-nation relationship between the Crown and First Nations. In 1764 there was the Treaty of Niagara. In 1820, the first residential school was established in Red River. In 1867, Dominion of Canada was created under the terms of the British North America Act; the federal government was given jurisdiction over Indians and lands reserved for Indians. In 1876, the Indian Act was established.

In the year 1860, Nahneebahweequay, Catherine Sutton, from the Mississauga Nation was the first to travel to England — when she was 7 months pregnant — and successfully petitioned Queen Victoria to intervene in a land claim dispute near Owen Sound, Ontario. The Queen granted Catherine legal ownership, however the Canadian government did not honour the Queen's decision.

In 1896, Shaaw Tláa, Kate Carmack, from the Tagish/Tlingit Nation discovered the first gold nugget that led to the Klondike Gold Rush.

In 1914, Charlotte Edith Anderson Monture from the Mohawk Nation became a registered nurse. She was also the first Canadian Indigenous female to serve in the U.S. military.

Thank you.

THE LATE ERIC TRETHEWEY

Hon. David Richards: Honourable senators, I wanted to give this speech during Black History Month, but I did not get a chance to.

Honourable senators, the brilliant African-American poet Natasha Trethewey won the Pulitzer Prize. She is a friend of mine. Her father, Eric "Rick" Trethewey was born to poverty in the Rawdon Hills of Nova Scotia. One of his earliest memories was, at 13, fighting off his step-father who had stabbed his mother and grandmother. He became a pro boxer and fought as a light heavyweight.

Before that, he received a track and field scholarship to the University of Kentucky. He hitchhiked down to save money and was, in a mostly Black university, one of the few White men there.

His first wife, Gwen, was an African-American woman. They moved to Mississippi but, because of the law, they had to travel to Ohio to be married. He boxed as a light heavyweight and worked on the docks. One day, he sat with his Black brother-in-law for lunch and worked alongside him that afternoon. On the way home that night, he was attacked by three White men. He knocked all three of them out. That night, with his wife pregnant, a cross was burned on their lawn. They named their daughter Natasha after Natasha Rostova, the heroine of Tolstoy's great epic novel, *War and Peace*. She grew up in the deep south, struggling to free itself from Jim Crow.

Rick obtained a doctorate and taught at various universities. He began to write some of the best poems ever written by a Canadian poet. Her parents went their separate ways when Natasha was still young, but I met her many times with her dad. Natasha Trethewey received her doctorate as well, and began to write poems.

Her father became tenured at Hollins University in Virginia. Many of the students he taught came from a world of tremendous privilege. He never told them of the world of violence in which he had grown up. I visited him many times in Virginia, read there with Natasha and lectured in classes. Over time, I became aware of Rick's seizures; the result of his boxing years.

Perhaps because he could take out most men with one punch, he hated the world of violence. One day I got a call from his wife, Kelley. She told me he had taken a terrible seizure the night before, was taken to the hospital by ambulance and had checked himself out in the middle of the night. "We have to find him," she said, "Natasha has just won the Pulitzer Prize." That little girl born of parents who had married against the odds, lived in a state which condemned their very union and had crosses burned on their lawn, had just won America's highest literary award.

I kept in touch, but with work and duty I never got down to Virginia again. A few years ago, Eric phoned very late to ask if I could drive him down to New Orleans during his winter break. He told me he wanted to see his alma mater Tulane University and visit the arena where he had fought his last fight. "Sure," I said, "I'll see you in February." He died later that night, so we never got to go.

The great featherweight boxer Johnny Tapia once remarked, "no great fighter ever runs from the darkness." I think of my friend Rick Trethewey when I remember those words. I now realize he was both an orphan and a genius in our world. I read Natasha's verses and realize that the person he helped nurture along the Mississippi became one of the most brilliant poets of her generation. Thank you.

• (1410)

STEPHEN MCNEIL

Hon. Terry M. Mercer: Honourable senators, today I pay tribute to the former Premier of Nova Scotia, Stephen McNeil, who served as our twenty-eighth premier, from 2013 to 2021.

From his first election as MLA in 2003 to the day he was elected leader of the Nova Scotia Liberal Party in 2007, it was clear that Stephen McNeil was well on his way to becoming premier. And that he did in 2013, which continued with the government's subsequent reelection in 2017.

For his entire tenure, Steven was steadfastly working to provide a better life for the citizens of Nova Scotia. The premier, his government and all Nova Scotians worked hard to get the budget under control, especially to fix and augment health care. Under Premier McNeil's watch, sometimes in the face of harsh criticism and bitter protest, the province became the leader in Canada, from tourism to food exports to infrastructure spending.

Then COVID-19 hit. Then came the heartbreak of a madman's rampage and then two air crashes. Through it all, Premier McNeil remained resolute that we would get through all of this tragedy. And we did, by working together, supporting one another and healing together. And by "staying the blazes home."

I would like to commend Premier McNeil for all he has done for Nova Scotia and Canada. Thank you, my friend, for your leadership and guidance through these troubled times.

I would also like to congratulate the newly selected leader and Premier of Nova Scotia, Iain Rankin. I am sure your vision for the province will be an inspiration to us all, and I look forward to seeing what you will do to continue Nova Scotia on the path to prosperity. Thank you, honourable senators.

COMMISSION ON THE STATUS OF WOMEN

Hon. Marilou McPhedran: Honourable senators, it's March 17, and for years, I would find myself on the streets of New York and in the UN General Assembly for the Commission on the Status of Women's annual conference, the largest annual conference on women's rights in the world. But it's a different time, and there are none of us in New York who typically would be there. I was there usually with students, and there were many events and learning opportunities, primarily because, in addition to the special session of the United Nations General Assembly run to focus on women's rights, across the street and scattered all around New York City were the many venues related to the Commission on the Status of Women's civil society parallel events.

But this year, instead of roughly 8,000 people — mostly women — in New York for the conference, 25,000 were registered on the new online platform for the NGO CSW/NY host.

Yesterday, it was an honour and a thrill to be part of a panel that was co-hosted by the Canadian Association of Feminist Parliamentarians and also the host of these 25,000 registered for the conference. We had a panel entitled "Why Violence Against Women Parliamentarians Concerns Us All." We had parliamentarians from Canada, such as the Honourable Rosa Galvez; from South Sudan, the Honorable Elizabeth (Betty) Achan Ogwaro, who is known for many things, including for standing up to the Kony tyrant when he was invading her country; from the Philippines, the Honourable Sarah Jane Elago, the youngest parliamentarian in that country when elected; and from Armenia, a disability rights defender, a former cabinet minister and also a former deputy minister, the Honourable Zaruhi Batoyan. They were joined by the woman running the new conference that is going to happen in just a couple of days in Mexico City, the Generation Equality Forum, Lopa Banerjee from UN Women.

Together, they addressed the issue of violence against women parliamentarians.

Very quickly, there were two main takeaways. Violence against women parliamentarians has many forms, including harassment inside parliaments, and it undermines democracy. Violence against women parliamentarians dissuades younger women from thinking it is something they want to do, and that's what we all agreed together that we would change.

Thank you very much. *Meegwetch*.

THE LATE DAVID SCHINDLER, O.C.

Hon. Paula Simons: Honourable senators, "Here lies one whose name was writ in water." There is no better epitaph than this for the great environmental scientist Dr. David Schindler, professor emeritus at the University of Alberta, who died March 4 at the age of 80.

Born in North Dakota, Dr. Schindler earned a PhD in Ecology from Oxford in 1966. Shortly after, he became founding director of Ontario's Experimental Lakes Area. His large-scale experiments in northwest Ontario, using entire lakes as his laboratories, delivered proof that phosphate-rich fertilizers and detergents were creating algae blooms and destroying Canadian lakes. His research and his fierce advocacy led to North American bans on phosphates in detergent.

He also did vital experimental research on the impact of acid rain on water bodies and on biodiversity, proving that a small amount of acidification could destroy an ecosystem's entire food chain. His research helped underpin the Canada-United States Air Quality Agreement signed in 1991.

In 1989, Dr. Schindler took up the Killam Memorial Chair at the University of Alberta and began decades of study of fresh water in Alberta, including groundbreaking examinations of the impact of Alberta's forestry and oil industries on the province's aquatic ecosystems. He was a powerful defender, not just of lakes and rivers, but of the Boreal Forests and the treaty rights of the First Nations, whose traditional territories included those waters and forests.

He was also a charismatic science communicator, adept at using the media and taking on governments. His opinions mattered because they were backed by rigorous research.

Professor Schindler once compared debating politicians to playing chess with a gorilla:

> The game is boring and you know you are going to win, but you have to be prepared to duck once in a while when they get angry and take a swing at you.

He was an Officer of the Order of Canada, a Fellow of the Royal Canadian Geographical Society, the Royal Society of Canada, the Royal Society in the United Kingdom, the U.S. National Academy of Sciences, as well as a member of the Alberta Order of Excellence. He won the first Stockholm Water Prize, and in 2020, he was named one of the greatest Canadian explorers of all time by *Canadian Geographic*.

He was also a former competitive wrestler, a one-time NFL prospect, and someone who once owned 85 sled dogs and liked to take his 10-dog sled team over 5,000 kilometres each winter. He was one of the greatest ecologists of all time and a great Alberta hero.

May his soul be bound up in the bond of life as, indeed, it always was.

THE MÉTIS PEOPLE

Hon. Yvonne Boyer: Honourable senators, today I stand to speak about the distinct identity of the Métis, an Indigenous nation whose rights have been formally recognized and affirmed in section 35 of the Constitution Act, 1982, yet who are far too often misunderstood in Canadian society. This misunderstanding is based in part on a definition of the French language term *métis*, which simply means "mixed." This misunderstanding regrettably persists.

To be clear, having a distant relative that was First Nations does not make a person Métis.

During the fur trade, European men of primarily Scottish, French and English heritage travelled and worked along the historic trading routes. These traders developed relationships with First Nations women from Cree, Assiniboine, Saulteaux, Anishinaabe and Dene communities, building families whose economies and relationships were defined by the fur trade.

Over a short period of time, Métis people developed a distinct society with its own cultural, economic and social orientation, similar to, yet different from, First Nations. Importantly, this society forged a political philosophy with supporting structures of governance rooted in their collective well-being and sense of independence from other peoples. As a new nation and distinct society, the Métis developed a specialized economic niche associated with the fur trade; developed complex extended family networks that spread throughout central North America, which served as sources of social, political and economic alliances; and had a clear governance structure framed by political action and behaviour intended to sustain the health and well-being of their society.

• (1420)

As this new nation formed, took shape and defined itself, the term "Métis" evolved to reflect who they were in contemporary Canada. The Métis have been acknowledged in Canadian case law. The 2003 Supreme Court of Canada decision in *R. v. Powley* reinforced this evolution of the term by limiting the boundaries of section 35 Métis harvesting rights to this unique, distinct and collectively expressed cultural identity.

Over the years, Métis across the homeland have continued to fight for the recognition and protection of their collective rights and interests and have celebrated many nation-building successes along the way. As a Métis senator, I feel it is my responsibility to bring awareness to our nation's unique contributions to Canadian history by highlighting our distinctiveness and celebrating our culture.

Meegwetch. *Marsee*. Thank you.

[*Translation*]

ROUTINE PROCEEDINGS

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY EMERGING ISSUES RELATED TO ITS MANDATE

Hon. Paul J. Massicotte: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Energy, the Environment and Natural Resources be authorized to examine and report on emerging issues related to its mandate:

(a) The current state and future direction of production, distribution, consumption, trade, security and sustainability of Canada's energy resources;

(b) Environmental challenges facing Canada including responses to global climate change, air pollution, biodiversity and ecological integrity;

(c) Sustainable development and management of renewable and non-renewable natural resources including but not limited to water, minerals, soils, flora and fauna; and

(d) Canada's international treaty obligations affecting energy, the environment and natural resources and their influence on Canada's economic and social development; and

That the committee submit its final report no later than December 30, 2022, and that the committee retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

[*English*]

QUESTION PERIOD

JUSTICE

BILL C-7—MESSAGE FROM COMMONS

Hon. Donald Neil Plett (Leader of the Opposition): Honourable senators, my question, as usual, is for the government leader in the Senate. Senator Gold, there are many questions I could ask you today: questions about the third wave of COVID-19 declared here in Ontario; the four-month delay between vaccine doses; and the crisis in our military, among many others.

However, the most time-sensitive matter has to do with the question I asked you yesterday on Bill C-7, as the Senate will soon vote on the message from the House of Commons.

Senator Gold, I asked you yesterday — and you couldn't answer and I asked you to get me an answer and I would like to give you the opportunity to respond — if the Minister of Justice, or any other minister or representative of the Trudeau government, contacted, called or lobbied honourable senators to accept the message from the other place on Bill C-7. Were any promises made by the Trudeau government in order to get the support of senators, and if so, leader, what were those promises?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. Honourable colleague, I have no information that any promises were offered. I do not have a definitive answer, but to the best of my knowledge no such promises were made.

Senator Plett: Senator Gold, when we ask you a question about things that the government has done, usually it's understandable that you need some time, but I'm sure you have the minister's phone number in your Rolodex. This answer is unacceptable. Your job, leader, is to get answers to our questions. One phone call. If your government made promises to some senators about Bill C-7, everyone should know what those promises are before we vote today.

So much for accountability. So much for transparent and open government; it means nothing to this Trudeau government.

Did you contact the minister? Did you try to contact the minister or his office, leader? Did you try to contact any other minister's office? If not, why not?

Senator Gold: As I answered yesterday, and just now, I have no information that any such promises were made. I cannot resist, though, commenting that this question is wrapped around innuendo, and it is, frankly, something that I find difficult to respond to calmly. But I did, and I shall.

NATIONAL DEFENCE

INVESTIGATION INTO MISCONDUCT

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, my question is also for the government leader in the Senate. By all accounts, Lieutenant Colonel Eleanor Taylor has been a distinguished member of the Canadian Forces over many years of service. She commanded an infantry company in Afghanistan. She was a key planner of the military security operations for the Vancouver 2010 Olympics. Yet, last week, she submitted her resignation from the reserves, saying that she was sickened and disgusted by ongoing reports of sexual misconduct in the forces. She believes Operation HONOUR should drop its name, as it has lost all meaning.

Her resignation letter is deeply disturbing to read, as I cannot imagine how hard it was for her to write it.

Senator Gold, how many more talented leaders, who simply want to serve our country, will be driven out of the Canadian Forces not only due to harassment they have faced or witnessed, but also due to the inability or unwillingness of your government to deal with this crisis?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. The situation that has come to light is deplorable. The government commends the women who have come forward with their own stories and understands how difficult it is, and must be, for them. The government appreciates their openness. This will help pave the way to a better future for the Canadian Armed Forces and, indeed, the entire defence team. As I mentioned the other day, the government also recognizes that change and cultural change in an organization such as the military is complex and takes time. The government is determined, and asserts that the time for patience is over.

I'm advised that the government is currently looking at all options to change that culture in the Canadian Armed Forces in order to provide a safe and inclusive environment for all personnel — regardless of rank or position and whether of civilian or military status — as well as, colleagues, to ensure that there are tangible supports for those who come forward with allegations of assault or harassment.

Senator Martin: Leader, with all due respect, those words sound quite hollow when we look at the leadership at the very top who knew about the misconduct of former Chief of Defence Staff General Vance for three years. The Prime Minister and Minister Sajjan knew, but they did next to nothing.

Today we see the result of their inaction: the resignation of a highly respected member of the military, who says she believes the scope of the problem has yet to be exposed.

• (1430)

Senator Gold, your government has badly failed our women and men in uniform. Why is there a total lack of responsibility? Why does the Prime Minister still have confidence in the Minister of Defence? Is it because the Prime Minister can't dismiss the minister because they both failed to act for three years?

Senator Gold: Thank you for your question, and nothing that I'm about to say in any way belittles the problem that has been identified and that needs to be addressed in military culture. Respectfully, it's simply not true that the government has done nothing. Major steps have been taken. That they have not been fully successful and that much work remains to be done are sad but inescapable facts.

The government is committed to looking at all the options to improve the situation for those in the military and the ways in which allegations of mistreatment, assault and harassment can and will be dealt with. I'm convinced — and I want to assert — that the government is taking this extremely seriously. These are not hollow words. This is a serious engagement of this government.

[*Translation*]

INDIGENOUS SERVICES

ACCESS TO SAFE DRINKING WATER

Hon. Renée Dupuis: My question is for the Government Representative in the Senate.

Senator Gold, on February 26, the Auditor General of Canada presented a report to Parliament entitled *Access to Safe Drinking Water in First Nations Communities—Indigenous Services Canada*, in which she expressed deep concern about the fact that the problem of access to safe drinking water in First Nations communities has not yet been resolved.

My question is about funding for the operation and maintenance of drinking water systems. The funding formula dates back to 1987 and doesn't reflect the actual cost of operating and maintaining the infrastructure.

The department's operations and maintenance policy hasn't been updated since 1998. That means we have no way of knowing whether the additional funding in the Fall Economic Statement will actually cover those costs.

What is the government's deadline for updating the policy and the funding formula for these operating and maintenance costs?

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

The government thanks the Auditor General for this report and accepts her recommendation to determine the funding requirements and to amend the existing policy and funding formula.

Honourable senators, I want to point out that this government has made significant investments since 2015. It has invested over $3.5 billion since 2016 in order to improve the operations and maintenance budgets for First Nations water infrastructure.

I do not know the exact timeline for updating the funding formula, but we are talking about a long-term commitment to address historic inequities and generational failures.

Senator Dupuis: Senator Gold, you talked about inequities, but, to put it bluntly, I think we are talking about systemic discrimination.

Eight years ago, in 2013, a law seeking to ensure the safety of drinking water was passed, but this government has not yet developed any regulatory standards. We do know, however, that there are ongoing discussions between the government and the First Nations on this issue.

Given that everyone agrees that these inequities with respect to access to safe drinking water are in fact a form of systemic discrimination, what are the government's projected timelines and how much does the government intend to invest to remedy this past discrimination and, at the same time, establish a system that guarantees all First Nations access to safe drinking water in the future?

Senator Gold: Thank you for the question.

I have been advised that in every Indigenous community that still has a long-term boil water advisory, there is a project team and an action plan in place to resolve the situation. I'm also told that, due to some concerns raised by First Nations, the government has put the regulatory process on hold to ensure that First Nations partners are able to fully collaborate on the legislative framework.

[*English*]

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

BUSINESS OF COMMITTEE

Hon. Marilou McPhedran: Honourable senators, my question is for Senator Marwah, the chair of the Standing Senate Committee on Internal Economy, Budgets and Administration or CIBA.

Senator Marwah, my question concerns the committee's fourth report, Senate Harassment and Violence Prevention Policy, that you presented to this chamber last month on February 16, using a procedure that does not allow for questions or debate on this new CIBA policy. By contrast, the current Senate harassment prevention policy was tabled in 2009 by then-CIBA chair, the Honourable George Furey, using a procedure that did allow for questions and debate.

Fast forward. My question is about information that surely need not be kept secret by CIBA. Are you aware of the Canadian survey of federal workplaces released in 2017 that found, of respondents who reported having experienced sexual harassment, 94% were women, and that found the ratio of men in positions of power was higher in the workplaces of respondents who experienced sexual harassment than of respondents who experienced nonsexual harassment or violence?

Senator Marwah, please tell us what Gender-Based Analysis Plus was done by CIBA when developing the new policy on which senators are prevented from asking questions or commenting.

Hon. Sabi Marwah: Thank you, senator, for that question. I'll start with a comment that Senator Gold sometimes uses: I do not accept the premise of your question. In this particular case, the first half of your statement.

I'll address your specific question, which is "What was I aware of?" I'm not aware of the specific analysis that was done. That question is best addressed to the CIBA Subcommittee on Human Resources that handled the development of the new policy. What I do know, senator, is that there was extensive consultation with senators, employee representatives, private sector practitioners and academics specializing in the fields of workplace harassment. Based on all of that, I think the new policy is a big step forward and a big improvement on the previous policy.

Senator McPhedran: Senator Marwah, how many complaints of harassment in the Senate are currently under way in CIBA, including senator to senator, staffer or volunteer to senator, and staffer to senator? Of course, we don't need any identifying information. This is just about the number of cases currently under way.

Senator Marwah: Thank you again, senator, for that question. I've been asked this question before, and I must tell you I am not aware of any specific details — of either the number of cases or the names of persons — involved in any harassment cases. Those items are confidential and are kept from me. The only times I have been made aware of complaints are when a senator has told me about a complaint. Barring those instances, I am not aware of any complaints. That's handled by HR and the law clerk, not me. They do not bring those to my attention. It is strictly confidential.

[*Translation*]

TRANSPORT

COVID-19 PANDEMIC—FINANCIAL SUPPORT FOR THE AIR SECTOR

Hon. Jean-Guy Dagenais: Honourable senators, my question is for the Government Representative in the Senate.

Despite the promises made by the government and the empty rhetoric spewed by two successive Transport Ministers since the pandemic began, Canada remains the only G7 country that has not provided targeted assistance to the air sector. Thousands of jobs are at risk and some have already been lost, including many in Quebec. In addition to the workers in that sector, all travellers will eventually pay the price for Ottawa's refusal to intervene.

Senator Gold, are we to assume that this can be attributed to the incompetence of the Prime Minister and his ministers, or is there a Liberal strategy behind this to pay out millions of dollars right before the next election campaign gets under way?

• (1440)

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question, colleague. I always find the way you formulate your questions very interesting.

It is neither a matter of incompetence nor an electoral strategy. On the contrary, the Government of Canada — and I have said this many times here — is seriously looking at ways to help Canadians and businesses, including the air sector and its workers and the travellers who depend on it. I imagine — in fact I am sure of it and have been so advised — that these discussions are ongoing. As soon as there is a decision, for this sector or any other, the government will announce it.

PORT OF MONTREAL

Hon. Jean-Guy Dagenais: I must say that I find the way your formulate your answers interesting as well, Mr. Gold. That being said, the dock workers at the Port of Montreal could go on strike as early as next week, which will paralyze a significant part of the Canadian economy that has already been hard hit by the pandemic. If that happens, will Prime Minister Trudeau bring down the hammer to pass special legislation and force the Senate yet again to rush it through without giving us enough time to do our work properly?

Hon. Marc Gold (Government Representative in the Senate): To underscore the importance of the Port of Montreal, I want to say that I am very concerned about the industrial relations challenges there, because that is part of my family's heritage, as you probably know; that was my father's work for a long time. That being said, the government is closely following the mediation process and the unfortunate lack of progress in the negotiations between the parties, and it will seriously consider what steps to take if — and we hope this will not be the case — the parties do not come to an agreement.

[*English*]

EMPLOYMENT AND SOCIAL DEVELOPMENT

AMERICAN SIGN LANGUAGE

Hon. Patricia Bovey: Honourable senators, my question is for the Government Representative in the Senate.

Senator Gold, Bill C-81 was passed in the last session, sponsored by Senator Munson, and it constructively moved the accessibility needle forward for people with disabilities and those who are deaf. Communication is critical, and many tell me they are very grateful for the ASL translation during pandemic press conferences.

Many organizations host important public presentations, yet only in rare cases is ASL interpretation available. Small organizations, I am told, have to raise the money for translation themselves.

As we try to make Canada more accessible, does the federal government have a plan to make funds available for all public talks that require ASL?

Hon. Marc Gold (Government Representative in the Senate): Thank you, senator, for your question, and for raising this important issue. The government knows that all Canadians benefit when everyone can participate in society without barriers. Your advance notice allowed me to make some inquiries with the government, but I've not yet received an answer.

I would mention, however, that Canadian Heritage has an Enhancement of Official Languages Program, which accepts applications on an ongoing basis to fund Canadian not-for-profit organizations seeking to provide services in both official languages. The program's website specifically mentions that sign language is included in eligible simultaneous interpretation activities. When I hear back from the government, I will report back to this chamber in a timely fashion.

FUNDING FOR EQUITABLE LIBRARY ACCESS

Hon. Patricia Bovey: I thank you, Senator Gold, but those funds aren't available for a lot of very small organizations.

In today's *Art Newspaper*, it was noted that visual arts organizations are actively working with mental health issues internationally. I am going to turn now to the issues of visual impaired that I spoke about several years ago. The Centre for Equitable Library Access program enables those with visual impairment to access library audio, digital and large-print materials, newspapers, magazines and books, and it is critical for them to be in the knowledge and communications loop.

I have recently heard that the federal government is cutting funding to the Centre for Equitable Library Access, and I ask if this is true. If so, how are people going to get the information they need to live their daily lives?

Hon. Marc Gold (Government Representative in the Senate): Senator, thank you for raising this important question, one that my office and the government are aware and seized with. I have made inquiries of the government, and my understanding is that there were some funding cuts. Beyond that, I don't have the details or the answer to provide to you. I will endeavour to get an answer as soon as I can.

FINANCE

TABLING OF BUDGET

Hon. Larry W. Smith: Honourable senators, my question is for Senator Gold. Recent reports in the media suggest the government is ruling out tabling a federal budget this month. The finance minister's office offered up a vague timeline for when they expect to table a budget, saying the minister would table it "sometime in the spring." My colleagues in this place, as well as members in the other place, have repeatedly highlighted that Canada remains the only G7 nation yet to table a full budget since the beginning of this pandemic.

Senator, it has been 739 days. Canadians deserve transparency from the government. Will you provide this chamber, as well as Canadians, with assurances that the federal government will table a full and transparent budget, and could you provide us with a more concrete timeline?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. I understand the preoccupations. The government is working on the preparation of its budget. It's doing the work that will inform its 2021 budget, including virtual — because of the pandemic — round tables with Canadians from a wide variety of sectors, regions and industries. Also, I'm advised that the Department of Finance has received approximately 58,000 written questionnaire submissions. I'm not in a position to provide you with a specific

date. The government remains focused, as you know, on supporting Canadians throughout the pandemic and creating the conditions for our recovery and will continue to do so.

Senator Smith: Senator Gold, as I said earlier, after 739 days with no budget, in one of the worst positions of any G7 nation, why are we focused only on the pandemic as we move forward, and what is going to happen? We have gone up to $1.83 trillion forecasted total debt. Years ago we were at about $700 billion. This is a serious issue. Canadians want their lives back. When will we get some form of a firm, complete budget?

Senator Gold: Senator, I understand the importance of your question and the importance of providing a framework going forward for Canada's recovery from this pandemic.

Regrettably, we're still in the thick of it, and the government remains focused, and will continue to remain focused, on assisting Canadians and businesses as we get through this. The government has provided updates. It has returned to a more — how shall I put it? — traditional schedule with regard to economic updates, Main Estimates, supplementary estimates and the Fall Economic Statement. The forthcoming budget should provide Canadians with an understanding of the government's intentions going forward.

COVID-19 PANDEMIC—SPENDING

Hon. Elizabeth Marshall: Honourable senators, my question is also for Senator Gold. Senator Gold, in the Main Estimates document for next year I see that the government has further reduced the already meagre amount of information it provides on COVID-19 spending. Supplementary Estimates (A), (B) and (C) tagged COVID-19 spending within each department and agency so we could see the COVID-19 initiatives within those departments. But the Main Estimates for the new year doesn't do this.

For example, on the government's website, it says $22 billion in total COVID-19 spending is planned for the new year; $8 billion is for the Public Health Agency. Yet when you look at the Public Health Agency, there is no information at all on the COVID-19 spending. But when you compare that to Supplementary Estimates (C), the Public Health Agency of Canada discloses information on 16 COVID-19 initiatives.

• (1450)

My question is this: Why is the government not disclosing the COVID-19 spending initiatives in the Main Estimates?

Hon. Marc Gold (Government Representative in the Senate): Senator Marshall, thank you for your question and your continuing diligence in holding the government to account for the information that it provides.

I don't have the specific answer that you requested. I expect that those better positioned to answer it can and will be questioned when they appear, as they do on a regular basis, before our committees or the Senate.

Senator Marshall: Senator Gold, regarding the amount of information the government provides on the COVID-19 spending, they started out not bad, providing biweekly reports. They stopped doing that. It just seemed that as they were providing information and people were using it, they decided they were no longer going to provide it. So it's a worrying trend. They're going in the opposite direction and transparency is eroding. The impression left is that the government is getting out of reporting its COVID-19 spending.

Can you confirm that the government now plans to discontinue identifying its COVID-19 spending all together?

Senator Gold: Senator, I'm not in a position to confirm or deny. I will make inquiries as to the long-range plans. I can only say that the government and the relevant ministers have been very open with Canadians about the programs they are putting into place to provide support for Canadians and shall continue to do so.

TRANSPORT

RESTORATION OF AIR SERVICE

Hon. Judith Keating: My question is for the government leader in the Senate. Senator Gold, in June of 2020, Air Canada announced it was suspending indefinitely 30 domestic flight routes, including six in New Brunswick. The company also said it was closing eight stations at regional airports, including the Bathurst Regional Airport, which services the entire northern region of the province of New Brunswick.

In January, the Fredericton International Airport and the Saint John Airport lost all domestic flights. This came on the heels of CN's cancellation of train service from Halifax to Montreal. The only very limited domestic flights out of province are from Moncton's Roméo LeBlanc International Airport.

If one were to search flights to Ottawa, one would find 10 alternative routes with Air Canada, seven of them taking between 7 and 14 hours to get to Ottawa. Further, New Brunswickers must travel by car several hours to get to Moncton. Quite frankly, it would be faster to drive. This is completely unacceptable.

Senator Gold, ever since British Columbia made it a condition of its entry into Confederation that there be a transcontinental railway, transportation of people across this vast nation is considered a right and not just a privilege. New Brunswickers deserve better. Canadians deserve better.

My question therefore is twofold: First, when will air service be restored to New Brunswickers? Second, if there are ongoing negotiations at the moment with more than one company, is there one that includes a company that places the interests of New Brunswickers and Canadians above its own? Thank you.

Some Hon. Senators: Hear, hear.

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. The challenges faced in this country with the decrease and elimination of so many routes

is a matter of concern to all Canadians. Proper air transportation links and transportation links more generally are essential, not only to proper economic development but for knitting us together as a people beyond economic questions.

The government recognizes that the air sector has been hit hard by the pandemic and that is why it has committed over $1 billion in its November 2020 Fall Economic Statement to support key sectors of the industry, such as airport authorities and regional airlines. It has also made it clear that any support to airlines will need to address the reinstatement of regional routes in Canada.

To address your question about New Brunswick, though I am advised that discussions are ongoing, and focusing and prioritizing regional requirements, I have not received any information on specific discussions with or concerning New Brunswick. Rest assured that when I do, I will be pleased to share that with you.

The Hon. the Speaker: Honourable senators, the time for Question Period has expired.

DELAYED ANSWERS TO ORAL QUESTIONS

(*For text of Delayed Answers, see Appendix*.)

ORDERS OF THE DAY

CRIMINAL CODE

BILL TO AMEND—MESSAGE FROM COMMONS—MOTION FOR NON-INSISTENCE UPON SENATE AMENDMENTS AND CONCURRENCE IN COMMONS AMENDMENTS ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Gold, P.C., seconded by the Honourable Senator Boehm:

That, in relation to Bill C-7, An Act to amend the Criminal Code (medical assistance in dying), the Senate:

(a) do not insist on its amendments 1(a)(i), 1(a)(iii), 1(b) and 1(c), with which the House of Commons has disagreed;

(b) agree to the amendments made by the House of Commons to Senate amendment 2;

(c) agree to the amendment made by the House of Commons in consequence of Senate amendments 1(a)(ii) and 3; and

(d) agree to the amendments made by the House of Commons to Senate amendment 3; and

That a message be sent to the House of Commons to acquaint that house accordingly.

Hon. Mary Jane McCallum: Honourable senators, I rise today to speak on the message from the other place on Bill C-7. I dedicate this speech to the First Nations and disability communities who continue to courageously fight for a better world for the people and the communities which they advocate and speak for.

The Liberal Government's commitment to renewing a nation-to-nation relationship with Indigenous peoples in Canada has been made with promises to make progress "on issues most important to First Nations, the Métis Nation and Inuit communities." Yet Canada continues to miss key opportunities to meaningfully engage and collaborate with First Nations, the Métis Nation and Inuit peoples when it comes to a critical part of their progress toward self-determination. I am speaking of how legislation currently works and how the laws generated have, both historically and presently, had negative consequences on Indigenous peoples.

Since first contact, Indigenous peoples on Turtle Island have been actively resisting colonial violence, as the institutionalization of racist and colonial values and laws has led to Indigenous peoples experiencing discrimination for simply being Indigenous and for being the original peoples who lived in a land declared by others as *terra nullius*, or nobody's land.

First Nations have had to create organizations and groups that support their road back to self-determination and the self-government structures that had existed but were outlawed. Similar organizations and groups have been created by the disability community for their continued fight for recognition and agency as well. These First Nations and disability community leaders and advocates continue to promote the well-being of their communities. Despite the significant amount of work and progress they have made, First Nations and the disability community continue to experience a myriad of intricate challenges while organizing for change. This has been due to the settler colonial state of lawmaking under which they are operating, where they have been persistently excluded, silenced and surveilled.

How does the colonial state continue to express power and control over another sovereign nation, the First Nations, as well as the disability community?

Senators, don't close your eyes, ears, hearts and spirits to my speech. I'm not here to blame or shame anyone. I need you to understand where we stand and why we are where we are today. As senators, what is our understanding of the impact of laws on the First Nations and the disability community, especially when I tell you that the majority of laws in Canada have not been just to First Nations or the disability community?

Honourable senators, when I entered the Red Chamber in 2017, I did so with excitement, with disbelief and with naïveté. In the last four weeks, I have come to realize that by having 10 Indigenous senators in this chamber at one time doesn't automatically remove all the deep structural racism that continues to drive the law-making process on Parliament Hill in Canada. We must all be vigilant as we look at the deep structural

and systemic colonial processes and policies in place and we must work together to change them. Otherwise we will continue to create an ever-expanding gap of inequity, injustice and violence on First Nations due to the inter-jurisdictional gaps that continue to be ignored.

How do I, as a First Nations senator, take the steps necessary to mitigate these risks we have unilaterally placed on the peoples through the laws we've helped to pass? How do I hold myself accountable to my relations who have put their trust in me and in the Senate? Being accountable to my relations means understanding that I, as a senator, am part of this law-making process, which therefore makes me accountable to the people who must fall under these laws that we pass, most times without their knowledge and consent.

• (1500)

What are the consistent themes in the stories of First Nations and the disability community that are not considered in the bills we review, including Bill C-7? These troubling patterns include no meaningful consultation with the appropriate organization or advocates; no clear understanding of how the bill is being understood or explained to different sections of the population, including health professionals; no data to tell the stories of the inequalities and inequities that prevail; no opportunity given to discuss the relevant issues for specific groups, for example, that assisted dying is not part of some cultures or that suicide is an epidemic in some communities.

Honourable senators, in Bill C-7, what are the anticipated impacts on women and other marginalized groups? Disability advocates have argued for increased supports for people with disabilities, rather than doing the exact opposite by extending the availability of MAID. In 2019, the United Nations Special Rapporteur on the rights of persons with disabilities recommended that Canada establish adequate safeguards to ensure that persons with disabilities do not request MAID simply because of the absence of community-based alternatives and palliative care.

Have these safeguards truly been put in place? Consider the following. According to the GBA+ on Bill C-7, which was undertaken by Minister of Justice David Lametti, it says on page 4:

> Women have higher rates of mood disorders and generalized anxiety disorder than men, while men have higher rates of substance use disorders. It is important to note that the Statistics Canada study that drew these conclusions is likely underestimating the rates of mental illness, as it did not include persons living on reserves and other Indigenous settlements, full-time members of the Canadian Forces, and the institutionalized population, many of whom are extremely vulnerable.

That analysis also states that:

> There are gender-specific risk factors for common mental illness that disproportionately affect women, such as gender-based violence, socioeconomic disadvantage, low income and income inequality, low or subordinate social status and rank and unremitting responsibility for the care of others. The high prevalence of sexual violence to which women are exposed and the correspondingly high rate of Post-Traumatic Stress Disorder following such violence, renders women the largest single group of people affected by this disorder.
>
> Gender differences also exist in patterns of help seeking for psychological disorders . . . These gender differences may help to explain why women with psychiatric conditions are more likely than men to request MAID in the Benelux countries. It can be expected that should MAID be made available in Canada for individuals whose sole underlying condition is mental illness, we would see an increase in women seeking MAID for psychiatric suffering, and at younger ages.

There is a very real risk of suicide contagion amongst vulnerable groups following a MAID death, especially if members of the vulnerable group identify with the person who received MAID.

> In the Benelux countries, where eligibility for MAID is not limited to those suffering physically, there have been controversial MAID deaths that have occurred, and it can be expected that similar cases would emerge in Canada under this option.

Colleagues, I am reaching out to you to urge you all to work with people who are under threat, as an ally, and to act together and protect one another.

What is occurring in Canada today is not an Indian problem but a Canadian one. In her 2015 book *Strong Helpers' Teachings: The Value of Indigenous Knowledges in the Helping Professions* by Cyndy Baskin, a Mi'kmaq and Celtic author, she quotes Patton and Bondi at page 490, saying:

> Allies for social justice recognize the interconnectedness of oppressive structures and work in partnership with marginalized persons towards building social justice coalitions. They aspire to move beyond individual acts and direct attention to oppressive processes and systems. Their pursuit is not merely to help oppressed persons but to create a socially just world, which benefits all people.

Baskin goes on to state:

> Although the term "ally" is widely used, some believe that it indicates a belief that one is fighting someone else's battle instead of actually aligning themselves within the battle. For example, when asked about the role of allies in Black women's activism, bell hooks challenged the term, saying, "If someone is standing on their own beliefs and their own beliefs are anti-patriarchal and anti-sexist, they are not required to be anybody's ally. They are on their front line in the same way that I'm on my front line."
>
> Examining one's own privilege and relationship to it is crucial to becoming an ally, according to Bishop, Kendall and Nattrass. Locating oneself within the systems of oppression, one is part of but trying to work against them, and understanding history and current context are pivotal.

In the same book, Ben Carniol states:

> From a mainstream perspective, what I see as being important for an ally is to unlearn a lot of the stuff that we have been socialized to believe from a very young age and has been reinforced day by day with the prevailing narrative of colonialism that is still very, very strong in sometimes subtle ways and sometimes not so subtle ways. That unlearning means a recognition of the oppression of colonialism, a recognition of why people are being oppressed, and that goes back to history. So mainstream allies need to understand about the dispossession, the theft of land, the violation of treaties, the assimilative role of government policies and of mainstream non-Indigenous people in general.

That was from his personal communication in 2015.

Senators, while I know that this road — challenging the underlying institutional racism that exists in the law-making process — will be a long road, I also firmly believe that we are up to the challenge. What choice do we have, as the alternative is to continue to place certain vulnerable subsets of the Canadian population in a continuous place of deficit.

While I will be voting against this message, it is my sincere hope that we can use this moment as a turning point where we undertake to move forward in a more inclusive and understanding way, while ensuring we give voice to those who continue to sorely lack it in the halls of Parliament. Thank you.

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I rise in this chamber once more to speak to the message from the House of Commons on Bill C-7, An Act to amend the Criminal Code (medical assistance in dying).

Before I get to the government response and to the reasons why I am unable to support the message, I would like to once again acknowledge senators and their staff, Senate Administration and committee staff who spent so much time and effort throughout the process. I would also like to acknowledge the committee witnesses, other stakeholders and concerned Canadians who emailed us and called us with such courage and determination, and provided the Senate with much to ponder and debate. Everyone's compelling words, including those spoken by the senators in this debate and Senator McCallum, have left indelible impressions in my heart, mind and soul.

Senators, as you know, Bill C-7 was intended to bring the law into compliance with the 2019 Quebec Superior Court ruling that struck down a provision that allows assisted dying only for intolerably suffering individuals whose natural death is reasonably foreseeable. Unfortunately, if we concur with the message from the House, we will enact Bill C-7, which will go far beyond that. I have no doubt that there are many parliamentarians in the other place that have wanted more time to fully debate the message, and the message from our house and the subsequent amendments from this chamber, yet the government's mismanagement and failure to respond to court decisions and legislative deadlines have resulted in a logjam of bills, resulting in the government invoking closure, forcing parliamentarians to address immensely complex and sensitive issues of — in this case — life and death, with very limited time. With no room for errors, what a shame.

• (1510)

One clear reason to reject the message, honourable senators, was perfectly articulated by one of our colleagues, Senator Judith Seidman. I'm borrowing her words once again, just to add to what I wanted to say. She said:

> ... we have ... introduced amendments that can be said to exceed both the principle and the scope of the bill we were confronted with in C-7. . . . we had amended Bill C-14 to include two important provisions. . . . the second provision: the establishment of a committee . . . designated to review the provisions of Bill C-14 and the state of palliative care in Canada.

Honourable senators, we cannot ignore, nor abrogate our responsibilities as parliamentarians, as legislators. We must review the three final reports of the expert panel released by the Council of Canadian Academies and feel assured, first of all, that we have met our obligations according to the provisions of Bill C-14.

The failure to allow Parliament to do its job and study the issue is yet another troubling symptom of the Liberal government's negligence. We are asked to expand MAID without the benefit of the five-year review, and if we concur with the message today, honourable senators, and enact Bill C-7 as amended without this proper review, we will put communities at risk. For instance, the disabled community is one such group that is at risk. Disability rights groups have condemned the bill, arguing that it devalues the lives of people with disabilities who may be pressured, either directly or indirectly, through societal attitudes and a lack of support services, into ending their lives prematurely.

The loss of human life through suicide is also a tragic reality in Indigenous communities. We heard from so many witnesses who talked about their concern for their young, the youth in their communities and others who are faced with tremendous challenges, and are experiencing a much higher suicide rate than the Canadian population as a whole. For instance, suicide rates among Inuit are shockingly high at 60; 11 times the Canadian average. Indigenous leaders including Siksika Health Services CEO Tyler White; former Lieutenant Governor of New Brunswick, Graydon Nicholas; retired senator Nick Sibbeston; Indigenous health and suicide prevention advisers and elders wrote a letter to parliamentarians on Bill C-7 stating:

> Bill C-7 goes against many of our cultural values, belief systems, and sacred teachings. The view that MAiD is a dignified end for the terminally ill or those living with disabilities should not be forced on our peoples.

Honourable senators, like Senator Batters and others, I am sure you still hear the echoes of these compelling testimonies that we heard throughout the process. One such testimony that had one of the most profound effects on me was from elder François Paulette and his words — I mean, it doesn't do justice because imagine having five, seven minutes to somehow express that depth and breadth of what an elder of a nation that is thousands of years old, to put on record. So I use his words here just to remind you of what he said.

> I'm going to describe to you our world view, and we have terminology to describe that. It's Dene Ch'anié. Dene Ch'anié, literally translated, means the "path we walk" in the past, today and tomorrow. In this world view of the Dene, there is no description or word for "medical assistance in dying or suicide."

You know, when he said we haven't had the word suicide or the concept for very long in our community, he said it has been only about 300 years.

So I continue with his words:

> Western and traditional Dene Indigenous knowledge are two different perspectives on how we see the world, on how we see each other, on how we see dying and how we see suicides.
>
> I should have been asked right from the beginning. You should have had Indigenous people sitting down with government people and designing this legislation.
>
> Our history is long. Our history is what guides us, but more so our language. Our language is descriptive. If there is not a word in our language, then it has never been part of our history.

So these words "suicide" and "medical assistance in dying," if we concur with this message, I'm trying to envision what happens to the Dene people and other people of the Indigenous communities that have to grapple with this new reality, this regime that will be available to those who are eligible. We say two years for this to be prepared, but I'm trying to imagine, how do we make room? Do we force a system into an incredibly rich and ancient community and culture such as the Dene people? This concerns me gravely.

The Indigenous elders and others, and our senators in this chamber, have called upon us to respect the right to determine how health services are delivered in Indigenous communities, not to undo decades of work to combat the crisis of suicide in their communities by creating an environment that promotes suicide as a solution to mental illness.

Dr. Neil Hilliard, palliative care consultant and clinical associate professor at the Department of Medicine at the University of British Columbia, warns us that after Bill C-14 palliative care in British Columbia has worsened and access has been compromised, stating the following grave set of circumstances. He said the Fraser Health palliative care program:

> was dissolved and decentralized to become a regional network. Individual hospices which had resisted providing MAiD gradually acquiesced to Fraser Health's demand. The Langley Hospice Society executive director resigned. A new 15 bed hospice in Langley that had been scheduled to open in 2019 has still not been completed. Delta Hospice Society has been the last hold-out and now faces losing Irene Thomas Hospice when Fraser Health will not renew their contract when it expires February 25, 2021.

So I know that palliative care is essential and what concerns me about concurring with this message is that we didn't do the five-year review, where we were supposed to review palliative care, so we're not ready as a country to concur yet. I don't know what that would mean, but it would require the government to think of a more reasonable solution than to enforce this timeline on us, when as a nation, we are not ready.

In a CBC article, Dr. Mark Sinyor, a psychiatrist and associate professor of psychiatry at the University of Toronto recently wrote:

> As a scientist, I have to be open to the possibility that all of the claims advanced by MAID advocates are accurate. But enacting law, one which literally governs life or death decisions, based on a possibility isn't good enough.

He continued:

> In other areas of medicine, thoughtful scientists typically devote whole careers to meticulously studying benefits and harms of treatments before rolling them out.

In the case of MAID, the regime was designed for a narrow group of eligible Canadians whose death is naturally foreseeable. It is only five years old. We have not done the review to know what the way forward is before we expand it. Yet that is what we will be doing if we concur with this message.

I respect all those who are assessing and providing medical assistance in death, but based on the testimony that we heard, these MAID experts are still learning. They are in the process of learning more and improving, so potentially have, within two years, an expansion of MAID, which will require maybe even a different system, not adjustments to every aspect of the system we have in place. When we first created the new medical assistance in dying regime, it was for a very narrow group of people.

• (1520)

One of the experts who advised us was Dr. Raphael Cohen-Almagor, Chair in Politics at the University of Hull in the U.K. He has studied MAID in nine jurisdictions. He said we should be very careful in how we expand it, and that if we are going to expand MAID, we have to ensure that what was originally designed is directly transportable and applicable. And if we do not add the right kinds of safeguards and just simply expand without building the capacity and making all of the different

exceptions that we need to, then we are putting people in harm's way. His testimony was also very compelling and continues to resonate.

As we know, if we were to concur with this message, in just two years, MAID will be eligible for those suffering from mental illness as a sole underlying condition.

I would argue today, senators — we witnessed yesterday's sitting where we had technical difficulties. Senator Bernard had to start a third time on her statement. We know that it takes so many individuals and so much time to just get through our Order Paper. I think there are 200 staff behind the scenes. We thank them for their incredible work.

I'm trying to envision a two-year window to potentially expand MAID to those suffering from mental illness as a sole underlying condition. In this COVID pandemic reality, where everything is delayed and there are gaps in all of the systems, two years is not enough time, senators.

The Canadian Mental Health Association, in a statement released after the government's response, said:

> . . . until the health care system adequately responds to the mental health needs of Canadians, assisted dying should not be an option — not now and not two years from now.

Canadian Mental Health Association CEO Margaret Eaton was clear: "We have to cure our ailing mental health system in Canada before we even begin to consider mental illness incurable."

Dr. Lemmens illustrated the case clearly in his brief to the House of Commons:

> Adequate home care or supported living, preferred by most people with disabilities and safer in a pandemic context, are not or are insufficiently available in several provinces.
>
> The median wait time for access to specialized pain clinics was around 5.5 months in 2017-18, with some persons waiting up to four years, making it faster to obtain MAiD than to receive pain treatment.

I am reminded of my own father's experience in palliative care. It was his birthday yesterday. He passed away in 2008; it would have been his eighty-ninth birthday. I recall the incredible care he had at a palliative care facility, how stoically he went into that good night, to his final breath, and how important it is as an option. Yet we haven't done the review to understand what access there is. We know for a fact that, in many provinces, it is an issue.

The Hon. the Speaker pro tempore: Senator Martin, I'm afraid your time has expired. Do you wish to request five additional minutes?

Senator Martin: I will not. Thank you, Your Honour.

[*Translation*]

Hon. Renée Dupuis: Honourable senators, the House of Commons has come back with its response to the amendments adopted by the Senate with respect to certain elements of Bill C-7 on assistance in dying. The message we just received details the response, which received the majority of votes in the House of Commons last week. I remind senators that Bill C-7 is a government bill and not a Senate bill.

We know that the deadline for the most recent extension granted by the Quebec Superior Court to the federal government is March 26, which is next week. The court made it clear that this fourth extension is the last one it intends to grant so the government can pass its legislation. In the event that the bill is not passed by the March 26 deadline, the 2019 Quebec Superior Court decision in *Truchon* will come into full force and effect only in Quebec. This ruling struck down the Criminal Code requirement that death must be reasonably foreseeable for those requesting assistance in dying.

I think it is important to reiterate that the Senate adopted amendments as part of its responsibility as one of the federal Parliament's two legislative chambers. As members of this legislative chamber, which was created under the Canadian Constitution, we senators have a responsibility to carefully examine the bills that are passed by the House of Commons. That is exactly what we did, since we have a duty to do so for every bill.

In order to accomplish that work, we had the support of many individuals, groups and organizations, to whom we are very grateful. The amendments made by the Senate were analyzed by the government, which chose to accept some, reject some and amend others. The majority of members in the House of Commons voted in favour of the government amendments.

In exercising our responsibility as legislators, we heard from many witnesses. The amendments that we adopted were a direct result of their testimony. What is unique about Bill C-7 is that it deals with end-of-life issues, issues affecting the end of our lives and the lives of those who are close to us, our family and friends.

We recognize that these are emotionally charged issues for us, for the witnesses who testified and for the people who have been contacting us by other means for the past several months. On top of that, we have been discussing these fundamental issues in the middle of a year-long pandemic, and this has exacerbated our stress, anxiety, pain and fear of death. The whole debate surrounding assistance in dying has become even more complex under the circumstances of the COVID-19 pandemic.

Some will think that the message we received goes too far, while others will think that this version of Bill C-7, as amended, does not go far enough.

Colleagues, autonomy is a fundamental human right for people who are suffering intolerably, whether or not they are living with a disability, and that right must be respected and protected. Preserving an individual's right to autonomy also means respecting and protecting the right of people with disabilities to live with dignity and equality.

We heard from witnesses who said that the right to equality is not reflected in their daily lives, even though such discrimination is prohibited under the Constitution Act and the Canadian Charter. Subsection 15(2) of the Canadian Charter of Rights and Freedoms provides for the adoption of:

> . . . any . . . program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of . . . mental or physical disability.

This constitutional right to a dignified life for a person with a disability is not incompatible with the right to have access to assistance in dying when the person believes that their suffering has become intolerable, as established in *Truchon*.

The message we received from the House of Commons doesn't go as far as what a vast majority of the public clearly expressed, that is the possibility of clearly indicating in advance directives that they want to have access to assistance in dying before the decline of their cognitive abilities.

Several witnesses deplored the fact that the government chose not to begin the parliamentary review required by the legislation passed in 2016, which was to begin last June. The message that we just received provides for the creation of a joint committee to examine, among other things, the issue of advance directives, within 30 days of the bill receiving Royal Assent.

A parliamentary review included in legislation is binding on governments, no matter which one is in power. We had to remind the current government of that with an amendment to Bill C-7.

In my opinion, it is now our responsibility to help create the joint committee right away so that we can continue this crucial conversation about advance directives and other equally important issues.

Esteemed colleagues, we have a lot of work ahead of us, including work on the interaction between federal jurisdiction over criminal law and provincial jurisdiction in the areas of health and legal capacity to consent.

I don't think it's worthwhile to insist on the Senate's amendments to the bill. Not accepting the message we received could result in an impasse and failure to meet the March 26 deadline. That would mean denying MAID to anyone living outside Quebec whose suffering is intolerable but whose death is not foreseeable.

• (1530)

The right to MAID, which is now recognized in Canada, is the result of numerous legal proceedings initiated by Canadians whose suffering was intolerable, with the explicit objective of asserting that right. Let's also remember those who had submitted a formal request for MAID and were ultimately denied access because their cognitive abilities were deemed to be impaired to the point that they could not give valid consent.

It is with all these people in mind that I've reached the conclusion that it's up to the Senate to confirm the recognition and protection of this right by accepting the message we have just received from the other place, even though the bill does not include all the elements we would have liked to see in it. I think it's crucial that we continue to uphold our responsibility. Thank you.

[*English*]

Hon. Tony Dean: Honourable senators, I support the government's message, which is responsive to Senator Kutcher's amendment on mental health, albeit with a longer 24-month phase-in period. The longer timeline continues the government's cautious approach in responding to the Supreme Court's landmark 2015 decision.

I'm also, of course, delighted to see Senator Jaffer's proposal on expanded data collection in the message.

I'm comfortable with the government's proposal to establish an independent expert committee to consider protocols and safeguards associated with mental health applications. I'm also glad to see that the committee will focus on finding a balance between constitutional rights and associated safeguards that the Supreme Court talked about in 2015.

This has been one of the central themes in our debates in the past weeks. In this respect, I'm pleased that this independent committee will be focusing on how and not whether.

The Supreme Court ruled in 2015 that the criminal law must permit some form of physician-assisted dying, and it held that the task of crafting an appropriate response was one for Parliament.

The court stated that there was a need for "a carefully-designed system imposing stringent limits" to protect vulnerable individuals, and that such complex regulatory regimes are better crafted by Parliament than the courts. That's what we've been doing here.

It recognized Parliament's difficult task of balancing the competing interests of those who would seek access to physician-assisted dying and of those who may be put at risk by its legalization.

Colleagues, we've been finding out just how difficult that task is.

Having spoken with psychiatrists who are also MAID assessors and who have been working for some time on the sort of protocols that would be necessary for mental health assessments, I was already content that a very strict and cautious approach would be taken in assessing mental health applicants for MAID, which, of course, would be in addition to the requirement to meet the test of a grievous and irremediable medical condition or a serious and incurable illness, disease or a disability and enduring physical or psychological suffering that is intolerable to them. Having these matters considered by an independent expert committee will add further due diligence in finding the right balance between rights and safeguards.

Colleagues, psychiatrists with expertise in medical ethics who have experience with MAID assessments have already suggested that as the profession eases into this, mental health assessments would lean toward long-term or even lifelong suffering alongside the other tough criteria in the MAID regime. This could result in a small number of applications being approved annually, and that is, perhaps, as it should be.

I also join with other senators here in applauding the government's acceptance of the proposal for a joint parliamentary review of the Criminal Code as it relates to MAID, which will also consider mental illness together with the issue of mature minors, advance requests, the state of palliative care in Canada and protections for people with disabilities.

Colleagues, this parliamentary committee, like the independent expert committee, will focus, among other things, on the appropriate safeguards that should accompany access to MAID.

In this respect, the proposed committee is as responsive to concerns raised by representatives of the disability community as it is by advocates for the sort of advance requests proposed by Senator Wallin in her amendment, which is, unfortunately, absent from the message.

I commend Minister Lametti and his office and officials for their openness to hearing our best advice. I thank the bill's sponsor again, Senator Petitclerc, and its critic, Senator Carignan, both of whom spoke forcefully on this legislation. As well, we saw Senator Jaffer's superb job in chairing the Legal and Constitutional Affairs Committee's careful review of the bill with the help of scores of witnesses representing every possible viewpoint.

I'm grateful to these senators and to all senators who have contributed to our debates, especially those that were on their own assessment of the issues as opposed to along party and group lines.

Congratulations and thanks as well to Senator Kutcher, whose job was not easy in advancing what he truly believed in, but he stayed the course. We have all to some extent been rewarded for that as would those people who would seek, from their mental health perspective, to make applications for MAID.

Honourable colleagues, we fulfilled our responsibilities to uphold the Constitution as well as considering the safeguards which are sometimes required alongside important rights. We've done this in a deliberate, planned and timetabled fashion, with organized debates that have made our discussions accessible to Canadians, just as some of you did in considering Bill C-14 in 2015 and cannabis reform in 2017 and 2018.

We need more of this planning and organization if we're going to meet the expectations of Canadians. Participating in these organized debates has been a privilege, but this privilege could and should be a daily one and a daily practice, so let's learn from this.

Colleagues, I support the message. It is reasonable and it reflects important amendments from the Senate, which will enhance the efforts in finding the right balance between important rights and necessary safeguards. Thank you.

Hon. Stan Kutcher: It is with thoughtful consideration of the bill now before us and respect for the role of this chamber in its mandate as a body complementary to the House of Commons that I rise to speak to the message received from the other place regarding Bill C-7.

I'm registering my intent to vote in favour of this version of Bill C-7 not because I think it's the optimal bill possible but because I think it is, in some respects, better than it was, and that this version reflects the value of sober second thought provided by this chamber and the constructive interplay between our two parliamentary bodies.

It is also my opinion that this version of Bill C-7 does not adequately acknowledge the need for advance requests as per the amendment proposed by Senator Wallin. I hope the joint committee, now identified in the bill as a result of amendments put forward by Senator Tannas and Senator Boniface, will address the issue of advance requests when it begins its work.

Bill C-7 has engendered substantial debate in both the House and our chamber, which is to be expected, as it exemplifies an evolution in social mores that is occurring in Canadian society. This debate has reflected at times the conflicts that arise when values held by some groups or individuals come up against the legally mandated rights and privileges bestowed to all Canadians as they have been codified in the Canadian Charter of Rights and Freedoms.

• (1540)

Our society is changing in many ways, and these changes include different perspectives on how Canadians choose to direct their lives, with greater recognition of the primacy of individual autonomy over paternalistic directives. With regard to the end-of-life journey that each one of us will face, this social evolution signals that it is our choice as to how we will navigate that period.

Canadians are now increasingly recognizing that a competent person with a grievous and irremedial medical condition who is experiencing severe and intolerable suffering has end-of-life options. What the sufferer decides to do is their choice and not that of any other organization or person. Through Bill C-7, and Bill C-14 before it, we have moved the actualization of that choice from being a criminal act into the domain of a sanative

consideration — a medical intervention provided within the compassionate framework of a therapeutic, patient-centred approach.

This evolution is reflected in the history of court decisions — *Rodriguez*, 1993; *Carter*, 2015; *E.F.*, 2016; *Truchon*, 2019 — that have brought us to today. It is also reflected in a recent opinion poll conducted by Ipsos in February 2021. In that poll, commissioned by Dying with Dignity, a number of findings speak directly to the message that we have just received. In this survey of 3,500 Canadians, weighted to ensure that the sample composition reflected the overall population, and which results are accurate to within plus or minus 1.9 percentage points 19 times out of 20, they found that about two thirds of Canadians support removing the "reasonably foreseeable" requirement from the previously existing MAID law. Furthermore, about two thirds of Canadians support access to MAID for those whose sole condition is a mental illness, and about three quarters of Canadians support adding a waiver of final consent. It seems, while there is not total consensus, that a solid majority of Canadians support the work that the Senate and the other place have done with Bill C-7.

Social change never comes with total consensus or without vigorous debate. The uncertainty and distress that such movements cause have been demonstrated widely, including in the debates of this chamber. Yet, while it is important to recognize this reality and to do our very best to mitigate legitimate concerns, it is now time to consider how we deal with Bill C-7.

Before proceeding further, I would like to acknowledge the rights and legitimate needs of Indigenous peoples, those who live with a severe and persistent mental disorder or with a disability, to much better access to the best available care and much better social and economic support — such is what we all wish to see. However, the fact that these goals have not yet been achieved — and we must work hard to achieve them — this is no reason to deny the Charter rights of competent individuals who are experiencing intolerable suffering to decide to request MAID should they meet all legal criteria to do so.

I will focus the rest of my remarks primarily on the revisions made to the mental illness exemption clause. One of these changes was to extend the repeal period from 18 months to 24 months. My understanding of the purpose of this extension is to lengthen the runway, so that an additional component could be added and reasonably expected to have been completed by then. This additional piece is to create an independent review by an expert panel:

> . . . respecting recommended protocols, guidance and safeguards to apply to requests made for medical assistance in dying by persons who have a mental illness.

And that the report of this panel:

> . . . containing the experts' conclusions and recommendations must be provided to the Ministers no later than the first anniversary of the day on which this Act receives royal assent.

It is my understanding that this may be achieved within 24 months, but that 18 months would be too tight a timeline. I can accept this reasoning and support having a timeline to keep the government's focus on getting this work done. I would, however, like additional assurances that this expert review will continue regardless of whether Parliament is sitting or not so that, in the case of an election or other cause for prorogation, this work will be done in a timely manner.

It is essential that this panel focus on the "how" of assessment and provision of MAID to a competent person with a mental disorder should that person meet the legal criteria that have been established. Its role is not to continue discussions on Bill C-7 or Bill C-14. Those discussions, as I understand it, will be the focus of the joint committee review. My hope is that, in creating this panel, the government will fully avail itself of the best Canadian clinical expertise in MAID assessment and provision for persons with a mental disorder, and ensure that the breadth and depth of the pertinent issues are covered. The persons engaged in this important activity must be experts in the provision of MAID. They must have lived the clinical reality of MAID assessment and provision, and — so important — patients and families must be an integral part of this work.

During this time, the national educational initiative in MAID assessment and provision already initiated should be completed. It will result in an accredited educational program designed for both physicians and nurse practitioners that will allow for enhanced education and training in the assessment and provision of MAID. This will include clinical best practices in all aspects of this process as it relates to all persons who have a mental disorder and request MAID. This will apply if the mental disorder is the sole underlying medical condition for the MAID request or if the mental disorder is co-morbid with a physical disorder that is the condition for the MAID request.

This program, which will be accredited by the Royal College of Physicians and Surgeons and the College of Family Physicians of Canada will promote national standards of MAID assessment and provision. Canadians can be confident that these will be of the highest quality. This is because, as many of those in this chamber know, the educational standards for medical doctors and nurse practitioners used to guide education of these health care providers in Canada are amongst the highest, if not the highest, of any country in the world. I am hopeful that the independent review being initiated by the Government of Canada will avail itself of the insights and results arising from the work of this group.

The independent review will also be tasked with considering additional safeguards. I think this is a good idea. It would be wise to contemplate, however, what has already been done in this domain. For example, in the province of Quebec, there exists an oversight commission, Commission Soins Fin de Vie, which reviews the declarations of all MAID deaths in the province. By signalling problems in these completed declarations in real time, the CSFV's work enables the medical regulator, Collège des médecins du Québec, CMQ, to update its practice guidelines and its directives to members. There have also been two forums on the evolution of the Act Respecting End-of-Life Care in Quebec: one on advance directives, and one on MAID for mental illness.

These have brought together responsible parties and stakeholder groups with government and have been opportunities to solicit diverse views on what would constitute appropriate safeguards.

A number of witnesses who testified before the Senate committee or provided briefs also suggested some potential safeguards that would be useful to examine in more detail. These include those suggested by Dr. Jeff Kirby, a family physician and medical ethicist from Dalhousie University, and Dr. Chantal Perrot of Toronto, a family physician, psychotherapist and MAID provider.

Medical and nursing regulators, whose role is to act in the public's interest, should be involved in the independent review panel. All physicians and nurses are required to belong to their regulatory colleges and are bound by their directives. Canadian regulators, such as provincial and territorial colleges of physicians and surgeons, have been updating their MAID standards as situations in which MAID provision is delivered have changed.

For example, the College of Physicians and Surgeons of Nova Scotia, on March 27, 2020, put forward a temporary amendment to the college's MAID standard in response to COVID-19. This occurred within weeks of the World Health Organization declaring COVID-19 a pandemic. In Quebec, the CMQ, in collaboration with regulators of nurses, pharmacists, psychologists, social workers and the Quebec bar, has developed and regularly updates a comprehensive MAID practice guide. These examples illustrate how attuned medical regulators are to changes in the environment, the law and emerging clinical directions that may impact assessment and delivery of MAID. As Bill C-7 comes into force, regulators across Canada will need to continue to play an important role in the establishment of practice standards for MAID provision.

The two-year period will also provide for the development and establishment of the kind of robust database that needs to be available to allow us to better understand the scope, nature and nuances of how MAID is requested, assessed and delivered in Canada. Senator Jaffer's amendment was a big step in this direction. However, the database must house additional components, including but not limited to those suggested by Senator Dasko in her speech on March 15 in this chamber. An extensive database is needed for us to be able to evaluate the impact of MAID. This database must be comprehensive, sensitive to the needs of all Canadians and established in such a way as to ensure that independent researchers will be able to freely access these data to conduct their own analyses.

• (1550)

A robust and transparent dataset, open to legitimate independent researchers, can help identify areas for improvement, support policy correction and provide myth-busting on an ongoing basis.

Honourable senators, let me, in closing, come full circle to the considerations that I began this intervention with. Perhaps we can reflect on them as we move ahead to fully and respectfully continue to engage with the upcoming parliamentary review of this legislation. Key to this work will be the application of compassion and respect for those who are suffering intolerably. Compassion has been considered to be composed of a number of elements: recognizing suffering, understanding the universality of suffering, feeling moved by suffering and connecting with the person who is suffering, tolerating our own uncomfortable feelings in the face of that suffering and acting or being motivated to act to alleviate suffering.

Compassion for and respect of others cannot be driven by a perspective that subordinates the choice made by a competent person, no matter what we or others may think that choice should be. It is not for us to decide if a person's suffering is intolerable to them.

As a medical student, I had the privilege to interact with Dr. Ronald Bayne, who was one of Canada's first specialists in geriatric medicine, a compassionate person who could recognize the successes and limitations of medical care. He recently chose MAID as his end-of-life journey. He understood the social changes now occurring and how our compassion for a person who is suffering intolerably and our acceptance of their personal choice are part of that evolution. In his wisdom, he had this to say to those who thought that they, and not he, should be making decisions about his end-of-life journey:

> Who are [opponents of MAID] to intervene and tell somebody else, 'No, you can't end your life. You've got to suffer more. . . .

There is much for us to ponder there.

Colleagues, please join with me to vote in support of Bill C-7. Thank you. *Meegwetch*.

Some Hon. Senators: Hear, hear.

Hon. Donald Neil Plett (Leader of the Opposition): Honourable senators, I also rise today with tremendous sadness to speak to the government's message on Bill C-7.

Before I go into my comments, I also would like to thank, first and foremost, the Legal Committee. They did a tremendous job of bringing in 130-some witnesses, and I thank the committee for that. I thank the chair of the committee, Senator Jaffer. I was able to be in on a number of the meetings, and Senator Jaffer had a difficult job keeping everything going and under control. I commend her for the good and impartial job she did of running the committee.

I thank the rest of the committee — committee members that were not on the same side of the issue as I was. However, I thank them for the work they did at committee. That is the great thing about this Parliament — the democratic process that we have — in that we do not need to agree with each other, but I believe we need to respect each other and each other's opinions.

I want to thank my own caucus colleagues: Senator Carignan, the critic of the bill — I thank him for his work. I certainly want to thank the deputy chair, Senator Batters, for the tremendous job she did on the committee, as well as Senator Boisvenu. Then, of course, I'd like to thank those of our colleagues that subbed in occasionally. Thank you, each and every one of you.

I also, as Senator Martin did, want to thank the witnesses — witnesses who put themselves out — vulnerable — who opened themselves up. It's tremendous to see that. We thank you for that, and for those of you who wanted something else than what we're getting, I can only say that we will continue to fight; we will continue to fight for you, the vulnerable.

I want to thank all senators here. I actually believe that this bill showed that this is not a partisan issue. Quite frankly, I was saddened by Senator Dean's comments about thanking those who independently voted as opposed to who voted along caucus lines. I'm not sure to whom he was referring. If he would check the records, he would see that, in fact, my good friend Senator Carignan, who was the leader of this caucus before Senator Smith, who was a leader directly before me — both Senator Smith and Senator Carignan, who were my leaders, voted differently on many of the votes that we had on this legislation.

So I'm not sure who is partisan — when Conservatives decide to vote together along with some other people, that it becomes a partisan issue. That is sad, colleagues. This legislation — any legislation before us — should not pull us apart and create partisan shots. This is not the legislation to do that with.

So please, colleagues, I have respect for each of you who will vote for the message later on today. I may not agree with you; I may even be angry at you, but that also is my right. I still respect your right to vote the way you do, and I fully hope you will respect my right to vote against this legislation and do everything I can to improve upon something I believe is not good.

Colleagues, with that, let me go into my comments here.

While the most troubling amendment that we are considering today originated in this chamber, I do want to say a few words about the process. We have heard that this amendment process represents Parliament at its best, and it has been a respectful process to date, so we should accept this message from the government. I respectfully disagree with that comment.

At the outset, Parliament was forced to begin consideration of a radical assisted suicide expansion proposal before beginning the mandatory parliamentary review of our current system. The five-year review was enshrined in the original legislation because we recognized the gravity of this paradigm shift. We all understood that any further expansion would have to take place after a careful, deliberate review of our current system.

This was not an optional review; this was mandatory.

We were then told that we are in this urgent situation because of a lower court ruling and an impending deadline. That is, of course, not the case. We are in this situation because of the personal agenda of the Justice Minister and the Trudeau government. And now, here we are, about to pass a piece of legislation that goes so far beyond the *Truchon* decision that any suggestion that this was ever intended to be a response to that ruling is absurd.

The government made an unprecedented decision to not appeal the *Truchon* decision made by one individual to the Supreme Court of Canada. As a result, we have been blindly making sweeping policy decisions based upon what some speculate they might say.

With an overhaul of this magnitude, it would have served us well to have some clarity on how to legislate going forward.

The government has also gotten in its own way repeatedly on meeting each extended deadline while blaming everybody else. The bill was first introduced over a year ago, a week after the government had already asked the superior court for its first extension. Then, instead of introducing a bill to simply respond to the ruling, the government introduced something far more radical and expansive, which would clearly require more time and scrutiny by Parliament.

• (1600)

Further extensions were requested, one due to the onset of the COVID-19 pandemic, which clearly limited Parliament's ability to review and move the bill forward. Then the Prime Minister prorogued Parliament to avoid scrutiny of the WE scandal, which caused another missed deadline.

After the Senate's cooperation, including an extensive pre-study, the government insulted the parliamentary process by insisting that we "put our shoulders to the wheel" and rush the bill through to meet yet another extended deadline.

After this latest extension request, the government decided to pre-emptively shut down debate at the suggestion, of the Bloc Québécois, a party that does not believe the Senate should even exist, yet is happy to take the Senate's suggestion on an issue they did not study in the House of Commons. The government, in collaboration with the Bloc, shut down debate on a brand-new, significant proposal that received no scrutiny in their chamber.

The House of Commons Justice Committee called no witnesses to weigh in on the topic of MAID for mental illness because it was not part of the bill. Then, after receiving the Senate's message, the government allowed for mere days — mere hours — of consideration before invoking a closure motion, putting an immediate halt to further questions, further study and dissenting opinions, and charged forward anyway. This was clearly done because the pressure was ramping up.

Outrage from mental health advocates, psychiatrists, professional associations and Canadians across the country was resounding. Word was getting out. The government needed this to be over quickly. Rather than give the House of Commons an opportunity to consider something as profound as offering assisted suicide to Canadians suffering solely from a mental illness, they put an end to the discussion. The contempt for Parliament this government has demonstrated with their handling of this life-and-death bill should concern all Canadians.

On Monday, Senator Gold said that the government had demonstrated an openness to considering any constructive amendments that were consistent with the objectives of the bill. But, Senator Gold, we have been told that the objective of the bill was to respond to the *Truchon* decision. The accepted amendments clearly did not reflect that. So what are the objectives of this legislation?

The government leader and the sponsor had prepared speeches in opposition to amendments that simply preserved existing safeguards before hearing supporting arguments and then voted against them. Yet, on a pillar of this legislation — the crucial exclusion defended by the government for several months — all three government senators and the sponsor of this bill pivoted from their second reading position and suddenly had no opinion and abstained.

Are we to believe that this was a coincidence and that the government was truly open to any reasonable amendment? Are we to believe that the government carefully considered our message after they received it, assessed its compliance with the *Truchon* decision and then made their final decision? Of course not.

They knew which amendments they would accept and reject long before the vote in this chamber. That became abundantly clear after the abstentions on the sunset clause amendment — an exclusion that both the sponsor and the government leader passionately defended in their second reading speeches.

Let's be clear. The objective from the outset has not been to respond to the *Truchon* decision. The objective has been to bring the legislation in alignment with Minister Lametti's and the government's personal views on this matter.

This is an amendment, colleagues, that I suspect was drafted in Minister Lametti's office. If this is Parliament at its best, I would hate to see Parliament at its worst. What is most concerning is the policy Canadians will be left with as a result.

Honourable senators, like many across the country, I am heartbroken. For the life of me, I cannot understand why we would move at this rapid pace with a clear absence of evidence and such dire consequences.

There are a wide range of views on this matter. While I have tremendous difficulty understanding the rationale behind including mental illness in this regime, I truly, would like to believe this perspective is born out of compassion.

However, the key to this discussion is that our entire MAID system in Canada, as stipulated by the Supreme Court of Canada, is founded upon the notion that only those suffering from conditions that are grievous and irremediable can qualify for assisted suicide. As psychiatrist Dr. Sonu Gaind, the former president of the Canadian Psychiatric Association said recently, ". . . it remains currently impossible to predict whether mental illness is irremediable." "On this question, there is no legitimate debate."

The Centre for Addiction and Mental Health has also concluded there is simply not enough evidence available in the mental health field to ascertain whether a particular individual has an irremediable mental illness.

The Canadian Mental Health Association echoed the concerns of the psychiatry associations and stated that Canada must continue to exclude mental illness as a sole underlying cause for medical assistance in dying.

Margaret Eaton, the CEO of CMHA, in her plea to Parliament, stated:

> We have to cure our ailing mental health system in Canada before we even begin to consider mental illness incurable.

After 15 months of studying global evidence, the Council of Canadian Academies came to the same conclusion, as did the expert advisory group on MAID. Both the American Psychiatric Association and the Royal Australian and New Zealand College of Psychiatrists have also concluded that there is no evidence to support providing MAID solely for mental illness.

Minister Lametti himself said at the House Justice Committee, and again at our own Legal Committee, that there is no consensus in the mental health and psychiatric community that could justify moving forward with extending MAID access to those suffering from mental illness at this time. Then just last week, Minister Lametti said in the House of Commons that there is a large consensus to include mental illness in this regime. I'm assuming he read the same report that Senator Kutcher read.

There has either been a sudden, drastic shift in the views of Canada's psychiatric community coinciding with the government's changing policy objective, or the minister is willfully misleading Parliament. The minister cannot answer any questions about his sudden change of heart, but rather suggested that because this will not be in effect tomorrow — that this would take place in two years — that somehow demonstrates an exercise of caution.

This amendment — and Senator Batters pointed this out clearly the other day again — does not give Parliament two years to study whether mental illness should be included. Rather, it makes the dangerous assumption that the evidence will somehow present itself and retroactively justify this leap. As psychiatrist Dr. Mark Sinyor stated:

> In other areas of medicine, thoughtful scientists typically devote whole careers —

— Senator Martin said this earlier —

> — to meticulously studying benefits and harms of treatments before rolling them out. Here, that proven approach has inexplicably been replaced with hand-waving and moralizing.

• (1610)

The sunset clause is being sold as a way to allow time to develop standards or safeguards, but this notion has been discredited by the psychiatry community, as it ignores the only true safeguard that we have.

Dr. Gaind noted:

> Those who advocate expanding access to MAID propose mitigating this reality with "safeguards." This ignores the fact that irremediability is itself the primary safeguard built into the MAID framework, and bypassing it renders all other supposed "safeguards" meaningless.

He continued:

> Because we cannot predict irremediability, there is 100 per cent certainty that MAID will be provided to some people who could recover — there is no safeguard against that.

Honourable senators, there is no comfort to be gained from a 24-month delay, as the consequences have already begun. We have all received emails from psychiatrists telling us of their patients who have indicated their intention to stop treatment because MAID access is imminent; patients who were making slow, yet steady progress.

The sunset clause is nothing more than an attempt to soften the blow of horribly premature and ill-conceived policy. The question I have is: Why now? There is not a single person in this chamber who can stand up and tell us that we have any degree of professional consensus. If some major swing happens in two years, where we suddenly find that we have a kind of general consensus in the field of psychiatry, as well as some insight as to a shift in the views of Canadians, then there is nothing that would prevent the government of the day from considering this expansion.

But it cannot be argued that we are anywhere close to that today. With the lack of evidence, the lack of consensus, and the enormous risk this amendment takes, this is objectively a terrible policy decision.

So again I ask: Why now? What could possibly be the rationale? Constitutionality? The judge in the *Truchon* decision made no such assertion. We have no idea what the Supreme Court of Canada would say, because the government's failure to appeal deprived Parliament of that insight.

We had legal experts testifying on both sides of this argument at committee, some who strongly maintained that the exclusion of mental illness was necessary, and entirely constitutional as it would be saved by section 1 of the Charter. We cannot even begin to suggest we have a legal consensus that excluding mental illness would be unconstitutional.

Senator Gold made an impassioned second reading speech, with a well-reasoned case for keeping the mental illness exclusion intact, making strong arguments as to the constitutionality of such an exclusion. And now that the policy objective has changed, so has the accompanying constitutional analysis.

Colleagues, I sincerely hope we are not placing too much importance on fleeting constitutional alarms, especially given that we have no direction from the Supreme Court of Canada on this point.

And regardless, as Senator MacDonald rightly pointed out in this chamber in his third reading speech, constitutional arguments are not relevant to our decision-making process. He said:

> Senators are not litigators. The Senate is not a court of law. We do not adjudicate; we legislate. We can have a constitutional opinion on anything we like, but we shouldn't presume to declare how the court will probably rule. This work is best left — indeed, must be left — to the court itself.

So please, colleagues, let us make the right policy decision with the information and evidence that is available, as the wrong decision can and will have terrible consequences.

When it comes to mental illness, we need to offer hope to those who have lost all hope. If that is not our first priority, we have failed. We need to focus on investments in research, in improved access to mental health treatment, in suicide prevention. Instead, this amendment offers assisted suicide to those who may be in the darkest days of their lives and who could very well come out of it.

Many of us have seen the viral video that was circulated since the Senate first passed the sunset clause amendment entitled "Tell Me To Stay," in which a young woman who has attempted suicide seven times makes a plea with Parliament not to allow doctors to end the lives of people like her. As she says, "I'm the future version of myself who survived to tell you this." She said that some people living with mental illness will thank you for making this possible, and that is the problem. She stated:

> Had someone been willing to assist in my suicide during one of those lows, I know the life I lived would not have happened.

She said that while she was fighting those internal battles. She did not need someone willing to assist in her death; she needed someone to be her advocate and to fight for her.

Mental illness, colleagues, affects people of all ages, education, income level and cultures. We need to remind ourselves that the lives of people at stake here are our neighbours, our friends and our family members.

I recently heard from a person who has suffered from depression and anxiety for decades and has had varying success with treatments, yet has been doing well for quite some time. She said she was baffled and heartbroken that we would even be considering this at a time when we are finally, colleagues, on the cusp of a major societal shift — a shift which normalizes therapy, reduces stigma, and prioritizes access to mental health supports. As someone who has been silent and ashamed of her illness for decades, she can now feel the transformation happening. We are almost there, she noted, and the impact of this change on people like her could be profound. And now, before we get there, we are taking a giant leap backwards; a leap that could end lives like hers, in the name of autonomy.

We have all received correspondence from Canadians who have suffered from mental illness, who state unreservedly that had assisted suicide been available to them at their lowest points, they would no longer be here today. If we would have offered them a surefire way to end their suffering, they would not have bothered attempting suicide themselves with less certain means. Often, sadly, these unsuccessful suicide attempts are the first step toward treatment, toward healing and toward building a future.

We can look to Malcolm Gladwell's research on coupling to understand this better. The work of Gladwell and others on this topic confirm, quite conclusively, that it is not simply the suicidal ideation of an individual with mental illness that results in their death. Rather, it is the suicidal ideation coupled with a particular circumstance.

For example, in 1963, poet Sylvia Plath, who had long suffered from depression, turned on the gas on her kitchen stove in England, placed her head inside the oven and took her own life. In the years after the First World War, many British homes began to use "town gas" to power their stoves and water heaters. This gas contained a variety of different compounds, including the odourless and deadly carbon monoxide. This gave individuals in Britain a simple means of dying by suicide in their own homes, and they used it. In the same year that Sylvia Plath ended her life, 5,588 people in England and Wales also died by suicide. Of those, 2,469 — or 44.2% — did so in the exact same manner as Plath. No other method came close.

• (1620)

In that same period, the British gas industry underwent a transformation. Town gas was increasingly expensive and dirty, so they converted to natural gas. By 1977, all town gas appliances were switched over to natural gas. The drop in gas suicides was significant: from 2,469 in 1962 to 0 in 1977. The assumption that many people make is that those who are so set on wanting to end their lives will simply switch to another method, that blocking one option will not make much difference. The reality is, after town gas was phased out, the overall suicide rate in England plummeted.

Similarly, Gladwell notes the Golden Gate Bridge in San Francisco has been the site of more than 1,500 suicides since it opened in 1937. No other place in the world has seen as many people take their lives in this short a period. When the City of San Francisco was deliberating whether to install a net or barrier to prevent people from jumping off the bridge, many believed this to be a wasted effort. After all, those who had decided to end their lives would surely find another point to jump from, or another method altogether. However, this proved not to be the case. Their decision to die by suicide was coupled to that particular bridge.

Psychologist Richard Seiden followed up with the 515 people who tried to jump between 1937 and 1971 but who had been unexpectedly restrained. Just 25 of those 515 people persisted in attempting suicide some other way. Overwhelmingly, the people who wanted to jump off the Golden Gate Bridge at a given moment wanted to jump off the Golden Gate Bridge only at that given moment.

In one national survey, three quarters of Americans predicted that when a barrier is finally put up on the Golden Gate Bridge, most of those who wanted to take their life on the bridge would simply take their life in some other way. But again, that assumption was wrong. Gladwell and others found that suicide is a behaviour coupled to a particular context. He concluded:

> It's the act of depressed people at a particular moment of extreme vulnerability, and in combination with a particular, readily available lethal means.

Colleagues, with this new proposal, we will be offering patients with mental illness the most readily available lethal means. We will be offering them a certain, fail-safe way to end their suffering and their lives, which, as the data demonstrate, will make it far more likely for them to go through with it. In passing this, we are not just providing the means, but we are sending a dangerous message — the message being: "We agree with you that in your darkest moments, your life must truly not be worth living, and we will even help you end it."

Honourable senators, we do not have to do this. We do not have to move forward with this amendment just because it originated in this house. The outpouring of concern from those who have suffered from mental illness and the psychiatric community has been profound. There are plenty of reasons for this chamber to have a change of heart and to pump the brakes.

If there was ever a time to exercise sober second thought, that time is now. It is not often that we can truly say that, with this vote, we have the opportunity to save lives and to prevent the unnecessary, premature deaths of the vulnerable and to offer hope to those who have lost it, but today, we do. Please, colleagues, let's not let the weight of today's vote be lost on us.

If you are adamant that in 24 months we will have all the answers and we will have enough of a professional consensus to move forward, then, by all means, it is your right to work towards that. New legislation will be required anyway to enact the new proposed safeguards and parameters. But there is absolutely no reason and no justification for proceeding with this now.

Why not permit the advisory panel to have true independence in their deliberations? If they determine that in two years' time it is safe to proceed with offering assisted suicide to those suffering with mental illness, Parliament can act accordingly. But why

would we limit their ability to study this matter and presuppose their conclusions when we know the psychiatry community remains so divided? The risk is simply too great.

As we bring this discussion to a close, I want to leave you with some powerful insights from Canadian psychiatrist Dr. John Maher. He wrote this letter last Friday, the day after the vote in the House of Commons, a letter that even caught the attention of *The Globe and Mail* today. I think it is important that his words be considered in their entirety. He writes:

> Several years ago I was on the promenade at Niagara Falls with my 3 young children. As we stood at the railing some 20 feet from the roaring cascade, with a cooling mist on our hot summer faces, a young man, maybe 18 years old, climbed over the low railing and walked out to a small rock promontory that jutted out immediately over the 150-foot drop onto the rocks and churning waters. The happy crowd of tourists seemed to magically come to a standstill as everyone looked at the young man and knew that a life stood in the literal balance. The young man looked down and never back. His clothing was dirty and he seemed like he was talking to himself. An existential conversation, or hearing voices, or both?
>
> I am a father. I turned my children away from what I feared was about to happen. They, all under 9, asked, "didn't that man know it was dangerous to get that close to the edge… it was wet and he might slip". They were scared for him. So was I.
>
> I am a psychiatrist. I wondered, what could I do? What should I do? He couldn't hear anyone over the thunder of the water. I weighed trying to grab him and pull him back, but knew I could go over with him. Would I risk dying to save him? What of my children that I was shielding and held close?
>
> The world stood still. Seven very long minutes. No one watching moved, and the dead still crowd had grown to hundreds watching from the safety of the low fence. A fence that any one of us at any moment could easily step over.
>
> I knew the suicide numbers for Canada. Of the 100% of people who attempt suicide, 23% try again, but only 7% complete suicide. That 7% is 4000 human beings each year. I knew that most suicidal thinking is ambivalent and transient and that people can be helped. Would this young man, with a whole life ahead of him, choose help?
>
> I am also an ethicist. Last night I watched the televised proceedings from the House of Commons as the Liberal government shut down debate on the MAID bill. As I listened to the combined pleas of the Conservatives, NDP, and Green Party (right joined with left in their common humanity) to not extend Medical Assistance in Dying to people with mental illness I thought of Niagara Falls.
>
> The image that came to mind was the young man on the edge of life with two groups standing to either side of him. On one side, stood a Liberal MP and a Bloc Quebecois MP saying to the young man that they respect his autonomous right to choose death, and that if he has been suffering a lot and has a mental illness, that is good enough for them, and they will get a doctor who can push him over the edge. On the other side stood a Conservative MP, an NDP MP, and a Green MP. They told the young man that he mattered, that despite what he might be feeling right now, there was hope. They said they would try to help. They would try to get him some money so he wasn't living in poverty. They would try to get mental health care for him, even though it was hard to find and there are long wait lists. They would try to get people to stop making fun of him because of his mental illness. And in that moment, they held the doctor back, who was all too ready to give a hefty push in the name of autonomy.
>
> What happened that day? He turned back from the edge in a daze, in his own world. He climbed the railing. Strangers spontaneously hugged him. Some cried. He was genuinely surprised by the attention and seemed pulled into the sudden awareness that he was not alone. Several people walked away with him, fearing leaving him alone when he was fighting despair. I want to believe that he got help and is living a good life. He was a stranger, but his life mattered. Which side of him would you stand on?

• (1630)

Colleagues, which side will we stand on? Thank you.

Some Hon. Senators: Hear, hear.

The Hon. the Speaker: Senator Plett, there are a couple of senators who would like to ask questions. Would you take some questions?

Senator Plett: Your Honour, I think I will let my speech stand for itself, and I'm ready for the question to be called on this bill. Thank you.

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

Hon. Senators: Question.

The Hon. the Speaker: Any senator opposed to the motion will please say "no."

Some Hon. Senators: No.

The Hon. the Speaker: Those in favour of the motion who are in the Senate Chamber will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed to the motion who are in the Senate Chamber will please say "nay."

Some Hon. Senators: Nay.

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

And two honourable senators having risen:

The Hon. the Speaker: Do we have agreement on a bell?

Senator Plett: One hour.

The Hon. the Speaker: The vote will take place at 5:32. Call in the senators.

• (1730)

The Hon. the Speaker: Honourable senators, the question is as follows: It was moved by the Honourable Senator Gold, seconded by the Honourable Senator Boehm, that in relation to Bill C-7, An Act to amend the Criminal Code (medical assistance in dying) the Senate — may I dispense?

An Hon. Senator: No.

The Hon. the Speaker: That, in relation to Bill C-7, An Act to amend the Criminal Code (medical assistance in dying), the Senate:

(a) do not insist on its amendments 1(a)(i), 1(a)(iii), 1(b) and 1(c), with which the House of Commons has disagreed;

(b) agree to the amendments made by the House of Commons to Senate amendment 2;

(c) agree to the amendment made by the House of Commons in consequence of Senate amendments 1(a)(ii) and 3; and

(d) agree to the amendments made by the House of Commons to Senate amendment 3; and

That a message be sent to the House of Commons to acquaint that house accordingly.

Motion agreed to on the following division:

YEAS
THE HONOURABLE SENATORS

Bellemare
Bernard
Black (*Alberta*)
Black (*Ontario*)
Boehm
Boniface
Bovey
Boyer
Brazeau
Busson
Campbell
Christmas
Cordy
Cormier
Cotter
Coyle
Dagenais
Dalphond
Dasko
Dawson
Deacon (*Nova Scotia*)
Deacon (*Ontario*)
Dean
Downe
Duncan
Dupuis
Forest
Forest-Niesing
Francis
Furey
Gagné
Galvez
Gold
Greene
Griffin
Harder
Hartling
Jaffer
Keating
Klyne
Kutcher
LaBoucane-Benson
Lankin
Loffreda
Marwah
Massicotte
Mégie
Moncion
Moodie
Munson
Omidvar
Petitclerc
Ravalia
Ringuette
Saint-Germain
Simons
Tannas
Wetston
White
Woo—60

NAYS
THE HONOURABLE SENATORS

Anderson
Ataullahjan
Batters
Boisvenu
Carignan
Frum
Housakos
MacDonald
Manning
Marshall
Martin
McCallum
McPhedran
Mercer
Mockler
Ngo
Oh
Patterson
Plett
Poirier
Richards
Seidman
Smith
Stewart Olsen
Wells—25

ABSTENTIONS
THE HONOURABLE SENATORS

Duffy
Miville-Dechêne
Pate
Verner
Wallin—5

• (1740)

Hon. Pamela Wallin: Honourable senators, the reason for my formal abstention is, despite the fact that this bill offers some improvements, it is fundamentally flawed and discriminatory in that it rejects the Senate's clear call to allow for advance requests for all.

The Hon. the Speaker: Honourable senators, I notice there are a number of senators who want to explain their abstentions. I would like to point out that the time for explaining why you abstain is during debate on the matter. This time, and this time alone, I will allow for very brief interventions.

Hon. Kim Pate: Honourable senators, I'm abstaining because I believe that rights come with responsibilities and that it is irresponsible of the government, particularly at this moment and particularly in light of the shortcomings, inequities and discrimination in treatment and health service systems, to proceed with this legislation without first ensuring those supports are in place. Thank you.

The Hon. the Speaker: Honourable senators, I ask that the interventions at this stage be brief. Otherwise they should take place during debate.

[*Translation*]

Hon. Julie Miville-Dechêne: I'm inclined to defer to the will of the elected chamber, but in light of the cruel lack of psychiatric care and the absence of a consensus in the medical community, I still believe we should have been more cautious.

[*English*]

EMPLOYMENT INSURANCE ACT
CANADA RECOVERY BENEFITS ACT

THIRD READING

Hon. Patti LaBoucane-Benson moved third reading of Bill C-24, An Act to amend the Employment Insurance Act (additional regular benefits), the Canada Recovery Benefits Act (restriction on eligibility) and another Act in response to COVID-19.

She said: Honourable senators, I move that this bill be read a third time.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read third time and passed.)

• (1750)

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—DEBATE

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. Rosemary Moodie: Honourable senators, I rise today in response to the Speech from the Throne and in acknowledgement of Black History Month. Although the month of February has come and gone, it is never a bad time to celebrate the accomplishments of Black Canadians and to talk about how we continue to build on this success.

I would like to thank my colleagues Senators Bernard, Jaffer, Mégie and Ravalia for their tireless work on behalf of African-Canadians, including their advocacy within this chamber.

Speeches from the throne are important. They are opportunities to reflect on our country's history as we consider where we go next. Today, I wish to contribute to that reflection.

Like all of us in this chamber, I am proud of my community. As a proud Torontonian, and in acknowledgement of the city that I love and the people who make this city unique, I want to focus on the history, success and excellence of Black Canadians in my hometown.

Black Canadians have a deep and vibrant history in Toronto. From their earliest arrival, they are proud and productive members of the community. In his address at the Black History Conference at the University of Toronto in 1978, sociologist Daniel G. Hill gave an address entitled "Black History in Early Toronto."

He spoke about the early settlers, of the 50 families of refugees who first settled in Toronto in 1837. He talked about subsequent migration from southern states that added to the colony from time to time, up to 1850, when by this time, almost every southern state was represented in this colony and the majority being from Virginia.

We were told by Mr. Hill that these settlers brought with them skills and experience that they had gained from previous trades:

> Many of them had brought sufficient means with them to purchase homes. They built churches and organized benevolent and fraternal organizations. . . . not only secured homes of their own, but educated their children, and by loyalty to their adopted country and moral rectitude, they secured the respect and esteem of their fellow citizens . . .

In fact, Toronto was one of many final destinations of the Underground Railroad north of the border that existed from the mid-1830s until the 1860s, and much of what Daniel Hill described took place in this era. Black Torontonians, many of

them former slaves, operated businesses such as grocery stores, boutiques, shops, pharmacies, stables and even Toronto's first taxi company.

The GTA continued to be a centre for Black excellence in many areas of life and society. Many Black leaders, shining stars in the areas of law, policy and advocacy, came from this region. Mary Ann Shadd was one of these shining stars, an abolitionist, teacher, journalist and lawyer, who in 1853 became the first woman publisher in North America. She was born to free parents in the slave state of Delaware in 1823. In the fall of 1851, she attended the first North American Convention of Colored Freemen in Toronto, was later persuaded to take a teaching position near Windsor and opened an integrated school for Black refugees. In 1853, she began to publish *The Provincial Freeman*, a newspaper that promoted immigration to Canada by publishing the successes of Black persons living in freedom.

Fast forward 100 years to another shining star and a great Canadian; Lincoln Alexander, the first Black MP, minister and lieutenant governor in Canadian history. Lincoln was born in Toronto, and like many Black Torontonians, and myself, was a child of Caribbean immigrants. Despite his difficult childhood, Lincoln would reach to great heights. He served in factories during World War II and then attended McMaster, where he graduated with a BA in 1949. He then attended Osgoode Hall Law in 1953. The story goes that, while a student of Osgoode Hall and attending a lecture given by the dean of the school, Alexander stood and challenged the dean, who was then using derogatory terms to describe Black people. In his challenge, he demanded that the dean, as a leader in a position of authority, should be more thoughtful and respectful in the language he was using.

Later, he went on to start his own law firm and entered politics in 1965 when he ran for the Progressive Conservative Party and lost. Later, he won in 1968 and served for 12 years.

Famously, during Question Period in 1971, along with John Lundrigan from Newfoundland, he allegedly provoked then-Prime Minister Trudeau in what is now remembered as the "fuddle duddle" episode.

Honourable colleagues, it is hard to put into words what the feelings of being a Black person confronting racism every day is like. It is worse than simply losing opportunities. It is unpleasant and even dangerous in encounters. Racism is an attempt to degrade an individual's humanity. It puts their identity into question and seeks to take away their self-worth. It is exhausting, infuriating and can bring the strongest person to a place of total weakness.

When considering these giants of history, it is vital to remember that they were not exempt from racism. Their intelligence, charisma, wit, determination and eventual success was always secondary to the colour of their skin.

The accomplishments of Mary Ann Shadd, Lincoln Alexander, Oscar Peterson, Zanana Akande, William Peyton Hubbard, Jean Augustine and Willie O'Ree, among many other Black Canadians, are more than simple professional successes. They fought a daily battle to preserve their dignity and to uphold their value and their worth.

Although individuals and systems sought to tear them down, they stood tall. They have left a legacy. They have mentored and encouraged many to come after them and to carry the torch, and they are all heroes.

Indeed, Black Torontonians have been shattering glass ceilings, and we are not done yet. Whether it is as a Superior Court justice, Norris Trophy winner, Leader of the Green Party or headliner at the Super Bowl halftime show, Black Torontonians are joining with Black Canadians from Newfoundland, Preston, Montreal, B.C. and all over the country to make history — and will continue to do so for generations to come.

Colleagues, these individuals made a difference, but their path was marked by a deep struggle. Their legacy is an endorsement of the need for diversity and inclusion in all our institutions.

Diversity and inclusion are not just about aspiring to build a better society, but are also about learning from our past and from the countless examples where people from diverse backgrounds made our world — our Canada — a better place.

Indeed, what if rather than having to fight to contribute, individuals of diverse backgrounds were welcomed and invited to contribute? What if they were given a seat at the table rather than having to wrestle for one? What if Canadian institutions truly believed in the brilliance and uniqueness that exists in Black Canadians — in fact in all Canadians of diverse backgrounds? What if these institutions actively sought out this brilliance and uniqueness? Think of how we as a country, as a society, could move forward together.

This begins here in the Senate of Canada, our own institution. As we reflect on where we are today, we must acknowledge that there is work to be done to move our institution toward becoming a more diverse and inclusive workplace, and toward becoming a leader in Canada in this area.

From the witnesses we bring to committee, to those we hire as clerks and staffers, to the art we display and the Canadians we acknowledge and honour, we must pursue true inclusion of Canadians regardless of their background.

This means changing systems and policies and raising the bar of expectations —

The Hon. the Speaker: Excuse me. I'm sorry Senator Moodie, I apologize for having to interrupt you, but it's now six o'clock and pursuant to rule 3-3 (1) and the order adopted on October 27, 2020, I'm obliged to leave the chair until seven o'clock.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

• (1900)

[*Translation*]

ROYAL ASSENT

The Hon. the Speaker pro tempore informed the Senate that the following communication had been received:

RIDEAU HALL

March 17, 2020

Mr. Speaker,

I have the honour to inform you that the Right Honourable Richard Wagner, Administrator of the Government of Canada, signified royal assent by written declaration to the bills listed in the Schedule to this letter on the 17th day of March, 2021, at 6:38 p.m.

Yours sincerely,

Ian McCowan
Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

Bills Assented to Wednesday, March 17, 2021:

An Act to implement the Agreement on Trade Continuity between Canada and the United Kingdom of Great Britain and Northern Ireland (*Bill C-18, Chapter 1, 2021*)

An Act to amend the Criminal Code (medical assistance in dying) (*Bill C-7, Chapter 2, 2021*)

An Act to amend the Employment Insurance Act (additional regular benefits), the Canada Recovery Benefits Act (restriction on eligibility) and another Act in response to COVID-19 (*Bill C-24, Chapter 3, 2021*)

An Act respecting Girl Guides of Canada (*Bill S-1001*)

[*English*]

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. Rosemary Moodie: Honourable senators, diversity begins here in the Senate of Canada. In our own institution, as we reflect on where we are today, we must acknowledge that there is work to be done to move our institution towards becoming a more diverse and inclusive workplace, towards becoming a leader in Canada in this area.

From the witnesses we bring to committee, to those we hire as clerks or staffers, to the art we display and the Canadians we acknowledge and honour, we must pursue true inclusion of Canadians regardless of their background. This means changing systems and policies and raising the bar of expectations. It means sharpening our own knowledge about the well-being of all Canadians of diverse backgrounds — Indigenous, Asian, South Asian, Blacks — in our own communities and seeking to be allies with them.

The theme for Black History Month last year was Sankofa, a West African symbol that calls us to move forward guided by our past. Canada's history is full of the amazing contribution of Black Canadians as well as those of many other minority groups.

Honourable senators, my hope is that the coming generation will not have to struggle to be a full part of our society, or to give of themselves to public service as we have had the privilege to do. For their sake, and honouring diversity, we must bring about

true and lasting change. Being a bystander is no longer an option, colleagues. Let us move forward together and act together. Thank you.

Some Hon. Senators: Hear, hear.

(On motion of Senator Gagné, debate adjourned.)

ADJOURNMENT

MOTION ADOPTED

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of March 16, 2021, moved:

> That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, March 23, 2021, at 2 p.m.

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

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

Hon. Senators: Agreed.

(Motion agreed to.)

• (1910)

DEPARTMENT OF PUBLIC WORKS AND GOVERNMENT SERVICES ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Diane F. Griffin moved second reading of Bill S-220, An Act to amend the Department of Public Works and Government Services Act (use of wood).

She said: Honourable senators, I rise today to speak to Bill S-220, An Act to amend the Department of Public Works and Government Services Act (use of wood).

This bill may be familiar to you. I sponsored its previous iteration —or incarnation, I should call it — in our last session and the one before that, when it came to us from the other place in the Forty-second Parliament. Bill S-220 is the sixth iteration of this bill.

The bill is straightforward. It amends the Department of Public Works and Government Services Act by stipulating that:

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

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

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

I hope that this can go to committee expeditiously so that the Agriculture and Forestry Committee can hear witnesses and consider this bill. Thank you.

(On motion of Senator Martin, debate adjourned.)

KINDNESS WEEK BILL

SECOND READING

Hon. Jim Munson moved second reading of Bill S-223, An Act respecting Kindness Week.

He said: Honourable senators, this is the first time I have attended a hybrid sitting from home — I'm usually sitting in the Senate. This is such a kind thing to do on Kindness Week, on my bill.

In the spirit of kindness and reconciliation, I recognize that we are gathered here tonight on the unceded territory of the Algonquin Anishinaabe people. It's important, in terms of kindness, to say that each and every time.

Honourable senators, I am proud to speak tonight at second reading on An Act respecting Kindness Week. This is the second time I've introduced this bill, and I'm happy to do so in honour of Rabbi Reuven Bulka, founder of Kind Canada and the architect and inspiration for this Senate public bill. I look forward to helping his vision for a national kindness week be realized and to see Canadians celebrate kindness week in communities across the country during the third week of February.

The first Kindness Week took place 14 years ago in Ottawa. The rabbi shared his original motivation for initiating the week when he appeared as a witness for the bill at the Standing Senate Committee on Social Affairs, Science and Technology in 2018. He said:

> My motivation in establishing Kindness Week in Ottawa was to counter the bullying epidemic that had invaded our schools. The logic was simple. Telling children not to do something does not help that much and at times can be counterproductive. But helping children do nice things and say nice things to others creates the type of positive energy that suffocates bullying.

Colleagues, this was why I was motivated to get involved and help. My work over the years on children's rights, with the disability community, Special Olympics Canada and families with autism has opened my eyes to the realities and effects of bullying. Kindness week can make a positive contribution to inclusion and lead to better experiences for many people and adults alike.

I'm grateful to all senators who spoke in support of the same bill through committee and in the chamber during the last Parliament. I was disappointed it wasn't even introduced in the other place before the election, but I hope this parliamentary session will afford a different outcome for kindness week.

Colleagues, I was encouraged by your observations on that bill and by the stories of kindness happening in our communities. To quote Senator Mary Coyle's thoughtful speech on this bill, she reminded us of Dr. Brian Goldman's work on kindness and lessons from his book *The Power of Kindness: Why Empathy Is Essential in Everyday Life*. It couldn't be more true during this pandemic. It's a recommended read.

One of Dr. Goldman's observations in the book is that kindness is most easily learned by children when their role models are kind. This is an important reminder for us as policymakers, particularly now that we are televised. Young people are watching and learning all the time, and we are their teachers.

Senator Martin, during the last session and the last bill, reflected on the kindness experience through the eyes of the Korean community in Canada. She also discussed the inclusion of kindness in school programming. Senator Martin gave the important perspective of an educator and a champion for the rights of the child. It's true, this bill will make the most difference in the lives of children and young people in this country. Some teachers are now incorporating kindness into lesson plans, and they notice a change in kids' performances and interactions when they do.

A nationally recognized kindness week will add resources for educators and new opportunities for young people to practise kindness in their schools, communities and at home.

At the time the Social Affairs Committee met on the bill we heard from Jennifer Levine, a teacher and volunteer with Kind Canada who helped create and deliver kindness curriculums for Grades 3, 4 and 6. In addition to receiving great feedback on the programming from parents, educators and students, she said students were excited to share stories of partaking in kindness. Some even said kindness classes were the highlight of their year.

She also noted this:

> Regular kindness education is so important to the overall positive growth and development of all children. A dedicated kindness week often sparks this enthusiasm and motivates teachers, administrators and students to keep up the culture of kindness in schools.
>
> We see kindness clubs develop and student leaders emerge. Children, like adults, reap the benefits of doing and receiving acts of kindness in the same way. It simply makes them feel good, which inspires them to keep on going. Imagine the inspiration that will come from an entire country doing acts of kindness at the same time. I know first-hand that the impact of a nationwide kindness week will be powerful and transform the culture of our schools.

• (1920)

So, dealing with kindness, we can get benefits, and social and economic development, emotional development and improve peer relationships. Kindness promotes inclusion. Connecting all the kindness initiatives from coast to coast will encourage more and bring a collective benefit to all Canadians.

Speaking of kindness, I received so many letters. I had an editorial in the *Ottawa Citizen* last week, and in the city of Ottawa I just received dozens of letters from students. I want to quote a bit from this letter from Eva, and she says:

> Hello Senator Jim Munson,
>
> I hope you're doing well during this time. My name is Eva, a grade seven student at Vincent Massey Public school. My class and I had found you after reading an article about Kindness Week and how you worked with Mr. Rabbi Bulka a couple of years back.

And she says, in bold letters:

> We are SOLVE, Students On the Leading Virtual Edge. We are a student philanthropy group hoping to encourage residents of the nearby community of Russell Heights to get through the current challenging times.

She goes on to explain what they have done through their teacher, and talks about the virus and how it quickly shut down any hopes of being able to physically visit the community for the time being, but that didn't disappoint them. They just kept moving on, so she says that they are taking the concept of a "Random Act Of Kindness" and applying it to social distancing and mask wearing. She then says:

> After talking it over and going through possibilities, we decided to include a mask per kindness bag since we have a student that made masks, a math game created by a student, a little candy to enjoy, logic puzzles to get your mind moving, and a colouring page for de-stressing, along with a couple of other items.

So they had a sled-a-thon and they worked really hard. These are Grade 7 students in this city. I can see this happening all across the country. They had a sled-a-thon; they had pledges. She said that they just counted up the money and they raised $1,700.

She then says:

> Soon, we are going to receive all of the materials and orders to begin the creation of the Random Act Of Kindness Bags. Hopefully we're able to make a positive impact, no matter how big or small.

And she says at the end:

> It would be greatly appreciated if you'd be able to contact us to give us some feedback, we look forward to hearing from you!

Well, Eva, I just made that connection, live on television, in the Senate of Canada, on a Wednesday night, in the middle of a pandemic, and I just think that what you're doing is so important and is an example that this is not just about awareness. This is about doing and being involved in what we do as a nation, and what we can learn from our children. I have always said you can seek the wisdom of the ages, but you always have to look at the world through the eyes of a child.

Kindness has impacted all of us in some way. The impacts can be indirect and sometimes go unnoticed. Rabbi Bulka said this at the last time he appeared before the committee:

> There is much research on kindness and its impact that are vital to our appreciating its wide reach. We know that kindness in hospitals reduces the length of time spent in hospital for similar relatively long-stay issues by a full day on average. The savings implications are obvious.

The idea of Kindness Week, honourable senators, may be new to some of you, but in Ontario, Kindness Week was designated for the first time a decade ago, and the City of Ottawa has celebrated Kindness Week since 2007. British Columbia has marked random acts of kindness in the months of February as well. The UN has declared a World Kindness Day in November.

For others, kindness has been their family motto for generations. I'm reminded of one of my favourite stories of kindness from the committee meeting. It was offered by one of our own senators, and I'm not going to do his accent tonight. I just wouldn't do it justice, but I have travelled with Senator Fabian Manning, and I have acted as his interpreter from time to time. He'll get that. But he said this when he spoke about kindness, he said this to the Senate about his own mother:

> She was a very kind and generous lady. I have a card, as a matter of fact, in my office, and one of her quotes was, "You may forget somebody's telephone number and address, and you may even forget their name, but you won't forget their kindness."

Senator Manning's mom.

I want to thank you, Senator Manning, for sharing that. I have had the opportunity to work and travel with the senator on the Fisheries Committee and other committees, and I can tell you, he has followed his mother's advice on kindness even though he makes fun of me from time to time. I won't get into that. But that's just Fabian.

Senators, I'm eager to hear from many of you again about how kindness has impacted your lives and about the kindness initiatives taking place in your provinces, especially considering the new realities we face daily during a global pandemic.

Truthfully, we shouldn't need a reason for a special week, but the evidence is clear that campaigns and reminders encourage people to act. So why not create opportunities to learn and practise kindness during the shortest, but arguably the coldest and snowiest month of the year, at least here in Ottawa?

I know many people think, "Why do we need a special week, month or day?" But many of us love our birthdays, anniversaries and holidays. For the most part, we use these dates to reflect, connect and celebrate with others. Setting specific days aside motivates us to follow through on special occasions, making memories and traditions that can last forever.

And I know I've said it many times, but the creation of Autism Awareness Day, a bill I introduced so many years ago — and it took about three years to pass, by the way, so we have to be patient sometimes — rallied the autism community in this country. It was more than just raising a flag. It was about programs on autism. It was about governments paying attention. It was about building a community of autism. It was about building inclusion. So I know that a designated day or week, in this case, can make a difference in the lives of people we are here to represent.

In addition to marking Kindness Week on your calendar the third week in February, the short preamble of the bill also states that kindness encourages values such as empathy, respect, gratitude and compassion; kind acts lead to the improved health and well-being of Canadians; Kindness Week is already celebrated in some Canadian cities; designating and celebrating a Kindness Week throughout Canada will encourage acts of kindness, volunteerism and charitable giving to the benefit of all Canadians; Kindness Week will connect individuals and organizations to share resources, information and tools to foster more acts of kindness; Parliament envisions that Kindness Week might encourage a culture of kindness in Canada throughout the year.

This preamble was chosen in collaboration with the kindness community. I think it encompasses Rabbi Bulka's vision for the week, which he shared to the committee as well. Here is what he said at that time in 2018:

> This bill, if passed, as I fervently hope it will be, can potentially raise the Canadian consciousness of the importance of kindness, and the ensuing commitment thereto, to levels that will make our great country even greater and make a large dent in some of the critical issues we face, including mental health, the cost of health care and bullying, among others.

In closing, honourable senators, I thank you for being patient with me and being a little long on this, but I really want to get this right because I think it's so important. We are at second reading, which is on the principle of the bill. The bill is in the same form as it was in 2018 when this chamber moved it through all stages, and passed it unanimously at third reading, in nine months. That's a short period of time — including a summer break, by the way.

This time, I would really like to see Kindness Week move swiftly through both houses before another election. Elections seem to get in the way of kindness.

I would like this to happen in the name of Rabbi Bulka. I don't want to get too emotional here, but he has given so much. We will always remember the rabbi speaking at our National War Memorial ceremonies, but he's done more than that in this city of Ottawa and in this country.

• (1930)

Some of you may not know that Rabbi Bulka, while he's affectionately known for his spiritual guidance to many of us, regardless of religion, has been diagnosed with advanced-stage cancer of the pancreas and liver. I know he is fighting and that we are all praying for him. I also know what kindness week means to him, and I would like to give him this gift.

Rabbi Bulka is a bridge builder. During a recent prayer vigil for the rabbi here in Ottawa, former Governor General David Johnston gave him the title "champion of inclusivity," which suits him perfectly. Kindness is about inclusivity, and the rabbi is about kindness.

I hope I can count on your support, colleagues, to make national kindness week a reality.

In conclusion, I simply want to say that there are no negatives to kindness — none, zero. Kindness week will cost no money. It takes only our time and energy. Teachers, youth, charities and community groups stand to benefit the most when kindness week is celebrated across this country. In the long run, it will result in happier communities, healthier people and better relationships. Kindness is the Canadian way. Collectively, it's our best quality, and I would love for Canada to be the first country in the world with a national kindness week.

Thank you, *meegwetch*.

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I rise today to speak to Bill S-223, An Act respecting Kindness Week, formerly Bill S-244. This bill enacts the third week of February to be known as "kindness week" throughout Canada each and every year.

I enjoyed listening to Senator Jim Munson's speech as he recalled some of the debates and great examples of kindness shown by Canadians across our country and as he stressed the importance of this bill. I want to thank him again for bringing this important bill back to the Senate, and hopefully it can be expedited this time around. For the record, as the friendly critic of the bill, I am pleased to stand in support of the bill and, more important, in support of our dear colleague.

According to various studies, there are many benefits and side effects of showing kindness to one another. For example, kindness creates neural pathways in our brains that enhance feelings of well-being. In one study, it was found that people who regularly offered practical help to others had a lower risk of dying than those who did not.

But we don't need research to know that kindness is contagious. One good deed can create a domino effect on others to also perform good deeds. Overall, it is evident that kindness can transform lives and is effective in improving mental health and well-being.

In St. Albert, Alberta, Colleen Ring and her sister Debbie Riopel, whom I'm proud to call a friend, first brought Random Acts of Kindness Week to Canada in 1995. Honourable senators, I have said this before, but kindness week and the global movement of this initiative started here in Canada. This initiative was given an official proclamation to counter a growing concern about random acts of violence in St. Albert.

I recall Debbie saying, "What is the opposite of random acts of violence? It is random acts of kindness." That's how they came forward with this idea.

Barb Danelesko was murdered in Edmonton in 1994, in the middle of the night, while her husband and children were asleep. It was a home invasion gone wrong. Colleen Ring, a Grade 2 teacher at the time at Edmonton's Mary Hanley Catholic Elementary School, a few blocks away from the murder scene, saw the impact the murder had on the greater community and the students in her classroom. Colleen believed that a random act of kindness, no matter how big or small, can counter an act of violence.

As teachers, Colleen and her sister Debbie saw the impact of kindness and the importance of incorporating it into the curriculum, as Senator Munson explained, and started a program called Kids for Kindness. They awarded their students' acts of kindness and assigned projects that promoted kindness. Remember, these are Grade 2 students. They quickly saw the positive effects on the students — both at school and parents commenting that at home there was a change in their children.

Since then, they introduced and coordinated Random Acts of Kindness Week for schools throughout Alberta. Their work eventually rippled out around the world, and in 1998 they became one of the co-founders of the World Kindness Movement. Since then, more than 25 Canadian communities have launched official Random Acts of Kindness Week celebrations.

In 1998, the World Kindness Movement introduced World Kindness Day, an international observance held in November of each year. The World Kindness Movement is a worldwide coalition of various kindness movements — organizations that study and promote improved individual and collective human behaviour. The current members of the movement represent 27 nations, including Australia, Brazil, Canada, China, France, India, Italy, and Japan, where the sisters first went. They attended a conference and the kindness movement went on from there. New Zealand also celebrates a national Random Acts of Kindness Day on September 1.

Inspired by this national and global movement, born in Canada, Real Acts of Caring, or RAC, was created in B.C. RAC's mission and vision is to promote the idea of displaying kindness and concern for others throughout all schools in British Columbia.

This organization was founded in 2005 and was spearheaded by 13 8- and 9-year-olds of Central Community Elementary School in Port Coquitlam, B.C. These students were dedicated to have a kindness week where people committed kind acts and did not expect anything in return. They promoted the idea throughout their school and community by recognizing Random Acts of Kindness Week in February 2006. In 2010, the leadership students changed its name to Real Acts of Caring Week, as they felt this new name was more reflective of their mission. Led by Harriette Chang — whom I'm also proud to call a friend, a school counsellor in Coquitlam, School District 43 — this initiative has since spread to elementary, middle and secondary schools throughout B.C.

In 2020, in the midst of the first lockdown due to the COVID-19 pandemic, I had the opportunity to work with another group of passionate students, led by co-initiator Braidyn Chang, who happens to be the daughter of Harriette Chang. It's no wonder, because Braidyn is following in her mother's footsteps, proving the power of model parenting, mentoring and the infectious power of kindness.

Intergenerational Integrities was co-initiated by a group of passionate secondary students of British Columbia and Alberta who share a common love for writing, history and caring for others. Their project aims to connect youth and seniors, especially during this global pandemic, when many seniors have been physically and socially isolated. This may sound familiar to you, senators, as I previously made a Senator's Statement about Intergenerational Integrities. These students were paired with Korean War veterans. Speaking of legacy, for the veterans, now in their late eighties and nineties, it gives them the greatest of joy to know that students, the next generation, are listening. The veterans were honoured during a tribute event hosted by the students of Intergenerational Integrities. Reaching out to these veterans created a magical experience. This is another example of what students are doing in the community today.

Honourable senators, there is a growing movement to recognize random acts of kindness around the world. Across our nation, Canadians have embraced the practice of kindness in their everyday lives. Even in the past year, during a global pandemic, acts of kindness have taken hold and continue to show that human beings remain kind and caring even when faced with immense challenges and times of uncertainty.

From our front-line workers, our heroes, who are putting their lives at risk to protect and save others, our loved ones; who go to work every day and show, through their compassion and caring nature, that together we will get through this. To all those who, even while working long hours and under immense pressure and challenges, take the time to go that extra mile when interacting with others to reassure them that everything will be okay.

To our neighbours and all Canadians who have taken the time to support each other and lift each other up. We have rallied around small businesses, buying local takeout or dining out Wednesdays. We have reached out to check in on family, friends, neighbours and strangers to ensure they are well during this pandemic, both physically and mentally. We have picked up groceries for neighbours, sent cards to seniors in care homes, bought someone coffee at Tim Hortons, smiled at a stranger on a street, and done random acts of kindness and real acts of caring.

• (1940)

Kindness comes in many shapes and forms. It has a way of transforming many situations and can be the difference in making someone's day. I continue to be inspired by Canadians and the strength that one small gesture can have in making a change. Kindness is contagious. When we give it and receive it, we can make a difference. We may not be able to cure all of the world's problems, but I am here to tell you that a simple act of kindness will have a far bigger effect and long-standing reach than we may ever know.

So, honourable senators, eventually enacting Bill S-223 for the first time — because it did die on the Orders of the Day in the other house, but hopefully it will get through our house. But enacting the bill would be a historic occasion, making Canada the first country in the world to have a national kindness week. It would be fitting that we be the first country, because this is where the kindness movement began and it is now global.

While this would be a Canadian milestone, I believe that it will be important for existing initiatives, such as the Real Acts of Caring week, to be recognized and incorporated into this bill, perhaps in the preamble.

Honourable senators, I ask that you support this important piece of legislation, as you did before, and join me in recognizing the hard work of Senator Munson and the dedication and selflessness of the student leaders, educators, community members and those who have inspired us along the way, and who continue to commit real acts of caring and kindness across our country. Thank you.

Some Hon. Senators: Hear, hear.

Hon. Marc Gold (Government Representative in the Senate): Honourable senators, I had not intended to speak, but I want to take a moment to express my thoughts. First, I want to thank Senator Munson for bringing this forward. Your speech was lovely. It was moving and touching; it was really an expression of your kindness and your commitment to bringing out the best in all of us.

I also rise because of my friend Rabbi Bulka, whom I have known for some decades now and with whom I worked on many projects in the local and in the national scene. Everything that you've said about him, Senator Munson, is true, and there's much more to say. My thoughts and prayers are with him and his family as he battles this challenge that he's facing.

What a fitting honour to Rabbi Bulka for this bill to be brought forward.

So I support this bill. I support sending this to committee. It's an example of what the Senate can do best.

You'll permit me one indulgence. My wife is in the habit on special occasions of using letters and words to describe certain concepts. The Hebrew word for "kindness" is *hesed*, which I'm going to choose to spell as "c-h-e-s-e-d." The C stands for congratulations to all those who are bringing this bill forward. The H stands for happy; I'm happy to be part of an institution that cares enough to bring this forward. The E stands for

everyone; everyone will benefit from the institution of a national week of kindness. The S stands for the Senate; what a fitting role for the Senate to play beyond the important work we do in considering government legislation, which is obviously something you know I care about. E is for excellent; what an excellent idea to bring this forward and how happy I am that it's here. Finally, D — D, let's do it.

So thank you, Jim, thank you, Rabbi Bulka and thank you, colleagues.

Some Hon. Senators: Hear, hear.

Hon. Pamela Wallin: Honourable senators, I have a few words on debate. I just want to endorse what Senators Munson, Martin and Gold have said.

I want to remind everybody that, in fact, not only would Canada then be the first to have a day honouring kindness, but it would be the second time that we have done this. In the wake of 9/11, we passed something here in the chamber called the National Day of Service, which is in honour of all of those acts by the first responders, police, soldiers and also all the individual acts of kindness that people really did for one another. It was people standing on a street corner handing out water to those who were walking home in the dust and in the fear. We included in that bill that there should be random acts of kindness as we commemorate the National Day of Service on September 11.

It kind of completes the circle. It reflects who we want to be and the things we believe in and hold dear. I hope we can recognize both these days. Thank you.

Some Hon. Senators: Hear, hear.

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

Hon. Senators: Question.

The Hon. the Speaker pro tempore: The Honourable Senator Munson moved, seconded by the Honourable Senator Boehm, that the bill be read a 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

Hon. Jim Munson: I would like to do third reading now. But, honourable senators, there is a process, and we have to be kind. I kindly move that the bill be referred to the Standing Senate Committee on Social Affairs, Science and Technology.

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

(On motion of Senator Munson, bill referred to the Standing Senate Committee on Social Affairs, Science and Technology.)

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

THIRD REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Committee on Internal Economy, Budgets and Administration, entitled *Committee budget — legislation*, presented in the Senate on February 11, 2021.

Hon. Sabi Marwah moved the adoption of the report.

He said: Honourable senators, the Standing Senate Committee on Internal Economy, Budgets and Administration received a request from the Legal and Constitutional Affairs Committee for funds under legislative budget in the amount of $6,000. The budget request was for one item, which was to purchase updated copies of the Criminal Code for committee members.

The Internal Economy Committee has approved the budget and now seeks the concurrence of the Senate. Thank you.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

FIFTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fifth report of the Standing Committee on Internal Economy, Budgets and Administration, entitled *Senate Budget 2021-22*, presented in the Senate on March 16, 2021.

Hon. Sabi Marwah moved the adoption of the report.

He said: Honourable senators, this report deals with the Senate's budget for 2021-22. The anticipated budget is $115.6 million, which is at the same level as the 2020-21 budget.

• (1950)

As background on the process of arriving at the budget, it is based on the recommendations of the Subcommittee on Senate Estimates. The subcommittee is comprised of Senator Moncion, chair; Senator Marshall, deputy chair; and Senators Munson, Saint-Germain and Tannas.

The members of the subcommittee met with the Senate Administration's executive committee and the majority of the directors on many occasions. Detailed presentations were made by the directorates to the subcommittee. The members had the opportunity to discuss and question funding requirements and savings proposals during this process. Directors were asked to identify internal sources of funds to address new funding needs in order to keep the budget flat with the previous year.

Throughout its consideration of the Main Estimates, the committee took into consideration the changes in the Senate but also the impact of the pandemic on the Senate's operations. The committee was also very mindful of the Canadian economic situation and the importance of balancing operational needs with proper stewardship of public funds. As a result, the Main Estimates had been prepared with prudence and restraint to ensure that the level of Senate spending remains stable without compromising service to senators.

Moving to the detail of the expenditures, I would remind senators that there are two parts to the budget: one is statutory funding and the other is voted funding.

The statutory portion deals with money allocated by legislation. This includes senators' basic and additional allowances and pensions, senators' travel and living expenses, telecommunications and employee benefit plans. Any shortfalls in these categories at the end of the year are covered by the Treasury Board. Conversely, surpluses are automatically returned to the Treasury Board, as they cannot be reallocated.

The second part of the budget is the voted budget, which is for the workings of the Senate. They cover senators' office budgets and the Senate Administration.

Briefly going over the numbers, the total amount of the statutory budget is $36.5 million, which represents an increase of $0.6 million or 2% from last year. The major reason for the small increase is because the Senate's basic and additional allowances and pensions are increasing by $1.1 million to reflect the allowance increase that has been in place since April 1, 2020. It also reflects an increase in the Senate pension contribution rate from $19.7 million to 23.3%.

This increase was partially offset by three items: a temporary decrease of $214,000 to the senators' travel budget; a reduction in projected telecommunication costs of $100,000; and a reduction in the budgeted contribution of the employee benefit plans of $178,000.

Moving to the second part of the budget, which is the voted budget, the total financial envelope for this portion was $79.1 million, which is a decrease of $0.6 million, or 0.8%.

This decrease was primarily comprised of two major items: first, an $810,000 temporary decrease in Senate committee travel; and, second, $424,000 decrease for international and inter-parliamentary affairs, primarily due to expired funding for previous initiatives and the cancellation of a conference due to the pandemic.

These decreases were partially offset by an increase of $579,000 for administration primarily for two items: $331,000 in additional resources for the Information Services Directorate to support new services and enhance information technology in general; and $228,000 for the official classification assessments completed during 2020-21.

From a staffing standpoint, the budget includes a net increase of only four positions. Management also presented temporary funding initiatives totalling $1.2 million, mainly for information technology renewal. However, these requests will be funded from saving initiatives and reallocation from the current budget envelopes and therefore did not result in an increased budget.

To conclude, I would like to thank the subcommittee and administration for their extensive work and effort in keeping the budget flat for last year. They deserve a lot of credit.

I encourage all senators to adopt the report. Thank you, colleagues.

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

Hon. Senators: Question.

The Hon. the Speaker pro tempore: Honourable Senator Marwah moves, seconded by Honourable Senator Dasko, that the report be adopted now.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

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. Paula Simons: Honourable senators, I rise today to speak to Motion No. 27, a motion from our colleague Senator Lankin calling on the Standing Senate Committee on Social Affairs, Science and Technology to conduct a study on the future of work in our so-called gig economy.

I've been thinking a lot of about the genesis of the word "gig." Originally, the word referred to a small, two-wheeled carriage pulled by one horse, a lightweight vehicle suitable for short, quick trips. You wouldn't take a gig for a long cross-country journey or on a trip where you had to carry a heavy load of goods to market. Your gig was your sporty, fun vehicle, not a stage coach or a farm wagon. It was there for a good time, not a long time. In some instances, a gig could also be a light, fast, narrow boat, suitable for rowing or sailing. But, again, a gig was a pleasure craft, not something you used on a long ocean voyage.

Misogyny being what it is, the term gig was also used in the 18th century to refer to a flighty or flirty girl, something that whirled around like a whirligig. By the late 1920s the term gig was generally used by jazz musicians to refer to short-term periods of work: a show, a concert tour or a contract.

Today, we've appropriated this jaunty, jazzy word to use in another sense — to describe short-term, precarious, often poorly paid employment. There's something a bit perverse and grim about this misuse of the term. The gig was once something a little bit mischievous, a little bit joyous, a fun activity done on the side. Maybe our continued use of the term has blinded us or shielded us a bit from the grim realities of the so-called gig economy because, let's be honest, people aren't working gigs for a little extra pin money in 2021 or as a hobby or a side hustle. We have people now scrambling to stitch together contracts and part-time work in order to pay the rent, buy the groceries and keep their kids in coats and boots. Calling it gig work romanticizes it and makes it sound fun, Bohemian, carefree. It's really more akin to the bitterly hard work of the industrial economy — the piecework.

COVID-19 has laid bare the stark realities and limitations of trying to survive or get ahead through a series of part-time and short-term jobs or contracts, without job security and certainly without things such as dental benefits, drug coverage or pensions. There is nothing cool or hip about working two, three or four part-time jobs just to keep the lights on, especially when each of those jobs is precarious or poorly paid.

• (2000)

Sadly, many types of employment that used to be considered safe and secure have been turned into gigs. While no one in 1926 became a jazz musician or a vaudeville comedian for the sake of job security, it used to be if you were a university professor, an advertising executive or a lawyer you had a job — sometimes a job for life. Now, for many younger Millennials, formerly secure professional careers have become a series of tenuous gigs too.

I greatly fear that the economic and social disruptions created by COVID-19, including our new work-from-home paradigm, will only exacerbate the unravelling of the fabric of traditional employment.

In my own home province of Alberta, we have long had our own unique love-hate relationship with contract work. A decade ago when Alberta's economy was booming, many people here were quite happy to work as independent contractors and not salaried employees. That word, "independent," mattered to them. Doing contract work gave them a feeling of freedom and control, like the freelance knights of the medieval era beholden to no corporate overlord. Those contracts were lucrative enough that people didn't mind foregoing things like drug plans or job security in exchange for more generous remuneration.

Many people in Alberta's energy sector and many outside of it were happy to work a short, well-paid contract and then move on to the next project, whether they were engineers, marketing consultants, nurses or construction workers.

But with the collapse of oil and gas prices, many of those sorts of jobs simply evaporated, and the pandemic has made Alberta's pre-existing economic crisis even more dire. The last few years have been dark and difficult ones for many people in my province. Tens of thousands of Albertans have lost their jobs, and never before has Alberta been in more need of a serious conversation about the way we have structured the culture of work in our communities.

As a resource-linked economy, we are used to weathering cycles of boom and bust, whether we were producing beaver pelts, wheat, coal or oil, but the haunting sense that this current bust may represent a new normal is still hard to absorb.

This evening, I want to speak in support of Senator Lankin's initiative, both as an Albertan, worried about the prospects for economic recovery in my province, and as a mother, watching my daughter and her friends enter an economy where it sometimes seems everyone is scrambling to piece together enough bits and bobs of work to make a living. I hope you will join me in urging the Senate and the committee to take up Senator Lankin's challenge and reconsider the way we have ordered, or disordered, our work world. Thank you. *Hiy hiy*.

Some Hon. Senators: Hear, hear.

(Debate adjourned.)

HUMAN RIGHTS

MOTION TO AUTHORIZE COMMITTEE TO STUDY FORCED AND COERCED STERILIZATION OF PERSONS—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Boyer, seconded by the Honourable Senator Woo:
>
> That the Standing Senate Committee on Human Rights be authorized to examine and report on the forced and coerced sterilization of persons in Canada, particularly related to Indigenous women, when and if the committee is formed; and
>
> That the committee submit its final report on this study to the Senate no later than December 30, 2021.

Hon. Yvonne Boyer: Honourable senators, today I speak to the motion that I introduced on November 19, 2020. This motion would authorize the Standing Senate Committee on Human Rights to conduct a study on the forced sterilization of Indigenous women in Canada.

I will briefly revisit some of the key points I made in November and bring the stories of the women who have been sterilized without consent into this chamber. The stories of these women must be heard, and their experiences and wisdom must inform our actions.

This horrific practice has affected many generations of Indigenous women and girls. This issue is not one of the past. Tragically, it continues to happen at this very moment, with cases being reported publicly as recently as 2018.

This epidemic is not limited to Indigenous women and girls. We have also heard stories from Black women, people with disabilities and intersex individuals who have been sterilized without consent.

The study I propose would allow the committee to hear testimony from expert witnesses who have experienced this practice first-hand. The diversity of their voices will allow the committee to develop practical recommendations and take concrete actions that will end this heinous practice.

Despite the government acknowledging and pledging to stop this practice, Indigenous women today continue to be forced to undergo tubal ligation surgery. Both the Standing Senate Committee on Human Rights and the House of Commons Standing Committee on Health found that more research and data collection are needed in order to understand the full scope of this problem so definitive action can be taken.

These committees are not the only ones calling for further investigations. In December 2018, the United Nations Committee Against Torture urged Canada to conduct an impartial investigation into all allegations and to adopt legislative and policy measures to prevent this practice. Over two years have passed since the UN committee's recommendations were made, and the government has failed to launch an investigation.

I will tell you now about the women living through this nightmare, and how Canada is failing them.

The law firm Semaganis Worme Lombard is leading a class-action lawsuit in Saskatchewan on the forced and coerced sterilization of over 100 Indigenous women. This class action brought to light shocking stories of women being told they could not see their newborn babies until they were sterilized, of women giving birth and being harassed to fill out consent forms during or immediately after labour and of women being flagged at the hospital and asked whether they wanted more children without realizing their answers would determine if they were to be sterilized. These are horrifying stories about surgery without consent, and they are not isolated.

Senators, some of these women want to share their experiences with you. While these stories may be shocking for some, to those of us who know and have experienced racism in Canada's health care system, these stories sound all too familiar. These survivors want you to know what happened to them and we all must listen.

S.A.T. is a Cree woman who, after giving birth to her sixth child, was presented with a consent form for her sterilization. Upon reading this form, she heard her husband exclaim, and I quote, "I am not — [blank blank] — signing that." She was wheeled into the operating room under protest. She tried to wheel herself away and escape, but the doctor wheeled her right back in. She repeatedly cried out, "I don't want this" through tears as the nurses held her and administered an epidural. While she was in the operating room, she kept asking the doctor if it was done yet. He reported, "Yes. Cut, tied and burnt. There is nothing getting through that."

When S.A.T. was recently asked what she thought about the study, she said:

> Forced sterilization has traumatized countless Indigenous women across this country. I live with the trauma every day and I have a great fear and distrust of the health care system. The federal government and the Health Authorities need to finally be accountable for what they have done. The next steps are to protect future generations.

In a further example, another Indigenous woman reported:

> During my spontaneous delivery, I recall being asked if I wanted my tubes tied due to a cancellation in the surgeon's schedule. I was in labour for two days before going to the hospital. It is well recognized how sleep deprivation creates incapacity and that life-changing decisions should not be made while in that state. Yet, within two hours of giving birth, I was in the operating room theatre getting sterilized.

These disturbing experiences point to the critical importance of establishing major safeguards for sterilization procedures and speak directly to the need for greater accountability and consistency when it comes to establishing freely given, prior and informed consent to a life-altering procedure.

Only those who have experienced the sharp cut of systemic racism and, in this case, the physical act of the slicing, cutting or burning of the fallopian tubes can inform and guide what must be done. Without their lived experience and voice, we risk repeating past mistakes and developing solutions that just won't work.

• (2010)

In conclusion, I have one more story I would like to leave you with. An Anishinaabe woman told me about her forced sterilization when she was only 18 years old.

> How can I fight these people who have already deemed my life unworthy, and what is more, they have deemed my unborn baby unworthy. So much so that they backed me into a corner and deemed my right to bear life as unworthy. They cut me down and, what's more, they cut any chance of me ever having the God-given right to further bear life. This system became my judge, jury and executioner. What's worse, they became that to my unborn child as well.

Since I became a senator, my office has become a clearing house for sterilized women seeking help and guidance. I have been vocal about the forced and coerced sterilization of these women, and every time someone learns about it, they are rightly shocked and horrified. My office has worked with grassroots organizations, medical and health communities, national and international human rights groups, law societies and universities to spread awareness. Many of the people I have met and talked with can't believe this is still happening in 2021.

I know many of you in this very chamber were, and are, deeply disturbed to hear about this practice and the fact that it is still happening. I have dedicated much of my professional life to righting this horrific injustice, and now I need your help.

Colleagues, there is a time to learn, a time to feel and a time to act. I hope you will support my motion to have this issue studied at the Standing Senate Committee on Human Rights. Our children and grandchildren's children are counting on us to take action. *Meegwetch. Marsee*. Thank you.

(On motion of Senator LaBoucane-Benson, debate adjourned.)

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. Howard Wetston: Honourable senators, I am speaking today in support of Senator Lankin's Motion No. 27 regarding the future of workers in Canada. That future, colleagues, is hiding in plain sight. I will focus on the part of the motion regarding precarious work and the gig economy. With respect to this motion, which I support, my goal is to address a number of issues which should be studied, and might be studied, rather than recommend policy solutions.

The rise of gig work has raised many questions about employment classifications, safe and secure workplaces, and benefits, but also the qualities that make gig work appealing to many corporations and workers. International courts, primarily in Europe, tribunals and legislatures, and to a lesser extent in Canada, have been routinely considering the legal implications of companies that rely on digital platforms that may not conform to business models on which employment standards legislation has been predicated. Indeed, the Prime Minister, in his 2019 mandate

letter, requested the minister to develop greater labour protections for people who work through digital platforms and whose status is not clearly covered by provincial or federal laws.

Precarious work has been described as a means to shift risks onto workers and is characterized by variable characteristics of uncertainty and insecurity as to the duration of employment, multiple employers, ambiguous employment relationships and a lack of access to social protections and benefits.

At this point, colleague, I would like to discuss a number of recent cases and legal developments. Not many of us have been travelling. This will be a bit of a nostalgic tour. Forgive me for taking you on this international tour, but let me begin with Ontario.

In February 2020, the Ontario Labour Relations Board found Foodora couriers in Ontario were dependent contractors and therefore eligible to unionize under the Ontario Labour Relations Act. This was the first occasion in which the OLRB considered a case regarding workers within the gig economy who had been engaged as independent contractors.

The OLRB applied traditional tests for determining worker status, reflective of a broader trend towards the extensions of employment-like results to forms of work within the gig economy. It is indicative of how decision makers might interpret employment-like rights of precarious workers in other contexts, such as employment standards legislation.

With respect to this case and as a final point, Foodora fled the jurisdiction. They decided to leave Ontario rather than remain and experience unionization.

Let me turn to California. In California, the legal developments are somewhat unwieldy, and to some extent unmanageable.

In 2018, the Supreme Court of California decided that workers for a delivery company called Dynamex should be classified as employees, not independent contractors. Following Dynamex, the state legislature passed Bill 5, codifying the principles contained in the decision.

Uber and Lyft, companies you will be familiar with, apparently ignored the legislation, prompting a lawsuit by the state whereby the companies threatened to shut down operations in California. Uber's head office is in California. Uber and Lyft claim that they would have had to pay $413 million to the state's unemployment benefit system between 2014 and 2019.

A fierce regulatory battle ensued, resulting in Proposition 22, which was a ballot measure in the November U.S. election. Indeed, they had to vote for the president as well as the vice-president and others in the November U.S. election, and in California, voters approved Proposition 22, maintaining independent contractor status for these workers after the company spent over $200 million in lobbying efforts. Big numbers in the U.S. invariably.

Despite this victory, Proposition 22 required the companies to provide these workers with a health benefit subsidy and a wage floor amounting to 120% of the local minimum wage. This maintained the desired flexibility, but also the need for some worker protections. As you can imagine, litigation is ongoing.

Let me turn to the United Kingdom. The Supreme Court of the United Kingdom, on February 19, 2021, upheld a groundbreaking ruling against Uber, confirming that Uber drivers were workers, not independent contractors and not self-employed. Because Uber controlled much of their work, including allocating their customers and dictating their fares, the court held that drivers were in a position of dependency and subordination, emphasizing the importance of protecting vulnerable people without bargaining power. Workers in the U.K. are similar in classification to dependent contractors in Ontario and other provinces.

There are, colleagues, 45,000 Uber drivers in London alone, and apparently there are an estimated 55 million gig workers in the U.K. The implications are staggering and will strike at the heart of existing business models in the U.K. Business models will be upended, and a difficult question will be whether or not gig companies will be able to adapt their business models or attempt to change the law as they did in California.

Now let me take you on my trip to Spain and Italy. I hope you're enjoying the journey.

In a string of rulings in Europe, a recent decision of Spain's top court classified delivery couriers of Glovo, a delivery platform start-up, as not self-employed. In Italy, a labour union deal was arrived at for gig workers, providing them with a minimum wage and bonuses in order to avoid a 2019 law that could have forced them to grant more rights and benefits.

Uber and Glovo, another company in Italy, indicated this was yet another way for workers who are classified as self-employed to be provided benefits validating flexible work, but also providing an hourly wage which these companies were willing to pay.

• (2020)

In France, the top French court dealt another blow to Uber by giving drivers employee status. The reasoning is similar to that of the U.K. Supreme Court, but to some extent, goes further.

In the Netherlands, in a recent decision, the appeals court ruled that delivery workers are pseudo-freelancers — I had to work on that word a bit, pseudo-freelancers — and should be paid in a manner consistent with the official pay and conditions in that sector, including holiday pay, sick pay and other benefits. It would appear that pseudo-freelancers are similar to workers in the U.K., and also dependent contractors in Ontario and other provinces.

One quick comment about the European Union: They recently launched a first-stage consultation on improving the working conditions in platform work in Europe. The EU's communique states in part as follows:

> The platform economy is a growing phenomenon, with around 11% of the EU workforce saying that they have already provided services through a platform. Platform work creates new opportunities for workers, self-employed, customers and businesses. This includes additional jobs and income for people who might have more difficulties to access the traditional labour market and those who value the flexibility of platform work. Yet, it can also lead to new forms of precariousness, for example due to lack of transparency and predictability in working conditions, as well as insufficient social protection. . . .

The complex and fluid nature of platform work, in particular digital platform work, obviously poses pressing challenges for policy-making.

Let me turn for a moment or two to corporations — the companies who are involved in this. Colleagues, there are those who believe that big business should be called on to fix some of these economic and social problems. It's clear that occurs to some extent, but it's also clear that more firms are pursuing broader social goals today, not only their narrow self-interest. But it is ultimately up to governments to address these legal policy and political issues.

In Canada, in a recent report entitled *360 Governance*, the authors discussed an important 2008 Supreme Court of Canada decision called *BCE*, affirming that boards of directors have a fiduciary duty to act with a view to the long-term best interests of the corporation, and do not have a duty only to shareholders, but to also treat affected stakeholders fairly and equitably. This decision underlined the legal shift from shareholder primacy to stakeholder primacy.

Stakeholders can also include similar groups that were enshrined in legislation that we dealt with in Parliament in 2019 with amendments to the Canada Business Corporations Act — that, when acting with a view to the long-term best interests of the corporation, directors and officers may consider the interests of shareholders, creditors, consumers, governments, employees, pensioners and the environment. I would suggest, colleagues, that the *BCE* decision and the CBCA could accommodate the need for corporate boards to consider the effect of its employment policies, both negatively and positively, on gig workers.

In a May 2020 report by the Institute of Corporate Directors called *Governing the Future of Work*, there appears to be an understanding that transition strategies of their workforces, including gig workers, part-time workers and contractors are seen as an important part of the firm's social licence. Despite this understanding, less than half of the respondents to the ICD's fall 2019 *Director Lens Survey* indicated that they had discussed the future of work issues.

Colleagues, as Senator Gold noted in support of the motion, labour law in Canada has not caught up with the situation of workers in the gig economy, and I would agree that labour market rights need a 21st-century update. The study could address important issues of compensation, benefits and other employee standards, but also give due consideration for the economic and social costs.

As you know, there are many values and interests that must be taken into account and balanced amongst the various stakeholders involving economic and social considerations, including the negative effects of precarious employment being disproportionately felt by workers of colour, new immigrants and Indigenous workers. Let's not leave all of the heavy lifting to the courts. Let's be proactive, not reactive. The Senate has a vital role to play in studying this matter. As a result, honourable senators, I support this motion. Thank you. *Meegwetch*.

Some Hon. Senators: Hear, hear.

(On motion of Senator Dagenais, debate adjourned.)

THE SENATE

MOTION PERTAINING TO MI'KMAW FISHERS AND COMMUNITIES—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Francis, seconded by the Honourable Senator Pate:
>
> That the Senate affirm and honour the 1999 Supreme Court of Canada *Marshall* decision, and call upon the Government of Canada to do likewise, upholding Mi'kmaw treaty rights to a moderate livelihood fishery, as established by Peace and Friendship Treaties signed in 1760 and 1761, and as enshrined in section 35 of the *Constitution Act, 1982*; and
>
> That the Senate condemn the violent and criminal acts interfering with the exercise of these treaty rights and requests immediate respect for and enforcement of the criminal laws of Canada, including protection for Mi'kmaw fishers and communities.

Hon. Mary Jane McCallum: Honourable senators, I rise today to speak on Motion No. 40 regarding the protection and affirmation of Mi'kmaq fishers' treaty rights. I want to thank Senator Francis for bringing this important matter forward.

I want to acknowledge that the contents of this speech come largely from the Master of Arts thesis submitted by Ms. Karilyn Toovey entitled *Decolonizing or Recolonizing: Indigenous*

Peoples and the Law in Canada. The committee members were Dr. Jeff Corntassel, Dr. Taiaiake Alfred, Dr. John Borrows, and Dr. James Tully.

As Audre Lorde said: "The master's tools will never dismantle the master's house."

Ms. Toovey's thesis examines the limitations and drawbacks in using the law with respect to cases involving Indigenous rights and title. She demonstrated that tackling issues of rights and title through the Canadian judicial system is potentially dangerous to the advancement of Indigenous rights and title.

So what are the alternatives to legal forums? In her thesis, Ms. Toovey states:

> . . . law cannot be separated from culture and law operates to perpetuate culture. In the case of Canada, the law operates to perpetuate a colonial culture. Therefore, when we speak of Indigenous peoples emancipating themselves through the use of a foreign and imposed law, we are asking Indigenous peoples to adopt the very culture that created their oppression in the first place.

Ms. Toovey asks:

> In 1982, section 35 was added to the newly patriated Constitution of Canada. . . . what has been the result of section 35? Have conditions changed for Indigenous people? Has it become easier to make rights claims? Have Indigenous peoples been enabled by section 35 to speak in their own voices? Has it led to a revitalization of culture?
>
> By entrenching section 35 of the Constitution the politicians were effectively ensuring that Indigenous peoples would have to take any and all claims to court, further legitimizing the institutions of the Canadian state, and removing Indigenous issues from the political sphere. Effectively, Indigenous peoples were relegated to a world whereby they would have to ask for their rights from their colonizing oppressor, and in order to ask for those rights, they would necessarily legitimate their oppressor.
>
> The people of Burnt Church experienced first hand the futility of section 35 and court rulings on it. Burnt Church was the community most affected in the aftermath of the *Marshall* decision. When the *Marshall* decision came down and the Mi'kmaq began to fish they were subjected to violence and arrests. The community of Burnt Church was attacked directly by the non-Indigenous lobster fishermen. Indigenous-owned lobster traps were destroyed and pictures of the Department of Fisheries (DFO) boats chasing, and often attacking, Mi'kmaq were a fixture on news reports. In the end however, it was the Mi'kmaq who faced charges of exceeding their legal limit of lobster catches, a limit imposed by the colonizer. Mi'kmaq Commander of the East Coast Warrior Society James Ward, when speaking of the ensuing criminal trials, stated, "No one here has any faith in the judicial system. There's animosity between ourselves and the judge himself and obviously between the fisheries officers present. This is a system that gives (a police) officer two years less a day of community service for shooting a native man in Ipperwash. Why should we have any faith in the judicial system doing anything for us?"

• (2030)

Ms. Toovey explains the *Marshall* decision by saying:

> *R. v. Marshall* was considered another "win" for Indigenous peoples. In that case Donald Marshall Jr. was acquitted of catching and selling eels. The court determined that, as a result of treaty and section 35, the Mi'kmaq do have a right to . . . earning a "moderate livelihood".

Doug Cuthand, in his article in the *Regina Leader Post* on September 26, 2020, stated:

> The term "moderate livelihood" is not a legal term, and First Nations seem to be the only people in Canada who are subject to it.

Ms. Toovey continues:

> Marshall relied on a 1752 treaty as evidence that the colonial regime had always recognized the right of the Mi'kmaq to sell fish given the inclusion of a "truckhouse" clause in the treaty. The "truckhouse" clause allowed the Mi'kmaq to bring their catch to be sold at truckhouses (essentially trading posts) in order that they may earn a "moderate livelihood", but the Mi'kmaq are prevented from an "open-ended accumulation of wealth . This judgment led to an extreme backlash against the Indigenous fishery, and led to violent clashes between Indigenous fishers and the Canadian fishery. The Supreme Court responded to this by releasing its judgment in *Marshall 2*, which curtailed the rights earlier acknowledged by the court. The *Marshall 2* court notes that the Indigenous rights were subject to government regulation. The court in *Marshall* was accused by many of practicing a sort of judicial activism, with many stating that it was indicative of the courts unbridled willingness to grant open-ended rights to the Indigenous. . . . it is not for the court to "grant" a right that already exists, and more frightening still was that the first judgment was already restrained, and yet, as has been proven by the *Marshall* case, this restrained acknowledgment that an Indigenous right exists was fraught with such huge political ramifications that the court was forced to bend.
>
> . . . the *Marshall* decision leaves Indigenous peoples with the right to fish, and sell their catch, but only within a highly regulated and colonial regime, that is set up, maintained and enforced by the colonial parties such as the Department of Fisheries and Oceans, the courts and the police.
>
> The *Marshall* decision made evident just how much the judiciary is influenced by popular opinion, in that the court further restricted the rights it recognized the Mi'kmaq to hold. . . . the judiciary exists as a result of political appointment . . . . The judiciary is ultimately accountable to

the politicians, who are ultimately accountable to the majority . . . . but it is certainly not accountable to the Indigenous population. As Patricia Monture-Angus points out,

> The judicial process on which we rely to resolve Indian claims is not accountable to the people whose future it determines. Canada (either federal or provincial governments), on the other hand, can by the authority vested in its legislative powers, circumvent judicial decisions by passing or amending the statutory provisions. This forces courts to at least acknowledge seriously the position the various Canadian legislatures take on certain issues. No such deference to Aboriginal governments exists in the present balance between judicial and legislative powers.

Long before the arrival of Europeans on this continent Indigenous people had complex systems governing their fisheries that allowed for sizable catches, as well as conservation.

. . . in Canada, by 1884 the Dominion government required Indigenous peoples to seek permission from the colonial government to fish for food (this, despite the fact that non-Indigenous people did not need a license to food fish) and by 1888 the Indigenous peoples could no longer sell fish without a license.

The DFO has long used conservation concerns as a means to control, and in many cases, halt the Indigenous fishery.

Parnesh Sharma has uncovered some of the disturbing ways in which the DFO pushed Indigenous peoples out of the fishing industry. Sharma details the fishing season of 1995 in which the DFO asked Indigenous peoples to not catch their allocation of fish due to conservation issues. There was no such conservation issue . . . . As Sharma notes, "Rather, the DFO, under intense pressure from the commercial lobby, lied to the aboriginal fishers and simply reallocated the aboriginal food fish to the commercial fishery. . . The decision to violate aboriginal fishing rights and the terms of the AFS agreement apparently occurred with the full knowledge of the Federal Minister of Fisheries Brian Tobin."

For the Mi'kmaq, the *Marshall* decision did not create a right, the Mi'kmaq already held the right. What the *Marshall* decision did was create a stronger resolve within communities to resume the fishery that had been vital to their communities and culture for thousands of years. By February of 2000, the Mi'kmaq had decided to take the political initiative (partly as a result the second court ruling in the *Marshall* decision . . . .) and define their own rights, outside of Canadian courts, outside of colonial legal structures. What resulted was the Esgenoopetitj Fisheries Act and Management Plan. The creation of this came out of a process owned by the community of . . . . Burnt Church, whereby extensive consultation took place.

Many Indigenous communities are at a crucial point, where languages are being lost, and ways of life are being forgotten. For coastal communities the need to educate young people about the culture necessitates the return of the traditional fishery.

The Indigenous peoples of both the east and west coasts will face continued resistance to their fishery as commercial interests begin to face restrictions in light of diminishing stocks.

. . . going to court confines rights to the states interpretation of them. It removes the community from defining for themselves what their rights are, what they look like and how they will be exercised and puts those rights and the definitions of those rights into the hands of the state and . . . puts the maintenance of a culture into the hands of the state, and the state has repeatedly proven that it's motive is to at the very least subsume Indigenous culture, if not outright destroy it.

Were gains made for communities as a result of acts of resistance? . . . the actions were . . . successes because of how they brought communities together. In some cases communities already had a measure of solidarity, but in other cases communities were brought together that were otherwise fragmented. James Ward . . . stated that the incidents at Burnt Church . . . . left a lasting impression on the community, with a renewed sense of community and pride.

. . . after 500 years of colonization, Indigenous peoples have demonstrated they are not in short supply of [patience and strength].

. . . the exercising of rights, acknowledges what a court room simply cannot; that communities are the sum of all their parts, that issues cannot simply be reduced to one of land, fish, trees. By not simply taking these issues into court Indigenous peoples are maintaining their right to define who they are, what they are and what it means to be Indigenous. In a sense, the exercise of rights has become a part of ceremony, the ceremony that is community, solidarity and survival.

Honourable senators, let's support our fellow senators and call upon the Government of Canada to uphold Mi'kmaw treaty rights to a moderate livelihood fishery safely and with the blessings of Canada. Thank you.

Hon. Pierre J. Dalphond: Honourable senators, I rise to support the joint motion of Senator Francis and Senator Christmas calling on the federal government to finally uphold the Mi'kmaw constitutional treaty rights to a moderate livelihood fishery and condemning the violence that occurred last year in Nova Scotia to impede these rights.

This motion, introduced in November 2020, has added urgency because of Minister Jordan's statement of March 3, indicating the government's intent to unilaterally regulate moderate livelihood fisheries for lobster within the established seasons, alleging conservation grounds.

• (2040)

We have all seen Senator Francis's and Senator Christmas's statements in response, raising serious deficiencies around consultation and conservation claims. The government has also not accommodated our colleagues' proposal for co-management of this resource through an Atlantic First Nations fisheries authority, advanced in the fall with the support of MP Jaime Battiste.

[*Translation*]

The federal government's long-running failure in this business is undeniable. What's more, successive governments seem oblivious to the teachings of the Supreme Court of Canada from more than 20 years ago now.

[*English*]

From the first *Marshall* decision, rendered by the Supreme Court on September 17, 1999:

> Catch limits that could reasonably be expected to produce a moderate livelihood for individual Mi'kmaq families at present-day standards can be established by regulation and enforced without violating the treaty right. In that case, the regulations would accommodate the treaty right.

In the second *Marshall* decision, rendered on November 17, 1999, the court added:

> . . . the process of accommodation of the treaty right may best be resolved by consultation and negotiation of a modern agreement for participation in specified resources by the Mi'kmaq rather than by litigation.

Failing a modern agreement, the court further stated that the treaty right may be regulated — and even in some cases infringed — for conservation or other compelling public objectives, but:

> A "closed season" is clearly a potentially available management tool, but its application to treaty rights will have to be justified for conservation or other purposes. . . . The complexities and techniques of fish and wildlife management vary from species to species and restrictions will likely have to be justified on a species-by-species basis.

I further quote:

> The Minister's authority extends to other compelling and substantial public objectives which may include economic and regional fairness . . .

To summarize, the Supreme Court of Canada has invited parties to negotiate a modern agreement and, failing such a negotiated agreement, described the procedures for regulating treaty rights. The Supreme Court said that the regulations, when adopted, if they constitute an infringement on the right to catch for a moderate livelihood, will have to be a minimal infringement, which should result from adequate consultations and should provide for a fair compensation.

[*Translation*]

For example, treaty rights holders in the Gaspé Peninsula have accepted commercial access models, like the Maliseet of Viger, who signed an agreement with the federal government in 2019. However, the government cannot impose such a model. The affected nations have rights that supersede commercial licences. These nations are not obligated to exercise their rights under a new treaty if they prefer to exercise the rights they hold under historic treaties. This approach has to be respected and based on the rationale of the moderate livelihood framework. The government must honour that choice.

[*English*]

Unfortunately, the government did not act accordingly. The lack of resolve has led to ugly behaviours from commercial fishers when the Mi'kmaq decided to enforce their treaty rights — treaty rights that are constitutional and superior to the commercial rights — and a slow response from the RCMP followed.

Moreover, earlier this month, Minister Jordan, in her statement, failed to address problems identified by Senator Francis and Senator Christmas, and continues to act unilaterally and to impose a paternalistic approach. This decision — which she says is necessary for the protection or the conservation of the resource — is very regrettable and certainly not respectful of the treaty rights.

Once more, we have a government failing to bring political will to a real problem and to recognize important, constitutionally protected treaty rights.

The recent event in Nova Scotia and previous events elsewhere in Canada have shown that there is a real social problem in Canada. Many Canadians have an insufficient understanding of the history, geography and reciprocal nature of treaties with Indigenous nations, their constitutional status and their practical consequences. This lack of understanding is a failure of our education systems, reflective of a history of racist federal policies, as we know from Call to Action 62 of the Truth and Reconciliation Commission.

Treaties are foundational law. As former senator Sinclair wrote to the Prime Minister on October 16 last year, regarding the violence:

> . . . this situation is a clear and powerful test as to whether Canada is indeed a country of laws, as there is zero legal ambiguity in the present circumstances, with respect to both criminal law and the constitution.

In general, we should not tolerate a misguided view of treaty rights as a valid source of grievance for non-Indigenous peoples such as commercial fishers. All Canadians have derived economic benefits from treaties, including the lands and resources that built this country. Education can also further the understanding of how treaty rights interact with commercial fisheries. I repeat, treaty rights are far superior to commercial fishers' rights.

[*Translation*]

In November, many Canadians learned that a coalition of Mi'kmaq communities, including the Membertou First Nation, which Senator Christmas belongs to, had acquired 50% of the shares in Clearwater Seafoods. Clearwater is the largest holder of commercial shellfish licences and quotas in Canada. That doesn't solve the problem, though. The Senate could play a role by explaining the differences, from a legal perspective, between commercial licences and moderate livelihood fishing, as well as connections to fishing for food, social and ceremonial purposes under section 35 of the Constitution Act, 1982, concerning the rights of First Nations.

[*English*]

Nationwide, public opinion polls offer hope that there might be a unifying path forward in full respect of treaty rights and conservation. According to Nanos, almost three in four Canadians say that the best path forward in the Mi'kmaq lobster fishing dispute is to make sure that Indigenous fishing rights are respected while also ensuring that Indigenous fishers follow federal conservation rules.

This leaves open, however, what those conservation rules should be and how they should be co-developed. Here, the alleged conservation concerns raised by the minister appear greatly overstated. The Mi'kmaq lobster fishery is small in scale. In one fishing zone at issue in Nova Scotia, as Senator Keating referenced earlier, we are talking about 550 Mi'kmaq traps compared to 391,000 commercial traps — one seventh of 1%.

Also important, our American neighbour's example suggests that Atlantic lobster reproduction does not require seasonal regulation of the catch for conservation. In Maine, the lobster capital of the U.S., there are no seasons. The Canadian seasons are apparently more about lobster price, and also because seasonal hard-shelled lobsters may be more safely transported. If this is the case, why is this rationale being publicly conflated with conservation?

• (2050)

On March 3, Minister Jordan said, "Seasons ensure that stocks are harvested sustainably and they are necessary for an orderly, predictable, and well-managed fishery."

However, if seasons are not in fact required for lobster conservation, it is difficult to accept this conclusion. Management of the overall catch could be sufficient, as stated by Professor Robert Steneck of the University of Maine's School of Marine Sciences. This could be done through co-management with Indigenous nations. Instead, it seems that the government's overriding rationale probably relates to the economic interest of commercial fishers and maybe an upcoming election.

For example, the minister referred to the established seasons as distributing "economic benefits across Atlantic Canada."

If the government's primary rationale is economic, the government should be up front about it. The government should clearly explain its objectives with evidence, such as those related to use, prices and returns for fishers, so that objectives and evidence may be evaluated and alternatives weighed. Exaggerated claims about conservation do not advance policy solutions or build trust, particularly with the history of rights violations.

[*Translation*]

I would like to point out that this type of argument is quite baffling, if not insulting, to Indigenous peoples, given the impact colonialism has had on the development of natural resources in North America.

In the late 19th century, bison were hunted by the new arrivals, and their numbers dropped from 50 million to a little over a thousand today. This destroyed the economic prosperity of Indigenous peoples of the plains. The commercial whale fishery has led to the near extinction of the North Atlantic right whale. Senators will recall the more recent history of Atlantic cod overfishing.

In considering any conservation plans for the Atlantic lobster or any other natural resource, I think that the federal government and non-Indigenous Canadians would do well to listen to what Indigenous partners have to say on conservation, including the Mi'kmaq principle known as *netukulimk*.

[*English*]

The recent response from the minister shows that a lot remains to be done and that the government's response is not yet meeting the teachings of the Supreme Court. But I believe the Senate could assist in reconciliation.

First, the Senate can play a public education role about treaty rights and the categories of fisheries. Commercial fisheries are not ancestral fisheries.

Second, the Senate can play a role in depoliticizing the moderate livelihood fishery issue. We should, of course, take our lead from Senators Francis and Christmas on other policy options for the Senate beyond this motion. However, I do think senators' long tenure and policy lens are assets that could be helpful.

In closing, senators, I encourage you to adopt unanimously this motion in the spirit of the Peace and Friendship Treaties and of reconciliation. Thank you. *Wela'lin*.

(On motion of Senator Wells, debate adjourned.)

MOTION TO CALL ON THE GOVERNMENT TO ADOPT ANTI-RACISM AS THE SIXTH PILLAR OF THE CANADA HEALTH ACT—DEBATE

On the Order:

> Resuming debate on the motion of the Honourable Senator McCallum, seconded by the Honourable Senator McPhedran:
>
> That the Senate of Canada call on the federal government to adopt anti-racism as the sixth pillar of the Canada Health Act, prohibiting discrimination based on race and affording everyone the equal right to the protection and benefit of the law.

Hon. Marilou McPhedran: Honourable colleagues, as a senator for Manitoba, I acknowledge that I come from Treaty 1 territory, the traditional territory of Anishinaabeg, Cree, Oji-Cree, Dakota and Dene peoples, and the homeland of the Métis Nation.

I also want to acknowledge that the Parliament of Canada is situated on the unsurrendered territory of the Algonquin Anishinabeg First Nations.

I rise today to speak in support of Senator McCallum's motion that the Senate of Canada call on the federal government to adopt anti-racism as the sixth pillar of the Canada Health Act, prohibiting discrimination based on race and affording everyone the equal right to the protection and benefit of the law. I would like to start by thanking Senator McCallum for bringing forward this motion and responding as a senator on the recommendation of the open letter written by members of the Brian Sinclair Working Group, based in Manitoba, and other advocates for equity in health care in our home province of Manitoba.

Senator McCallum's descriptions of her personal experiences with racism, and of the fatal discrimination imposed on Brian Sinclair in Manitoba, and more recently on Joyce Echaquan in Quebec, leading up to their tragic deaths, woke us up.

I deeply regret that we may only discuss Brian and Joyce in reflection on the circumstances of their death and not celebrate who they were in life. That opportunity was taken from us due to the very real, very tangible effect of systemic racism on members of racialized groups.

Colleagues, we are all patients. At various times in our lives, when we are patients in need of professional health care, we are vulnerable and there is a power balance between patient and health care professional that contributes to the potential for abuse of power. However, what the evidence we have on cases where such abuse of power is in a form of discriminatory, racist behaviour, is that not all of us, when we are patients, are similarly disadvantaged.

Racism tilts these situations and targets patients whose readily identified physical characteristics — such as facial features and/or other identifying features such as their names — fit stereotypes. By no means are these stereotypes limited to Indigenous peoples in Canada. This motion advocates for all people who may be harmed by racism, conscious and unconscious, in their health care.

This sixth pillar and our national health law would make it more likely that racism would be more easily and readily identified, and would extend awareness of potential protections and remedies for patients harmed by racism.

Naming a harm is essential to prevention of further harm. Naming a harm is to set the conditions for policies and rules to render consequences for those who practise racist conduct in health care environments.

The lived experience for many is that of gross inequality when it comes to accessing health care and other essential services.

The broad sweep of this motion is necessary. The facts available to us currently indicate that a disproportionate burden of racism in health care is imposed on patients of Indigenous origin.

In the words of former judge and former child advocate for B.C. Professor Mary Ellen Turpel, reporting on the investigation she recently completed in British Columbia:

> What I found in fact, was despite some guessing happening here and there, at the direct point of care with Indigenous people, First Nations and Métis in British Columbia, I found hundreds of examples of direct, personal racism and implicit bias.

Colleagues, in just the last few months more than 9,000 people took part in the B.C. investigation and more than 600 cases were reviewed. Professor Turpel says the findings were disturbing. 85% of Indigenous peoples said they had experienced racism and discrimination at the point of care.

• (2100)

The Hon. the Speaker pro tempore: Senator McPhedran, I'm sorry, but I have to interrupt you. You will have 10 minutes to finish your intervention when we return to this item.

(*At 9 p.m., pursuant to the orders adopted by the Senate on October 27, 2020, December 17, 2020, and March 15, 2021, the Senate adjourned until Tuesday, March 23, 2021, at 2 p.m.*)

APPENDIX

DELAYED ANSWERS TO ORAL QUESTIONS

CANADIAN RADIO-TELEVISION AND TELECOMMUNICATIONS COMMISSION

CBC/RADIO-CANADA

(*Response to question raised by the Honourable Percy E. Downe on October 2, 2020*)

At the beginning of the pandemic, CBC/Radio-Canada, who is solely responsible for its programming, was forced to temporarily scale back its local television newscasts because of the unexpected surge in COVID-19-related live news conferences across the country. The measure ensured there would be no service disruptions or breakdowns in CBC/Radio-Canada's central operations centre. Local CBC/Radio-Canada television newscasts were replaced by a national program with local inserts.

On March 25, CBC/Radio-Canada began to restore local television supper-hour newscasts and completed the process over the summer including evening newscasts across the country. In Prince Edward Island, "CBC News: Compass" was restored with a 30-minute segment, supplemented by a 30-minute CBC News Network segment on March 26. It was fully restored to its 60-minute segment, on June 15. "Atlantic Tonight Weekend" programming returned on October 10.

As an independent, arm's-length organization, CBC/Radio-Canada immediately notified the Canadian Radio-television and Telecommunications Commission (CRTC) of this temporary measure and provided regular updates to the Commission, elected officials and the public, as local CBC/Radio-Canada newscasts were restored.

CBC/Radio-Canada realizes how important these local newscasts are to Canadians and has taken measures to ensure their stability.

NATIONAL RESEARCH COUNCIL

NATIONAL BUILDING CODE

(*Response to question raised by the Honourable Rosa Galvez on October 28, 2020*)

The next edition of the National Model Codes are anticipated to be available in December 2021.

Current provincial and territorial building, energy and safety regulations will remain in effect until the next edition of the National Model Codes are adopted by the provincial or territorial authorities having jurisdiction.

Importantly, energy efficiency is a priority for the next edition of the National Model Codes.

Proposed code changes introduce performance tiers, which will provide provinces and territories the opportunity to adopt energy efficiency provisions in their building construction regulations to meet their needs.

At their highest level, the proposed tiered performance requirements would elevate the energy efficiency of buildings to net zero energy ready. The tiered model would provide provinces and territories with the means to achieve net zero energy ready building codes.

The adoption of net zero energy ready provisions in the National Model Codes by 2030 is a responsibility of provincial and territorial jurisdictions and, as indicated in the Pan-Canadian Framework on Clean Growth and Climate Change, building codes will take regional differences into account.

PUBLIC SAFETY

DE-ESCALATION AND ANTI-RACISM TRAINING

(*Response to question raised by the Honourable Rosemary Moodie on November 3, 2020*)

This summer, Statistics Canada and the Canadian Association of Chiefs of Police committed to working with the policing community and key organizations to enable police to report statistics on Indigenous and ethno-cultural groups in police-reported crime statistics on victims and accused persons. The proposed data would capture interactions where a criminal incident has occurred and would be collected through the Uniform Crime Reporting Survey. National data on homicides is collected by Statistics Canada in a separate survey, and data on identity is available through that survey.

Through the General Social Survey (GSS) of Canadians' Safety (Victimization), Statistics Canada provides data on the perceptions that various populations have of police and their reporting of crime to the police. This information may also be used to understand levels of trust and confidence in police by various communities. The results from the 2019 survey can be found on the Statistics Canada website.

Statistics Canada does not collect records on the use of force, drawing of firearms, or traffic stops (that do not result in a criminal charge).

(*Response to question raised by the Honourable Rosemary Moodie on November 3, 2020*)

Policing based solely on a person's race or ethnicity is abhorrent, unacceptable and unlawful. It is contrary to the Charter and the government remains firm that there is no place for racism or bias of any kind within police services.

The RCMP is implementing a National Body-worn Camera Program for frontline officers to support transparency and accountability and to improve relationships with racialized and Indigenous communities.

The RCMP is updating mandatory training and implementing de-escalation tools and techniques, advancing a national framework for crisis intervention, and publishing information on calls for service, wellness checks and use of force.

The RCMP is working with Statistics Canada and the Canadian Association of Chiefs of Police to collect and publish police-reported crime statistics to better inform the creation of effective and evidence-based policies and practices.

As per the mandate letter given to the Minister of Public Safety and Emergency Preparedness Canada, the Government will introduce legislation to enhance civilian oversight of our law enforcement agencies with improved standards for responding to public complaint and review investigations.

The Government has invested over $600M since 2016 to support our commitment to address substance use as a public health issue.

HEALTH

FOOD SECURITY

(*Response to question raised by the Honourable Bev Busson on November 4, 2020*)

Statistics Canada is committed to providing data to support the monitoring and achievement of the 2015 United Nations Sustainable Development Goal #2: Zero Hunger.

There are already underway several measures providing insights on food security. Most recently, Statistics Canada assessed the levels of food insecurity being experienced by Canadians early in the pandemic.

Statistics Canada began monitoring food insecurity in 2005 through the Canadian Community Health Survey (CCHS). In 2017-18, the survey showed that one in eight households were found to be food insecure. This headline indicator is also monitored as part of Canada's Official Poverty Dashboard mandated by the Poverty Reduction Strategy.

Statistics Canada also released data and analysis on food insecurity based on a number of other sources, including the Aboriginal Peoples Survey, and the Longitudinal and International Survey of Adults (LISA).

An upcoming release of the LISA data will include an analysis on food insecurity based on 2018 data. Expected in Spring 2021, the results of the CCHS for 2020 will include an analysis of pandemic prevalence.

ELECTIONS CANADA

CANADIAN MUSLIM VOTING GUIDE

(*Response to question raised by the Honourable Linda Frum on November 17, 2020*)

The legislative mandate of the Commissioner of Canada Elections (CCE) is to ensure that the Canada Elections Act is complied with and enforced. In carrying out his functions, the commissioner is always guided by the following overarching objective: which measure is most likely to best serve the public interest in light of the specific circumstances of each case.

As described in correspondence from the Office of the CCE to complainants, and as can be determined from publicly available documents on Elections Canada's website, the third party responsible for the publication of the guide has complied, albeit late, with the registration and reporting requirements of the Act. These requirements having been met, and no other violations having been found, the commissioner, in keeping with his *Compliance and Enforcement Policy*, decided to use informal means to conclude the matter. These include information or caution letters and other forms of communication (telephone, e-mail or in-person) with persons or entities that are the subject of a complaint. Communications of this kind serve mainly to inform the persons or entities involved about the alleged offence and associated statutory requirements, with a view to rectifying the situation and encouraging voluntary compliance in the future.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

UNITED NATIONS TREATY ON THE PROHIBITION OF NUCLEAR WEAPONS

(*Response to question raised by the Honourable Mary Coyle on November 17, 2020*)

Canada acknowledges the widespread frustration with the pace of global efforts toward nuclear disarmament, which motivated the negotiation of the Treaty on the Prohibition of Nuclear Weapons (TPNW). While Canada shares these concerns, Canada has not signed the Treaty out of concern that it does not contain credible provisions for monitoring and verification, which are necessary for the elimination of nuclear weapons. Furthermore, the treaty's provisions are inconsistent with Canada's collective defense obligations as a member of NATO.

Canada is deeply committed to achieving a world without nuclear weapons through a pragmatic and inclusive step-by-step approach. That is why Canada works as a bridge-builder among states to reinforce the Treaty on the Non-Proliferation of Nuclear Weapons, the cornerstone of global nuclear non-proliferation and disarmament. As part of its pragmatic approach, Canada will continue to advocate for other aspects of the disarmament and non-proliferation architecture, including negotiations of a Fissile Material

Cut-off Treaty, and the entry into force of the Comprehensive Nuclear-Test-Ban Treaty. In addition to these efforts, Canada is working to build global capacity for nuclear disarmament verification; and to foster a more inclusive approach to disarmament and non-proliferation, with the full and equal participation of women, and the engagement of youth.

INNOVATION, SCIENCE AND ECONOMIC DEVELOPMENT

INDUSTRY STRATEGY COUNCIL

(*Response to question raised by the Honourable Douglas Black on December 1, 2020*)

The Industry Strategy Council's report was published on December 11, 2020, and is available online.

Throughout the course of its work, the council has been a sounding board for ideas from industry and government. The council's feedback has been informed by engagement with a cross-section of industry stakeholders and by many ideas from Canadians across the country, and the government has moved forward on a number of measures informed by its input, including but not limited to:

- Investments in projects that create jobs and reduce pollution, like the $295-million investment for battery-electric vehicle manufacturing
- Acceleration of the Universal Broadband Fund to connect 98% of Canadians by 2026 and 100% by 2030
- Support for tourism and hospitality, hotels, and culture with the creation of the new Highly Affected Sectors Credit Availability Program.

The Economic Strategy Tables, relaunching this year, will build on the foundational recommendations of the council to drive innovation and growth at the sectoral level.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

CANADA-IRAN RELATIONS

(*Response to question raised by the Honourable Linda Frum on December 10, 2020*)

Global Affairs Canada (GAC)

The Government of Canada, through internationally accepted processes, is working to assist the Ukraine in their criminal investigation. The assistance being provided is with respect to preserving evidence that may be in Canada. Departments engaged in these efforts include Global Affairs Canada, the Department of Justice, and the Royal Canadian Mounted Police. Canada continues to call upon Iran to conduct thorough, credible and transparent safety and criminal investigations.

We remain concerned by the lack of clear information released by the regime in Tehran which fails to answer crucial questions. We continue to work closely with our allies and other grieving nations (Ukraine, Sweden, Afghanistan and the United Kingdom). The Government of Canada will not rest until the families get the justice and accountability they deserve.

(*Response to question raised by the Honourable Linda Frum on December 10, 2020*)

The assessment of groups to add to the list of terrorist entities is an ongoing process and the Minister of Public Safety continuously evaluates which entities should be included. Canada has implemented strong measures to hold Iran and the IRGC accountable. Canada lists the IRGC-Quds Force, which is Iran's primary mechanism for cultivating terrorist groups, as a terrorist entity under the Criminal Code. The government also lists entities that benefited from the Quds Force and who help advance Iran's interests. These include Hizballah, Hamas, and the Palestinian Islamic Jihad. In June 2019, Canada added three additional Iran-backed groups to the list: Al-Ashtar Brigades, Fatemiyoun Division, and Harakat al-Sabireen. Iran provides these groups with substantial resources, including training and weapons to carry out terrorist acts that advance its goals in the region. Additionally, Canada lists Iran as a state supporter of terrorism under the State Immunity Act. The government also imposes sanctions on Iran and the IRGC, targeting all its branches as well as its senior leadership under the Special Economic Measures Act (SEMA) in response to Iran's nuclear and ballistic missile programs. SEMA prohibits listed individuals and entities from any dealings with Canadians, which effectively freezes their assets in Canada.

CANADA-CHINA RELATIONS

(*Response to question raised by the Honourable Thanh Hai Ngo on December 14, 2020*)

The Canadian Armed Forces did not conduct bilateral training exercises with the People's Liberation Army in 2019 and 2020. Global Affairs Canada continues to work with National Defence to ensure that all engagement activities are aligned with Canada's foreign policy.

Our government's priority is to seek the immediate release of Mr. Kovrig and Mr. Spavor, Canadian consular officers provide a wide range of services to Canadians arrested or imprisoned abroad, which vary on a case-by-case basis and from country to country. As of February 15, 2021, there were 119 Canadians in custody in Greater China (mainland China, Hong Kong and Taiwan). This figure represents the number of Canadians detained (in a prison, in a detention centre or in a medical facility) on a given date and the individuals may or may not be in custody. This figure also

represents only those individuals who have made their situation known to the Government of Canada. As such, comparisons with data from other sources should proceed with caution.

Our officials continue to provide consular services to these individuals and to their families.

HUMAN RIGHTS IN IRAN

(*Response to question raised by the Honourable Marilou McPhedran on December 14, 2020*)

Canada remains strongly committed to advocating for human rights in Iran and will continue to follow closely the cases of Mr. Reza Khandan and Ms. Nasrin Sotoudeh. Since 2003, Canada has led the annual United Nations resolution on the situation of human rights in the Islamic Republic of Iran, which was most recently adopted by the U.N. General Assembly Plenary on December 16, 2020. Among the recommendations made, the resolution calls on Iran to release persons detained for exercising their human rights and fundamental freedoms. The adoption of the resolution by countries from every region of the world sends a strong message to the Iranian regime that it must respect human rights. It also voices the support of Canada and the international community for the people of Iran in their struggle to enjoy the rights and freedoms to which they are entitled. Canada will continue to follow closely the human rights situation in Iran and will continue to urge Iran to uphold its international and domestic obligations to protect and promote the fundamental human rights of its people.

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