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Chair: The Honourable Hedy Fry



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• (1535)

[*Translation*]

The Chair (Hon. Hedy Fry (Vancouver Centre, Lib.)): Hello everyone.

I call the meeting to order.

Welcome to meeting number 77 of the Standing Committee on Canadian Heritage.

I would like to acknowledge that this meeting is taking place on the unceded territory of the Algonquin Anishinabe people.

[*English*]

Today's meeting, obviously, is taking place in a hybrid format, as most of you know, pursuant to the House order of Thursday, June 23, 2022.

I will make some housekeeping announcements.

While public health authorities and the Board of Internal Economy no longer require mask wearing, if you are in the room, then it would be a very good idea, for your sake and each other's, to wear a mask, because COVID-19 and other respiratory diseases are still there around us. Mask use is recommended.

I would like to take this opportunity to remind all participants of this meeting that taking screenshots or taking photos of your screen is not permitted. The proceedings will be made available via the House of Commons website, so you can get whatever you need when you go to that site.

Pursuant to Standing Order 108(2) and the motion adopted by the committee on Tuesday, September 20, 2022, the committee is meeting to continue its study on safe sport in Canada.

I have a couple of quick things. Do not speak unless the chair recognizes you to speak. Please direct all your questions and answers through the chair. At the very bottom of your screen, for those of you who are here virtually, there is a little globe icon. If you press that, you can get interpretation in English or in French, or in whatever original language is there.

I think that's basically all we need to know, so we're going to start with our witnesses for today.

We have for the first hour, as an individual, Steven Reed, former president of Canadian Soccer, by video conference.

Mr. Reed, you will be given five minutes to speak, and then there will be an open question-and-answer session in which you will be

asked questions and respond to them. I will give you a 30-second shout-out...and I mean that I will shout out. I will say "30 seconds" so that you can hear me, because sometimes when people are reading their testimony, they don't look up to see a sign flashing saying 30 seconds or whatever. When I give you the 30-second heads-up, I will expect you to take that time to wrap up. Sometimes if you don't get to finish what you have to say, it'll all come out in the wash when you get to the questions and answers. You can make the points you want to make then.

Mr. Reed, welcome to the committee. You now have five minutes to begin.

Mr. Steven Reed (Former President, Canada Soccer, As an Individual): Thank you, Madam Chair.

Hello, Madam Chair and members of the committee. As pointed out, I'm Steven Reed.

For much of my adult life I've dedicated my time to volunteering in the sport of soccer. I've coached youth teams in Victoria and Surrey, served as vice-president and president of the British Columbia Soccer Association and served on Canada Soccer's board of directors for 15 years.

Most recently, as the committee knows, I was vice-president of Canada Soccer from 2012 to 2017, and president of Canada Soccer from 2017 to 2020. Prior to that, it was my great privilege to serve on the national organizing committee for the FIFA Women's World Cup Canada 2015, a competition that was one of the high points for me and for soccer in Canada.

As this committee also knows, Canada Soccer is the governing body for the sport of soccer in our country, made up of provincial and territorial associations and professional league members. Canada Soccer is also charged with coaching development, referee development and national team programs at all age levels.

During my time on the Canada Soccer board, I focused on collaborating with partners and staff to grow soccer in Canada from the grassroots level up and strove to ensure that soccer is the safest sport in our country. Building on that outline, the remarks I make today will focus on two areas specifically: one, my role in the negotiations of the Canada Soccer-Canadian Soccer Business, or CSB, agreement; and two, the safe sports guardrails that were initiated during my time on the Canada Soccer board.

Before proceeding further, I also want to underline that I left Canada Soccer in 2020 when my term expired, and I have played no role in the association since that time. As such, my ability to comment on more recent events is limited.

Regarding the CSB agreement, which was unanimously agreed to by the Canada Soccer board on March 23, 2018, as this committee has heard, the CSB agreement provides valuable broadcast and streaming opportunities for both senior national teams. It guarantees annual payments to Canada Soccer and has secured new partners for investment in grassroots and high-performance soccer in Canada. Prior to the CSB agreement, Canada Soccer was paying hundreds of thousands of dollars per year to broadcast women's and men's national team matches. No Canadian broadcaster was willing to pay to broadcast the games. The agreement resolved that issue and has helped grow the women's and men's games in Canada. That reality was one of the major motivating factors of the Canada Soccer board for entering into the agreement. In short, there are benefits to the agreement for all parties.

The CSB agreement is a dynamic document. I know current Canada Soccer and CSB senior leadership are exploring ways to update it, but at the outset, the agreement was a strong and appropriate way to create revenue certainty for Canada Soccer and control costs. It's also important to note the CSB agreement is not the only source of revenue for Canada Soccer. For example, Canada Soccer receives significant gate revenue from the matches the association hosts.

On the matter of safe and respectful conduct in sport, my firm personal belief is that everyone who engages in sport must be afforded the right and opportunity to play, train and compete in a healthy and supportive environment that is respectful, equitable and free from all forms of harassment and abuse.

During the time I served as president of Canada Soccer, our board and staff took many actions to ensure the association was meeting that imperative, including by leading or assisting with developing and launching a club licensing program; building a relationship with the Canadian Centre for Child Protection; signing a long-term partnership with Respect Group; hiring a manager of coach education and a master coach developer; and publishing a new coach education pathway. We also developed and rolled out a national children's licence and approved and launched the Canada Soccer safe sport roster, which combines mandatory certification for all coaches, a sophisticated club licensing program, a national soccer registry, a whistle-blower policy and hotline, a code of conduct and ethics, and concussion protocols to create the best possible conditions for players, coaches, referees and administrators.

Those and other initiatives are indicative of my personal commitment to safe sport and of Canada Soccer's commitment to ensuring the safety and well-being of everyone playing and participating in soccer in Canada.

Thank you for your attention. I look forward to answering your questions.

• (1540)

The Chair: Thank you very much.

I did not have to give you a 30-second warning, Mr. Reed, so thank you.

We're going to the question-and-answer session. The first round is six minutes. I must remind everyone that the six minutes must include the question and the answer, so be as succinct as you possibly can.

We will begin this round with a member from the Conservative Party. The first one up will be Mrs. Thomas for the Conservatives.

Rachael, you have six minutes, please.

Mrs. Rachael Thomas (Lethbridge, CPC): Thank you.

Mr. Reed, you served as president of BC Soccer from 2006 to 2009, and at the same time you also served on the board for Canada Soccer.

In 2008, the women's coach, Bob Birarda, was accused of sexually assaulting players. Eventually he was released from Soccer Canada, but the allegations were covered up and it was said to be a "mutual decision".

A few months later, Mr. Birarda was hired to coach the U14 girls team under BC Soccer. As president of BC Soccer at that time, I'm wondering what your role was in that decision-making process.

Mr. Steven Reed: During the period of 2006 through 2009, you're correct that I was the president of BC Soccer. When the accusations came out about Bob Birarda, it was dealt with by the executive board of Canada Soccer. The governance structure at that time was much different from what it is now. There was an executive board of about seven individuals, I believe, and the provincial and territorial presidents were also on the board but not part of any decision-making process.

When the accusations came out and were brought to light, those were dealt with by the executive board. We were informed after the fact—I can't recall the communication, whether it was written or email communication or it was at a subsequent board meeting—of the results of the ombudsperson's recommendations, ultimately coming to the termination of Mr. Birarda from Canada Soccer's role.

Mrs. Rachael Thomas: Right, but as president of BC Soccer, the decision was subsequently made to hire him, after you were informed. A decision was made to hire him for the U14 team.

Mr. Steven Reed: He was not hired by BC Soccer for any role, to my knowledge.

Mrs. Rachael Thomas: He was not hired.

Mr. Steven Reed: Not to my knowledge.

Mrs. Rachael Thomas: I will look further into that, then.

I will move to my next questions having to do with the soccer deal. I'm curious as to why the deal with Canada Soccer Business was never put into the annual report.

Mr. Steven Reed: Which annual report are you referring to?

Mrs. Rachael Thomas: I'm referring to Canada Soccer's annual report.

Mr. Steven Reed: It may have been a timing issue. I don't recall.

If that was the annual report for after the agreement was executed, that would have been in 2019. Our annual general meeting would have been in May of that year. I know of no reason why it was or was not included in that annual report.

● (1545)

Mrs. Rachael Thomas: Was it part of the strategic plan? Was it reported there?

Mr. Steven Reed: In the strategic plan of... That would have been the 2019 strategic plan. I don't recall that either, whether it was included or not.

I don't have those documents readily available to me, so I can't comment on that.

Mrs. Rachael Thomas: Okay. When the deal was created, was there any legal counsel consulted, or a professional consultant, with regard to a sponsorship deal of this nature?

Mr. Steven Reed: The legal counsel was engaged in terms of reviewing the provisions of the agreement, the memorandum of understanding and the drafting of the actual document. We did not take counsel on the sponsorship aspects of it from any external body.

Mrs. Rachael Thomas: I'm curious as to your qualifications to sign off on such a deal.

Mr. Steven Reed: Is that my individual qualifications?

Mrs. Rachael Thomas: Yes, it would—

Mr. Steven Reed: I mean, as the president of the board of directors, I act on their recommendations and their approval. I executed the document based on a board motion where they gave me the directive to sign on behalf of the board.

I don't know that my individual qualifications with regard to the sponsorship agreement are relevant.

Mrs. Rachael Thomas: I'm sorry, but as president at the time, you're saying that your involvement or your qualifications in terms of considering such a deal were not relevant. Are you simply the man who puts the seal on the document?

Mr. Steven Reed: No, I'm sorry. I'm not saying that.

It was a collective agreement. It was reviewed by all of the board and legal counsel. We collectively, collaboratively determined that the CSB agreement was something that we wanted to pursue and sign.

Mrs. Rachael Thomas: You were president at the time, and I'm curious as to whether or not the CSB deal was reported to Canadian Heritage, since you were receiving public funds from them at the time.

Mr. Steven Reed: I don't recall whether it was reported to Canadian Heritage.

Mrs. Rachael Thomas: I'm curious then as to how we would find that information.

Who would be able to tell us whether or not that was reported to Canadian Heritage?

Mr. Steven Reed: You would have direct your query to current staff.

Mrs. Rachael Thomas: All right. I'll leave it there.

The Chair: Thank you very much.

I'm going to now go to the Liberals and Anthony Housefather.

You have six minutes, Anthony.

Mr. Anthony Housefather (Mount Royal, Lib.): Thank you, Madam Chair.

Thank you for being here, Mr. Reed.

Mr. Reed, in preparation for your testimony today did you discuss your testimony with Victor Montagiani, Peter Montopoli, Nick Bontis or Earl Cochrane?

Mr. Steven Reed: I had a discussion with Earl Cochrane. I have not had any discussions with any other individuals.

Mr. Anthony Housefather: Thank you.

In terms of Mrs. Thomas's question about the U14 team in B.C., she used the word "hired". BC Soccer may not have hired him, but he did coach a U14 team in B.C. months after he was let go by Canada Soccer.

Why as president of BC Soccer did you allow somebody who you knew to have these allegations against him coach a team of young women?

Mr. Steven Reed: BC Soccer does not [*Technical difficulty—Editor*]. That would have been at a club or district level. At the time, there was no national registry of coaches. There was no ability to determine whether that individual was coaching in our province or any other province.

Unfortunately—

Mr. Anthony Housefather: Mr. Reed, the gentleman was coaching in British Columbia a team of young women months after you knew he had these allegations against him.

Are you saying that you were completely unaware and everybody on the board of BC Soccer was completely unaware that he was coaching in the province for the next 10 years?

● (1550)

Mr. Steven Reed: I can't speak for other members of the board, but I was unaware that he was coaching at that time.

Mr. Anthony Housefather: For a decade, you were unaware. While you were president of Canada Soccer, you were unaware that the man was coaching in B.C.?

Mr. Steven Reed: Correct.

Voices: Oh, oh!

Mr. Anthony Housefather: Okay. I'm sure my colleagues will have many more questions on this.

Let me ask another question because I'm flabbergasted at that answer. I don't think I want to further pursue it.

Section 1.10 of the bylaws of Canada Soccer that were in place the day that you signed the CSB agreement stated as follows: "Deeds, transfers, assignments, contracts, obligations and other instruments in writing requiring execution by Canada Soccer shall be signed by the General Secretary and any one (1) of the President or Vice President."

You were the only one who signed the CSB agreement, Mr. Reed.

Why did Peter Montopoli, the general secretary who was required by the bylaws to sign it, not sign it?

Mr. Steven Reed: It was an inadvertent oversight. The board had unanimously approved the agreement and issued a direct—

Mr. Anthony Housefather: Your own bylaws, Mr. Reed, stated that the general secretary was supposed to sign every agreement. Did you not follow that practice while the bylaws were in place?

Were there other agreements that you executed by yourself?

Mr. Steven Reed: No, there were no other agreements that I executed by myself.

Mr. Anthony Housefather: There were no other agreements executed by yourself. Then how did this one slip through the cracks?

Was Mr. Montopoli opposed to the signing of this agreement?

Mr. Steven Reed: No, not to my knowledge. The contracts were written up by legal counsel for both parties. They included one signatory for each of Canada Soccer and Canadian Soccer Business. We signed on that basis.

Mr. Anthony Housefather: Okay.

Is it okay to violate your bylaws because the lawyer put one line on the document instead of two?

You didn't think you could sign below or above and make it valid?

Mr. Steven Reed: As I said, it was inadvertent. It was an oversight. It was not deliberate. We executed it—

Mr. Anthony Housefather: You mentioned in your testimony that on March 23, 2018, Canada Soccer authorized the signature of these agreements that you signed on January 1, 2019.

What you're missing, Mr. Reed, is that Canada Soccer has changed its story. When they showed up here, that's what they claimed. I showed them that there were minutes in December 2018 showing that the board itself had clearly determined that it did not approve the deal because the deal was still being negotiated.

Then they showed up mysteriously with minutes of 7 February, 2019, where the board did approve the deal. You have a director named Ryan Fequet, who was on the board at the time, and he's quoted as saying:

The board recognized this was a s—t deal right from the start....

You should know about an organization you are partnering with if you are giving them literally all of your marketing rights. And every time we have asked for information about Canada Soccer Business, the board has been shut down. The board absolutely did not approve this contract.

Mr. Fequet was a member of the board on both of these dates.

How could he say this when you're claiming the whole board agreed?

Mr. Steven Reed: I can't speak to Mr. Fequet's comments, but the board approved the agreement in March to move ahead to get legal counsel to draft all of the appropriate documents. There was another meeting in December, when there was a review of another iteration of the agreement and further non-substantive changes were made. The February 7 meeting was the final approval, when the board approved the agreement for me to sign on behalf of Canada Soccer.

Mr. Anthony Housefather: Again, let me understand this. I find this to be a very weird deal.

Why did you sole-source the agreement to CSB? You had others in the market, like Soccer United Marketing, which did the deals with Mexico and the United States and obtained substantially greater amounts of money.

Why did you decide to sole-source the deal to CSB?

Mr. Steven Reed: It was one of the factors—

The Chair: You have 30 seconds.

Mr. Steven Reed: —that led to the creation of the Canadian Premier League. Canadian Soccer Business was a Canadian group. It made sense for us to partner with them—

Mr. Anthony Housefather: Were there no other Canadian groups that existed that could have been in on this business?

Did Mr. Montagiani make an original introduction?

Mr. Steven Reed: There were a number of people who were involved with the initial introduction. There were representatives from—

Mr. Anthony Housefather: Was he involved?

Mr. Steven Reed: Yes.

Mr. Anthony Housefather: Thank you.

The Chair: Thank you, Anthony.

Mr. Kevin Waugh (Saskatoon—Grasswood, CPC): I have a point of order, Madam Chair.

I would like this guest, Mr. Reed, to be sworn under oath. I've heard enough already from Mr. Reed to...

Would the clerk mind preparing him for the oath?

• (1555)

The Chair: Yes.

Clerk, will you please prepare Mr. Reed for the oath?

The Clerk of the Committee (Mr. Michael MacPherson): We're going to go with the solemn affirmation, since it's the easiest one to perform at distance.

Please repeat after me:

I—state your name—do solemnly, sincerely and truly affirm and declare that the evidence I shall give on this examination shall be the truth, the whole truth and nothing but the truth.

Mr. Steven Reed: I, Steven Reed, do solemnly, sincerely and truly affirm and declare that the evidence I shall give on this examination shall be the truth, the whole truth and nothing but the truth.

The Clerk: That's it.

Thank you very much.

The Chair: Thank you, Mike.

Thank you, Mr. Reed.

We're going to now go to Mr. Lemire from the Bloc Québécois.

You have six minutes, Sébastien.

[*Translation*]

Mr. Sébastien Lemire (Abitibi—Témiscamingue, BQ): Thank you, Madam Chair.

I almost feel like asking you if you know the Vancouver Whitecaps, but I will take this in another direction.

Given your role as a member of the board and treasurer in 2009, how aware were you of the troubling reports of a head coach and the disappearance of funds, misleading financial statements and other unethical acts within the national women's team program?

On Monday we heard, during Andrea Neil's testimony, that Canada Soccer, instead of investigating and disciplining the manager involved, promoted him and punished the coaches of the women's national team who took the initiative to report the reprehensible acts.

How much were you told about these situations and what was your involvement?

[*English*]

Mr. Steven Reed: I would have to have more specific details of the situation. I'm not aware of any embezzled funds.

This is a very serious allegation. It definitely would have been brought to our attention, and we would have acted accordingly.

[*Translation*]

Mr. Sébastien Lemire: Thank you.

I want to come back to the agreement with Canadian Soccer Business. You think it is a good agreement. However, you are getting only a fixed amount. This contract does not leave room for any renegotiation. It relies only on the good will of Canadian Soccer Business. There is nothing for the women in this document. Even if Canadian Soccer Business wanted it, the rights cannot be transferred to Project 8, which could contribute to the development of a professional women's league.

How can you say that this is a good agreement? Why was there no consideration given to having a fixed amount with a percentage of all the additional sums obtained for such an amount?

[*English*]

Mr. Steven Reed: First of all, the agreement did, as I outlined in my opening remarks, provide revenue certainty for us going forward and did control costs since we could have our women's and men's national teams' games broadcast across the country at no cost to us. The revenue source that is generated from the CSB agreement supports all of the programs. It's not just men's or women's. It's all the activities that Canada Soccer undertakes.

We viewed it as being a very positive deal at a time when, to be honest, revenues were somewhat uncertain in certain areas. It did give us that comfort that going forward we would have a stable revenue source to carry on all the activities of Canada Soccer.

[*Translation*]

Mr. Sébastien Lemire: I am always surprised to hear that it costs so much to broadcast the matches, especially with the increased number of specialty sports channels. Given the possibility of Canada hosting the World Cup in 2026, the success of women's team at the Olympics and the emergence of star players on the men's team, you must be keenly aware that there is a vested interest in increased funding. Soccer is one of the most played sports in Canada and the most played sport in the world.

Why not include renegotiation of the agreement from the start?

[*English*]

Mr. Steven Reed: First of all, when the negotiations commenced, we didn't have the World Cup 2026 hosting rights. Those came shortly thereafter. At the time, our men's team was not where they are today. It's a positive thing today that we can talk about them in this light. The landscape when we were carrying out the negotiations was different from what it is today.

I still say that, based on the revenue certainty and the cost controls that are there, it represents a positive agreement for all parties.

The renewal provision in the contract does allow us to commence those discussions very far in advance of the renewal date, and it's in the best interests of both parties to carry on extensive negotiations at that time. There's an 18-month clause, under which they have to exercise their renewal option, and then there's a discussion period of six months, during which both parties go over all of the details and where the contract lies at that time and then present their positions.

• (1600)

[*Translation*]

Mr. Sébastien Lemire: It is hard to believe that after submitting your application to organize the 2026 World Cup you are not prepared to receive a positive response.

That being said, Soccer Canada told us that the new financial structure had not been sent to the Canada Revenue Agency for approval of the significant changes you wanted to make to the funding structure and the organization's activities.

Since Soccer Canada's appearance before the committee on March 30, 2023, we have also communicated with financial audit experts and they told us that an agreement of this magnitude should have been mentioned to the CRA.

Why was it not?

[English]

The Chair: You have 30 seconds.

Mr. Steven Reed: I'm not sure what reference you're making to Revenue Canada. I haven't been on the board since 2020, so I would not have any knowledge of any recent communications between Canada Revenue Agency and Canada Soccer.

The Chair: Thank you, Sébastien.

We now go to the New Democrats.

Peter Julian, you have six minutes.

[Translation]

Mr. Peter Julian (New Westminster—Burnaby, NDP): Thank you, Madam Chair.

Last summer and fall at this committee we saw how dysfunctional Hockey Canada is, including financially, as well as its refusal to take responsibility for the cases of abuse and sexual assault. Based on what we have been hearing for the past few weeks, I must say that Canada Soccer's dysfunction far exceeds what we saw at Hockey Canada.

[English]

I am very surprised, Mr. Reed, by the testimony that we've been hearing about Canada Soccer, the refusal to handle serious cases of sexual abuse seriously and to deal with financial matters in a responsible way.

I believe, quite frankly, that Canada Soccer is worse than Hockey Canada in many respects in dealing with these important issues.

I would like to come back to the questions that were asked by Mrs. Thomas and Mr. Housefather around the case of a sexual offender, somebody who is in prison for his sexual offences, Bob Birkard. From what I understand from your testimony, which is now under oath, you were aware of the allegations and simply lost track of where he was in the Canada Soccer system.

Is that an honest interpretation of what you've just told us?

Mr. Steven Reed: Yes. We didn't have any mechanism for tracking coaches in the country, so as a representative of BC Soccer, I would not have been aware of his being hired or appointed by any one of the clubs or districts. We did not have the ability to do that at that time.

Now, during the last—

Mr. Peter Julian: Can I ask you, Mr. Reed, did you have access to a phone? Did you have access to the mail? Did you have access to simply notify outside, right across the country, that there were serious allegations of sexual abuse brought against this person and that this person should not be given any access to any potential victim on any team anywhere in the country?

• (1605)

Mr. Steven Reed: I did not believe that I had the authority to do that. I am not sure what the conditions were that were entered into between Canada Soccer and the individual, and it wouldn't have been something that....

As an individual, would I pursue something like that because of the appalling abuse? Yes, but the point is that I didn't have the authority as the president of BC Soccer to go out and alert the community.

Mr. Peter Julian: Yes, but I would—

Mr. Steven Reed: I think under today's—

Mr. Peter Julian: I would disagree, Mr. Reed. You had a responsibility to ensure that there were no further victims. It appears that the entire Canada Soccer mechanism failed in that regard. I am, quite frankly, stunned by what you are telling us today.

Mr. Steven Reed: I would agree with you. I would agree with you that, at the time, the mechanisms were not in place. That's why we undertook, over the last three to four years, to change the landscape. That was part of the whole safe sport roster that was implemented and approved at our AGM in 2019, which deals with club licensing, the code of conduct and ethics, and our whistle-blower policy and hotline, so all of these—

Mr. Peter Julian: Let's come to the whistle-blower—

Mr. Steven Reed: —initiatives were in place.

Mr. Peter Julian: Mr. Reed, let's come to the whistle-blower hotline.

How was it evaluated? It was virtually impossible, anecdotally, as you may be aware.... It was very difficult for victims to access the line and file complaints. They, of course, lost confidence in the system. How did you evaluate the whistle-blower hotline while you were president to ensure that it was working to ensure safety for the victims and to ensure that they had a place to go to report abuses and allegations of abuses?

This is exceedingly serious. I think we understand each other that these issues of sexual assault and sexual abuse are serious, and it appears that Canada Soccer and BC Soccer failed the victims lamentably.

How did you evaluate the whistle-blower hotline?

Mr. Steven Reed: It was monitored by an independent body. They received the calls, reviewed the incidents, made assessments of the incidents and then reported back to a risk management committee for Canada Soccer any issues that were necessary to be reviewed by the governing body.

Mr. Peter Julian: How often did they report?

Because the system didn't work—we've heard this from victims themselves—how did you respond? How did the organization respond to make the system functional so that victims had recourse?

The Chair: You have 30 seconds.

Mr. Steven Reed: The whistle-blower policy and hotline were implemented in about 2019, and I guess there was an ongoing review of the effectiveness and the efficacy of the policy and hotline itself to make improvements. I can't comment on what's happened since, but definitely it was something that was reviewed and reported on by the risk management committee on an ongoing basis.

The Chair: Thank you. That's it.

We'll now move into the second round. The second round is a five-minute round.

We will begin with the Conservatives for five minutes, please.

Mrs. Rachael Thomas: Thank you.

Mr. Reed, in 2008 were you president of BC Soccer?

Mr. Steven Reed: Yes, I was.

Mrs. Rachael Thomas: Did you also serve on the board for Canada Soccer?

Mr. Steven Reed: Yes, I did.

Mrs. Rachael Thomas: In 2008, did it come to your attention that Mr. Birarda was accused of sexually assaulting players and was therefore let go from Canada Soccer?

Mr. Steven Reed: Yes. The executive board reported to the broader group of board members, who were the provincial and territorial presidents, that he would be terminated. We did not have all the details as to all of the allegations at that time.

• (1610)

Mrs. Rachael Thomas: What details did you have access to? Did you know that there had been allegations brought against him?

Mr. Steven Reed: Yes.

Mrs. Rachael Thomas: Okay.

You were president of BC Soccer, you were on the Canada Soccer board and you were aware that Mr. Birarda was accused of sexually assaulting players. You knew that he was released from Canada Soccer based on these allegations, yet, in your role as president of BC Soccer, you did not think it was incumbent upon you to make sure the league understood that there were these allegations brought against him and that perhaps there should be a yellow flag placed by his name, if not a red flag, when it came to hiring coaches within the region.

Mr. Steven Reed: Could you repeat the question, please?

Mrs. Rachael Thomas: You were president of BC Soccer, you were sitting on the Canada Soccer board and you were aware of the allegations brought against Mr. Birarda. You knew why he was let go from Canada Soccer, yet, in your role as president of BC Soccer, you did not feel it was your responsibility to report to the region, the league or the federation that there was this individual out there who may be looking for a coaching job and to perhaps not hire him. That thought never crossed your mind.

I'll remind you that your first role is to make sure the sport remains safe, productive and well, which means that your players need to be cared for. In your role as president of BC Soccer, you never thought that it was perhaps your responsibility to convey the information you knew with regard to Mr. Birarda.

Mr. Steven Reed: I did not have all the details with regard to the allegations against Mr. Birarda, and I did not believe I had the authority to deal with the matter. It was dealt with by Canada Soccer and by the Vancouver Whitecaps and an independent ombudsman at the time.

To your question, I did not believe I had the authority to go beyond that.

Mrs. Rachael Thomas: You were president of BC Soccer and on the Canada Soccer board. What did you need in order to have the authority? What were you missing?

Mr. Steven Reed: I believe I would have taken legal counsel to find out whether I was in a position to be able to report on a matter that was dealt with independently by two other bodies.

Mrs. Rachael Thomas: Why didn't you do that? Did you not care about the players and about the implications this could have for these girls in U14 soccer?

Mr. Steven Reed: Well, yes, but I didn't know at the time that he was coaching a U14 team.

Mrs. Rachael Thomas: Yes—

Mr. Steven Reed: I didn't know that he was coaching within our system.

Mrs. Rachael Thomas: But you did know that he was let go from Canada Soccer because of these serious allegations brought against him. You were president of BC Soccer. You did decide to turn a blind eye to this and you did decide to mute yourself. You did decide that. You're saying right now that you could have sought legal counsel in order to know what you could have said to the federation. You chose not to seek that legal counsel and instead remained silent.

Why did you choose to remain silent?

Mr. Steven Reed: I did not choose to remain silent. It was an issue that had been dealt with by other parties. The matter was communicated by them to us, and they viewed it as being within their authority and bailiwick to deal with.

Mrs. Rachael Thomas: I'm curious.... It is now several years later, and we know a plethora of girls and young women have been sexually assaulted—

The Chair: You have 30 seconds.

Mrs. Rachael Thomas: —by Mr. Birarda. We know this likely could have been prevented had you used your voice.

What would you say to those victims now?

• (1615)

Mr. Steven Reed: I would apologize profusely if that were the case—if any abuses occurred as a result of that. I want to ensure that everybody understands I'm absolutely appalled by what went on.

I feel as though, since that time, the soccer community has changed drastically. We've made significant changes so those types of abuses will never happen again. It's something we shouldn't and can't see in our sport, or in any other sport across the country. I feel very strongly that—

The Chair: Mr. Reed, I need you to wrap up your answer, please.

Mr. Steven Reed: Thank you.

The Chair: All right.

Next, it's the Liberals. It will be Ms. Hefpner.

Lisa, you have five minutes.

Ms. Lisa Hefpner (Hamilton Mountain, Lib.): Thank you, Madam Chair.

I'll continue on the same pathway as my colleague Mrs. Thomas.

Sir, I think what we've established, so far this afternoon, is that you felt no moral onus to make sure other young athletes weren't at risk of abuse, given the abuse you were already aware of after Bob Birarda left your purview. You seem to be telling us now that all the problems are fixed and this will never happen again.

If a team were to find out that players were being abused in a soccer situation, what would happen now? How can parents and athletes feel safe, given the changes you've made as of today?

Mr. Steven Reed: Well, the safe sport roster deals with a number of different factors. The coaching licensing program is much more robust, and there's—

Ms. Lisa Hefpner: If a coach was accused of abuse, left the system and went to another province, would there be a flag beside his name?

Mr. Steven Reed: Yes.

Ms. Lisa Hefpner: Would another organization know that he faced allegations somewhere else, even if those allegations hadn't even been proven in court?

Mr. Steven Reed: The coach and club licensing program requires that all the coaches within that are certified. They do criminal record checks. They have to sign off on the code of conduct and ethics—

Ms. Lisa Hefpner: Do you think Bob Birarda would have signed off on a code of ethics?

Mr. Steven Reed: I can't comment on what Bob Birarda might or might not have done.

Ms. Lisa Hefpner: I'm just wondering how effective it is to say, if you have a predator in the system, "There's a code of ethics." I'm not sure that will go anywhere. What victims want to hear is this: If there are allegations against someone, he's not going to be allowed to go off and coach young people in another jurisdiction, where maybe the people in charge—like you—don't know where he's gone and haven't bothered.... They don't feel the moral authority to follow up and find out where he's gone and whether he's abusing other young children, as I'm sure they heard in court when he was convicted just last year.

Are there any gaps in the system, sir? Are you telling us there are no gaps left in the system?

Mr. Steven Reed: There are always going to be gaps within any system.

If they're mere allegations made, I don't know whether that's.... There's a public record of that. I think the safe sport roster makes it much more difficult for any of these individuals to get involved and coach within our system—whether it's coaching, refereeing or being an administrator.

Ms. Lisa Hefpner: Okay. Let me ask you this: Do you think non-disclosure agreements intimidate survivors and prevent them from participating in any investigation, and do you think those NDAs allow abuse to continue and spread to other victims?

Mr. Steven Reed: I would say that a non-disclosure agreement could have that impact.

Ms. Lisa Hefpner: What's your position on non-disclosure agreements, then?

Mr. Steven Reed: I've never requested that anybody enter into a non-disclosure agreement.

Ms. Lisa Hefpner: Okay. That's very good.

Going back to the gaps in the system, I'd be interested to hear from your expertise any recommendations you have for this system, to improve it and to make sure that, even if they are just allegations, people are aware and people follow up. We really don't want to see this happen ever again.

• (1620)

Mr. Steven Reed: Again, I go back to the safe sport roster. I think we have a lot of the pieces in place there that provide that level of protection. I think there's just greater awareness around all the issues, and I think that because of that, because of the efforts of all of these individuals to bring these things to light and because of the efforts of Canada Soccer and other sports bodies to look to protect those vulnerable individuals within our system, those types of things will come to light.

The measures and the initiatives we've put in place will cover off most of that, but there are always going to be areas where somebody is going to slip through the cracks. I think that, if we're 99% there, then we've done an exceptional job of trying to address those issues.

The Chair: Thank you, Lisa. I think your time is up.

I don't think we're going to be able to have the second round of Conservatives and Liberals.

I will go to Sébastien Lemire for two and a half minutes, please

[*Translation*]

Mr. Sébastien Lemire: Thank you, Madam Chair.

Mr. Reed, according to the McLaren report on the Canadian Soccer Association, or CSA, very few CSA board members were aware of the decision to part ways with Bob Birarda. Why?

Also, why was this decision not recorded in the minutes?

[*English*]

Mr. Steven Reed: What period are you referring to?

[Translation]

Mr. Sébastien Lemire: I am talking about the moment it happened. There is no mention of it in the minutes, so it is very hard for you to say precisely when that was. There is no trace of it.

[English]

Mr. Steven Reed: The initial allegations came out in 2008, I believe. I'm aware [*Technical difficulty—Editor*] that the executive board reviewed the allegations and they engaged an independent ombudsperson to review all the details and come back with a report. I don't know why it would not have been reported in the minutes of the executive board at that time.

[Translation]

Mr. Sébastien Lemire: Why was the coach's licence not suspended immediately, pending the investigation?

[English]

Mr. Steven Reed: The coaching licence at that time was not something that was administered by Soccer Canada or the provincial bodies. It's a separate entity that grants the licences. I'm not sure whether that was something they sought to do at the time, but the licence is not granted by Canada Soccer.

[Translation]

Mr. Sébastien Lemire: In that case, why did CSA not follow its own harassment policies?

[English]

The Chair: You have 15 seconds.

Mr. Steven Reed: Are you talking about 2008 and the policies that were in place at that time as related to harassment?

[Translation]

Mr. Sébastien Lemire: Of course. I am talking about that time and all the other times. You allowed terrible things to happen for which you had a responsibility.

Why did you not apply your own statutes and policies to prevent harassment?

[English]

Mr. Steven Reed: The actions of the executive board at that time were to review the allegations and engage the ombudsperson to determine what the next actions would be. That was the outcome of that particular event.

The Chair: Thank you very much.

I will go to Peter Julian of the NDP.

Peter, you have two and a half minutes, please.

[Translation]

Mr. Peter Julian: Thank you, Madam Chair.

I am very saddened by the testimony we just heard about Mr. Birarda. It seems he was given access to Canada Soccer and its associations and other victims. It is awful to hear this testimony.

• (1625)

[English]

I want to also come to the issue of financial impropriety that has been raised.

On the issue around the Canada Soccer Business contract, if I understand it correctly, Mr. Reed, you are saying there was no evaluation done of other contracts that other national soccer organizations have signed on sponsorship and broadcasting rights. There was no analysis done of what the potential revenue would be. This was simply signed without a full knowledge of what the financial impacts were on the organization and ultimately on Canada's soccer teams.

Is that true?

Mr. Steven Reed: No. Maybe I misspoke earlier or I was misinterpreted.

We did a fulsome analysis of what the outcomes would be. The model is based on Soccer United Marketing in the United States, where the MLS and the U.S. Soccer Federation collectively—

Mr. Peter Julian: Okay. Thank you.

What were the projected revenues in terms of broadcasting? I'm not talking about what Canada Soccer got. I'm talking about what the overall projections were financially for the broadcast rights, for the media rights and for all of the things that were being handed over to Canada Soccer.

What were the projections in terms of revenue over a five-year period?

Mr. Steven Reed: I don't have those figures in hand right now.

Mr. Peter Julian: You did have them. There was an evaluation done.

Mr. Steven Reed: There would have been some projections that were done at the time.

Mr. Peter Julian: Who would have that information? We've been asking now for a number of weeks.

Mr. Steven Reed: That information would be with the Canada Soccer staff.

Mr. Peter Julian: Okay.

I wanted to take Christine Sinclair's testimony before this committee. She talked about the fact that information was not being provided to people. She stated on the record here that "Canada Soccer's approach has reflected a culture of secrecy and obstruction" around financial issues.

Do you understand why there is so much criticism of Canada Soccer, not only from the Canada's national women's team but from so many because of the lack of financial transparency?

Mr. Steven Reed: I believe that we're completely transparent in terms of our financial results. We publish our audited financial statements annually. They're online and available to anybody who wants to review them. I don't think there should be an issue about transparency. I think that we [*Technical difficulty—Editor*]

Mr. Peter Julian: You're not giving us the figures for the evaluation. There are a lot of unanswered questions. That is very clear.

Madam Chair, I'll keep going if you like.

The Chair: I know very well that you will, Mr. Julian, if I allow you to.

I think that with this witness, we need to delve a little deeper into some of the questions that have been asked. I don't know that the committee feels they've received answers.

I'm going to go to the Conservatives and the Liberals, for three minutes instead of five each.

I will go with the Conservatives. I don't know who is going to be there. Is it Kevin?

Mr. Kevin Waugh: It is, Madam Chair. Thank you very much.

Mr. Reed, your testimony is interesting today because, when you were president of Soccer Canada in 2017, Birarda was actually a head coach at the Canada Soccer under-17 national championship. He was the head coach of a Coastal under-17 team in October 2018.

You tell me you knew, maybe in 2008. You did nothing and then 10 years later, he surfaces at a national championship coaching an under-17 team.

In your opening statement, you said that "soccer is the safest sport in our country". Here I've just found out that Birarda won a Canada Soccer under-17 national championship as head coach when you were the president of Soccer Canada. Could you comment on that? You surely must have known he was head coach for under-17s.

• (1630)

Mr. Steven Reed: Again, that's a club or district in the province of British Columbia. I was aware that he had joined that club, but I wasn't aware that he was involved at the national championship. Yes, it's untenable that he was able to get into a position where he was coaching at that level, or coaching at all at that time. That is something that I will apologize profusely for. If I could have done something, if I was able to do something, I would have at the time.

Mr. Kevin Waugh: On Monday, we had Andrea Neil here, and Ciara McCormack. Both were very critical of Canada Soccer. In fact, McCormack said, "A Horrific Canadian Soccer Story—The Story No One Wants to Listen To, But Everyone Needs to Hear".

Of course, off the field, Neil alleged she saw financial problems with Soccer Canada and the cover-up of sexual abuse.

Did you tune in on Monday when former soccer players like Andrea Neil and Ciara McCormack made those comments?

Mr. Steven Reed: Yes, I did.

Mr. Kevin Waugh: What are your thoughts?

Mr. Steven Reed: Again, I completely support their position. We have tried to reach out and create a dialogue with the persons involved and tried to engage them in meaningful conversations about what kind of resolution we can have to it, and to take input and feedback as it relates to what we're trying to accomplish with our safe sport initiatives.

Yes, I would love to have had further conversations with them and an opportunity to do so. As we moved into 2020 and the COVID-19 pandemic...but I just want to reassure them that—

The Chair: Please wrap up, Mr. Reed.

Mr. Steven Reed: It's very disturbing, with the egregious incidents that occurred.

The Chair: Thank you.

We'll now go to the Liberals. We have Anthony Housefather for three minutes.

Anthony.

Mr. Anthony Housefather: Thank you, Madam Chair.

Mr. Reed, if you had knowledge that somebody was a sexual predator and he moved in next door to your daughter, would you tell her?

Mr. Steven Reed: Yes.

Mr. Anthony Housefather: Yes.

Here you acknowledge that you knew that Mr. Birarda had been accused of multiple claims of sexual abuse of players in 2008, and you had knowledge that he was coaching. You said before that you didn't know he was coaching anywhere, but you just acknowledged that you knew he was affiliated with Coastal U17, which actually means that what you said before isn't true. You said before you had no knowledge that he was coaching over that period when you were president of B.C. Soccer and president of Canada Soccer. Now you've said you did know.

Why did you not alert the players on the Coastal U17 team of the allegations, if you were aware that he was coaching?

Mr. Steven Reed: First of all, my initial comment was about his coaching under-14s. I wasn't aware that he was coaching within any system back at that time.

More recently, when it came to light that he was coaching with Coastal FC, I don't have a reason. I don't have an excuse for not alerting whatever the appropriate body was.

Mr. Anthony Housefather: You do acknowledge that, had you taken action in 2008 when you had ample opportunity to take action to alert the network in British Columbia, at least, not to hire Mr. Birarda as a coach, many women would not have been assaulted over the next 10 years.

You do acknowledge that—that it is your fault. Is that right?

Mr. Steven Reed: I don't know all of the allegations that were made subsequent to 2008—

Mr. Anthony Housefather: You don't know all the allegations. Did you know that the allegations were of a sexual nature?

Mr. Steven Reed: Do you mean prior to 2008?

Mr. Anthony Housefather: No, I mean in 2008. When he was terminated by Canada Soccer, did you know the allegations were of a sexual nature?

Mr. Steven Reed: Yes.

Mr. Anthony Housefather: Did you take steps to find out more information, if you didn't know enough about what the allegations were?

Mr. Steven Reed: No.

Mr. Anthony Housefather: No.

Then you didn't alert anybody, knowing this for 10 years. How do you not accept responsibility for what happened to all those women over the next decade?

How could you say it's not related? It's completely related. You had the knowledge. You were the one person in British Columbia who had knowledge, and you did nothing. You even said that you would alert your daughter....

Of course, your daughter is important to you, but why weren't the other girls who played for these teams?

• (1635)

Mr. Steven Reed: The allegations that were made at the time in 2008 related to years prior to that. I'm not sure there were allegations subsequent to that date.

I repeat. I don't have an excuse for not alerting anybody to the fact, when it came to my knowledge, that he was coaching in 2017.

Mr. Anthony Housefather: You still don't recognize that you should have done something to alert the system in 2008. You still don't recognize that you knew he was in British Columbia. You knew his job was in soccer. You knew that would be where he would seek employment. You had knowledge of sexual misconduct allegations that led him to being fired by Canada Soccer and the Whitecaps, and you did nothing. That's horrible.

The Chair: Thank you, Mr. Housefather.

We will now move on to the next hour and the next witnesses.

I want to thank the committee. I want to thank Mr. Reed for being a witness here.

As chair, I find this to be quite disturbing, the fact that the people in charge of young people and looking at safety in a sport do not feel they have a moral obligation. It concerns me as chair, it concerns me as a physician, and it concerns me as a mother.

We will now suspend for a few minutes until we come to the final hour.

Thank you very much.

• (1635)

(Pause)

• (1645)

The Chair: I call this hour of the meeting to order.

Welcome to meeting number 77 of the House of Commons Standing Committee on Canadian Heritage.

I want to acknowledge that this meeting is taking place on the unceded traditional territory of the Algonquin Anishinabe people.

Today's meeting is in a hybrid format. Pursuant to Standing Order 108(2) and the motion adopted on Tuesday, September 20, 2022, the committee is meeting to continue its study on safe sport in Canada.

Before I go forward, there are little bits of housekeeping. For those of you who are virtual, at the bottom of the screen there's a globe icon. Please look at it. It can give you the interpretation you may need. You can check whether you want English, French or floor audio.

Everything that you say or do should go through the chair—answering questions and speaking. Do not speak unless I have acknowledged that you may. That is basically it.

I want to ask one question of the clerk. We only have three-quarters of an hour to do this. Is there any ability for us to go over that time, Mike, or do we just have a hard stop at 5:30?

The Clerk: We should be able to add a few minutes to the meeting, for sure.

The Chair: Thank you. That would be very helpful.

We're going to begin with Dr. Julie Macfarlane, co-founder of Can't Buy My Silence, professor emerita of law, University of Windsor. We then have the Alberta Council of Women's Shelters, Jill Shillabeer, Leading Change call to action coordinator; and Anthony Parker, Leading Change facilitator.

Just to let you know that as a group, Ms. Shillabeer and Mr. Parker, you will have five minutes. You can divide up your time the way you see fit.

Dr. Macfarlane, you will have five minutes.

We will begin now with Dr. Macfarlane for five minutes please. I will give you a 30-second shout-out when you should wrap up.

Ms. Julie Macfarlane (Co-Founder of Can't Buy My Silence, and Professor Emerita of Law, University of Windsor, As an Individual): Thank you very much.

My name is Julie Macfarlane. I have been a law professor for 40 years, working in the U.K., Ireland, Hong Kong, Australia, the U.S. and most of all, obviously, in Canada. I was honoured with the Order of Canada for my work on access to justice in 2022.

I am also, personally, a survivor of sexual abuse and rape. In 2014, I sued the Anglican church for sexual abuse by a church minister while I was a teenager. This was when I first encountered the default use of non-disclosure agreements to silence those who make settlements over sexual abuse.

I told the Anglican church immediately that I had no intention and would not consider signing an NDA. In fact, part of my settlement with the church was a new code of practice for its insurers, when working with the victims of sexual violence and abuse. It included a provision that an NDA would only be used in "exceptional circumstances".

How naive I was then. Now I know this practice continues, and hence my commitment to legislative change and not purely voluntary change that can't be monitored. I think that has other ramifications for the issues you're discussing here in the committee.

In 2013, I became aware that one of my faculty colleagues at the University of Windsor was sexually harassing students. Having heard directly from the students he was targeting, I went to my president, who ordered his suspension and an investigation. A year later, he was terminated for multiple instances of abuse and harassment in a three-page termination letter.

The students and I felt relieved until I began to receive calls from colleagues at overseas law schools where he had applied for a position. They were asking me, “Why did a tenured professor leave the University of Windsor?” I realized immediately the university had given him an NDA, a copy of which I now have. It included cleaning his personnel files for the previous 10 years and also a letter of recommendation, which he took with him.

I'm sure this all sounds rather familiar having just been listening to the testimony of Mr. Reed of Canada Soccer. It is absolutely plain that Bob Birarda was given an NDA, as this is the default practice in the settlement of sexual abuse and harassment suits. Of course, that was why nothing was ever said about where he was going to work next, why no red flag was placed by his name and why Mr. Reed would have needed to get legal advice if he was going to speak about what he had done and to place a warning on him.

We see this constantly all the time.

After two years of efforts to persuade the University of Windsor to change its policy on giving NDAs to people it acknowledged were known predators, I resigned in disgust in December 2020. I then joined forces with Zelda Perkins, who was the first woman to break her Harvey Weinstein NDA. We have created Can't Buy My Silence, a global campaign to ban the use of NDAs to cover up misconduct.

I am happy to say we have already made rapid strides in Canada. We have a bill that was passed into law in Ontario, strengthening post-secondary institutions, which now bans universities, like the University of Windsor, from doing what it did in 2014. That feels very important to me personally.

Further than that, having worked with lawmakers in Ireland to create a model bill to limit the use of NDAs to their original purpose—which, let's remember, was the protection of trade secrets—that legislation is now going forward in Ireland. It was passed into law in Prince Edward Island in 2022 as the Non-disclosure Agreements Act. That legislation covers all workplaces, including universities and voluntary positions, like coaching in a sports area. That has also been tabled in British Columbia, Nova Scotia and Manitoba, and will shortly be tabled in Ontario.

We have collected data at Can't Buy My Silence that is qualitative, through personal anonymized stories of people who have been coerced into NDAs and who consistently don't understand what they're signing and consistently aren't given an alternative—

- (1650)

The Chair: You have 30 seconds.

Ms. Julie Macfarlane: —to protect their own confidentiality.

The reality is that all these abuses—the ones we've been hearing about this afternoon and many others—are covered up in NDAs. Let's be clear: NDAs are not for the benefit of victims, although

that is a prevalent myth. They are to protect the abuser and the organization. What is available for the victim is a one-sided confidentiality clause. Instead, victims have to promise to protect the party that abused them—the person, organization or both—in exchange for their own privacy.

There is literally no good reason to have non-disclosure agreements in sports abuses, or in any other cases of abuse, misconduct or discrimination. This is obviously what happened with Bob Birarda of Canada Soccer, and it is consistently the story we hear in the work we now do on the campaign.

The Chair: Please wrap up, Dr. Macfarlane.

Ms. Julie Macfarlane: Please recognize that the Hockey Canada case has demonstrated this to Canadians. NDAs are the reason we never knew about these cases before, and they are the reason that Canada Soccer has been able to hide the misconduct of a coach who has then gone on to create further victims.

Thank you very much.

The Chair: Thank you.

Now we go to the Leading Change call to action group.

Ms. Shillabeer, you have five minutes, please.

Ms. Jill Shillabeer (Leading Change Call to Action Coordinator, Alberta Council of Women's Shelters): Thank you, Madam Chair.

I'm happy to be joining you today from Amiskwacîwâskahikan, also known as Edmonton, and I use she/her pronouns. My colleague Anthony Parker, who uses he/him pronouns, lives in Moh'kînsstîs, which is also known as Calgary. We recognize that we are all treaty people and have a responsibility to understand our history so that we can honour the past, be aware of the present and create a just and caring future.

My team at the Alberta Council of Women's Shelters, or ACWS, works to bring shelter-informed gender-based violence prevention education to diverse individuals, schools, community groups, workplaces and sports teams. My colleague played as a wide receiver with the Calgary Stampeders and, through our 10-year partnership with that team, has become a Leading Change facilitator as well. Through our work, we have both seen first-hand the transformational effects that our program can have.

ACWS and our members have been working in gender-based violence prevention since our organization was formed 40 years ago this month. We began strategic work to engage men and boys in the early 2000s through various programs we now call “Leading Change”. Leading Change has its roots in sports culture and was developed in partnership with Dr. Jackson Katz, who leads a highly regarded gender-based violence prevention program in the United States.

As you can see from the inspired communities model that was submitted for everyone's review, our approach is rooted in six key values, and I'd like to highlight three of those.

We are informed by women's organizations and experience. This is crucial. Though anyone can experience gender-based violence, women and gender minorities experience violence at the highest rates. Our program is both informed by and accountable back to those lived experiences.

Secondly, we take a strength-based approach, and what this means is that we focus on the things that we can do, as opposed to the things that we can't. It also means that, while we know most violence is perpetrated by men, most men are not violent. In fact, most men have more capacity to effect change than they may realize, and they are a vital part of the solution, as you have been discovering in your study.

Thirdly, we know that transformation requires long-term, large-scale and coordinated efforts, and we are grateful for the work of this committee in looking at the issues facing Hockey Canada not as limited to a few circumstances but as widespread and systemic, extending well beyond one group, one sport or one place.

Over the years, we've worked with numerous organizations. In sports, this includes both Alberta professional football teams, various minor football teams, staff at Hockey Alberta and, most recently, the Alberta Junior Hockey League, or the AJHL.

During the 2021-22 season, we started with one team, the Blackfalds Bulldogs. Over four sessions, we explored what gender-based violence is and what consent means. We discussed healthy masculinities and healthy relationships and talked about their leadership role in making change. After a transformative season, the Bulldogs put us in touch with Ryan Bartoshyk, the commissioner of the AJHL, so that we could take this work across the league.

Commissioner Bartoshyk has been incredibly supportive and had this to say about the work, may it please the committee, and I quote:

We believe that our players can use their position as role models and leaders in Alberta communities to contribute to positive change and promote anti-violence.

He also said:

The Alberta Council of Women's Shelters has provided our young athletes with education on abuse prevention, consent and assistance in identifying how they can model this leadership in their everyday lives.

We thank the Alberta Council of Women's Shelters for their commitment to this initiative and look [forward to the] partnership in the upcoming 2023-23 Season.

This past year, we worked with about 400 players in the league. We talked in depth about issues ranging from the unhealthy messaging that's circulating on some Internet forums and navigating news media on current events related to gender-based violence, to

understanding the amount of safety work that most women do just to leave their house on a daily basis and how to hear a “no” and respond respectfully to that.

The players were all left with the same message: That it is not enough to not be part of the problem and that they need to be part of the solution actively. The feedback we got from this was very encouraging.

Since completing the season, as I mentioned, Commissioner Bartoshyk has invited us back for next year. We've been recognized by the Edmonton chapter of the Women's Legal Education and Action Fund for our work, and we've presented our work at a national conference, leading to conversations about how to expand the program.

May it please the committee, it's important when looking at solutions to these challenges to consider the resources required to run programs like ours. We firmly believe that supporting women's organizations to do this work both maintains accountability back to the people who have lived experience of violence and ensures that the response evolves quickly, because violence itself evolves and manifests through changing technology and in response to factors like COVID-19. We really need to be able to rise to meet this ongoing challenge in real time.

This past year, we were fortunate to receive funding from the Canadian Women's Foundation and Edmonton's Kinsmen Club for different aspects of our work.

• (1655)

The Chair: You have 30 seconds.

Ms. Jill Shillabeer: That said, these are one-time grants that require significant work to source and secure.

Our organization respectfully requests that, in its recommendations, the committee consider two items: one, that women's organizations be supported to do this work and that any program that might be implemented have accountability back to women's organizations; and two, that stable and multi-year funding be considered as an essential part of any proposal the committee puts forth.

[*Translation*]

Thank you.

[*English*]

Mr. Parker and I will welcome any questions you may have.

The Chair: Thank you very much, Ms. Shillabeer.

Now we go to the question period. I'm going to have to juggle this time a little bit. I'm going to make a suggestion to the committee, and let me know if there is any disagreement with it.

I'm thinking that for the six-minute round, we could make it a five-minute round. Then we will have a second round where we can do three minutes for the two rounds for the Conservatives and the Liberals and two minutes for the NDP and the Bloc. That would give us the ability to go a little bit overtime without going too much overtime.

If everybody—

Mr. Peter Julian: Madam Chair, I'm sorry, but I would ask you to stick to the six-minute rotation, please.

The Chair: All right. Then we may not be able to have a full second round, because we have to think about resources and getting out of the room. We will stick to the six-minute round.

Is everybody in agreement with Peter on that?

Fine. It's six minutes.

I'll begin the first round. The six minutes includes the questions and the answers, so please, everyone, try to be succinct so we can get in everything in time.

The first question will come from the Conservatives.

I have no name from the Conservatives about who will speak.

• (1700)

Mr. Martin Shields (Bow River, CPC): I'll be speaking.

The Chair: Martin, go ahead. You have six minutes.

Mr. Martin Shields: Thank you, Madam Chair.

Thank you to the witnesses for being here today. You were here previously, and most of your testimony was to do with a different subject matter, but you did initiate this conversation at the end, which I very much appreciated.

Thank you for what the work you have been doing. We've heard many challenges, but this is something more positive in what can be done.

I know the commissioner, and if we do get time in this study, he's willing to appear here. The Alberta Junior Hockey League is in playoffs at the moment, which includes the town I'm in, of course.

I talked to the commissioner, who has participated, from my understanding, in sessions with you. His evaluation of what you're doing and what you're attempting to do with the players in the league, 16-year-old to 21-year-old young men, is that he felt it's incredibly valuable. You've quoted him. I would look for more responses you may have had from other sources. What other feedback are you getting on what you are out to accomplish?

Ms. Jill Shillabeer: We have had a great response. We like to call Leading Change a promising practice that has over 10 years' worth of evidence-based research behind it. We've been doing this work for a very long time, and all of our evaluations are really quite positive.

I can tell you stories about players. We meet them in their locker rooms. We often speak to them about how it is for them and how they are doing, because they just want to chat afterwards.

I can think of one player in particular who is aging out of the league this year. She said that five years ago when she started, this conversation would never have happened in the AJHL, but now it just seems normal. She said that it is making them a better team and stronger players, and that they're able to talk about things that are more difficult than they could previously.

If it pleases Madam Chair, I would like to hand the mike over to my colleague Anthony, who went through the training as a Stamper about 10 years ago and has experience as a facilitator as well.

The Chair: Certainly.

Go ahead, Mr. Parker.

Mr. Martin Shields: Before you go there, I appreciate that you identified where you held these sessions. You held them in their locker rooms, in their environment. You came to them where they worked.

Ms. Jill Shillabeer: Absolutely.

Mr. Martin Shields: That's an important piece of this for those players and that made a difference, from what I've heard.

Thank you.

Mr. Parker.

Mr. Anthony Parker (Leading Change Facilitator, Alberta Council of Women's Shelters): Thank you.

Yes, I can definitely relate to having taken part in this training, and then, of course, proceeding to becoming a facilitator.

I think the point you just brought up about bringing it to the players in their locker rooms is that it has proven to be tremendously valuable. Coming from that environment, I understand what it's like to be in that hypermasculinized environment, where we're expected to adhere to some certain norm, whatever that may be.

Being in their environment in the locker room, which is their comfort zone, we're able to go in there and really just have positive face-to-face conversations in an environment where their guard is going to be down a little bit more and they're a little bit more receptive.

I can also attest to the fact that I remember having the mentality when I started this program that this was not going to be something that could be done in the locker room with my guys. I could see myself having this conversation outside of the locker room. I can come to say now that I was pleasantly surprised in the response I got.

I'd like to also mention, as a further example, the impact that this program can have. I remember having a conversation with the Calgary Canucks in their locker room just a couple of months ago. It was a wonderful conversation. They're a great group of guys, and they were very receptive and they were thankful to us for coming to have that conversation. They found tremendous value in it coming from somebody who had been in their position.

I was wonderfully impressed when, the next day at my kid's school, I happened to see four of the Calgary Canucks taking part in a reading program with K-to-six kids. It just goes to show, when you have that positive impact on those players, how that multiplicity can affect everything. They're going to now have the opportunity to have a positive impact on all of the people in their communities.

I'd just like to share with the committee what a wonderful impact that has had, and I was able to witness that first-hand.

• (1705)

Mr. Martin Shields: In a sense, this is not an easy and cheap process. It takes resources and it takes authentic voices. The request for multi-year funding is critical. This one year one-off, I think, is short-sighted.

How has the response been to this request to be out there for those who need to be the authentic voices and participants in this, because this is not an easy thing to do? What has been the response to the multi-year funding for it? What has been the response to this message?

Ms. Jill Shillabeer: We've not yet been able to secure multi-year funding, so we're currently in that position of trying to find funding—

The Chair: Excuse me, please. Someone in the room has their mike on. Can you please turn it off?

Thank you.

Ms. Shillabeer, go ahead.

Ms. Jill Shillabeer: Thank you, Madam Chair.

As I mentioned, we haven't as of yet been successful in securing multi-year funding to support the program. I would advise, though it is expensive for us as a charity organization, from a government budget perspective, it is relatively inexpensive. I don't know that there is a women's organization out there that hasn't yet figured out how to turn a dime into a dollar.

In terms of the authentic voices bringing this work forward, it's really important that this be informed by the lived experiences of people who have experienced violence. Being an organization that is a member-based organization representing women's shelters in the province, we have been able to bring that forward and represent those voices.

When I mentioned that we had been presenting at a national conference on this work recently, it was a women's shelters conference. We do have interest from a number of other organizations across the country to be able to take this prevention work forward; however, again, funding becomes the challenging issue in trying to make sure that we are able to travel to meet all those teams.

In Alberta, we went from Fort McMurray to Brooks and east-west from Grande Prairie to Lloydminster, so we were in all corners of Alberta. That does take time, staff and resources, and there are travel costs involved.

Mr. Martin Shields: Could you give an estimate of the resources and time it took to run this program for one year in one province with one group of people?

Ms. Jill Shillabeer: I would estimate, in terms of time, that it was a huge commitment, because we were doing everything during the season. We were very focused on this, and primarily that was it for about four months. That was with a team of two and a half staff of ACWS as well as some of our community facilitators such as Mr. Parker.

In terms of costs, we have costed out, looking at the next year of implementing our year-two curriculum. We're looking at between \$40,000 and \$50,000.

The Chair: Thank you very much.

That's it, and we're going to move on to the next questions. They will be from the Liberals.

Chris Bittle, you have six minutes, please.

Mr. Chris Bittle (St. Catharines, Lib.): Thank you so much.

I'll direct my questions to Dr. Macfarlane. I agree with you. We wouldn't be here and we wouldn't be discussing many of these issues if the NDAs stood.

I come at it as a former practitioner in civil litigation, where the use of NDAs and confidentiality clauses in settlement agreements was pretty standard. Even if it was a small claims court dispute on something relatively minor, or with a firm precedent, we always had a confidentiality clause in there.

Is what you're proposing eliminating NDAs with respect to violence and harassment, or should it be across the board with respect to settlements?

Ms. Julie Macfarlane: That's a great question.

The legislation that we are advocating for is limited to non-disclosure agreements that cover up misconduct, sexual misconduct, harassment, bullying and discrimination.

Can I just add that there is an astonishing number of cases of proven discrimination? I'm talking now about pregnancy discrimination, discrimination against people with disabilities—they're not being accommodated and they're being forced out—many cases of discrimination on the basis of race and anti-indigenous racism.

We are seeing an enormous proliferation of the use of non-disclosure agreements in these cases. Much as you've indicated, they have become the default. We have data now that shows that a significant number of people.... For example, in the United States, there are three studies that now show that one in three people is subject to a non-disclosure agreement. There is data that we have put together from the quantitative survey we've been running that shows that a third of the people who answered that survey have also been asked to sign a non-disclosure agreement.

Let me pause a moment and suggest that there is an important distinction here between a confidentiality agreement, which simply says the amount of the settlement will not be divulged.... That is, I know, standard practice. In fact, there's an exception in the legislation for just that.

There may also be the need for confidentiality that the parties both agree to in terms of not speaking to the media or making this public. However, what non-disclosure agreements are doing now is preventing people from speaking up for their entire lives, because these are indefinite agreements. They are until the end of one's life. In fact, I've heard arguments that they endure, even after the death of the predator.

These are agreements, for the lifetime of the victims who sign them, that they cannot speak to anybody. We're talking about family, friends, therapists, counsellors, elders and people who might support them. This is why it was apparently impossible for Soccer Canada to put a red flag on Mr. Birarda. It was because he would have negotiated a non-disclosure agreement that would have kept everything that he did secret, and everybody would have been too afraid to break that and make it known that he is somebody who should be treated as a possibly dangerous person to be coaching young people.

Yes, we are confining this to those cases of misconduct, sexual violence and abuse, harassment and discrimination.

I would also say the committee should be aware that these NDAs are also being used in consumer disputes. The reason we didn't know about tainted baby formula for almost 20 years after the first settlement was made, and that the formula kept on being sold and poisoning babies, was because of an NDA.

We see them, as well, in professional services disagreements, when there is apparently an oath taken to never speak of this again. We see them in complaints in care homes, where people who speak up about concerns about the care being given to their relatives, or even professionals in the care homes, are being immediately NDA'd.

I think that is extremely dangerous, and I don't understand why there is any reason to perpetuate something that has, to a great extent, caused the revictimization of folks in sports and beyond.

• (1710)

Mr. Chris Bittle: Thank you so much. I agree with you.

You mentioned legislation in Ireland with respect to the whole country. I'm wondering if you could speak to the jurisdictional issues in Canada. Who would have to pass such legislation? What level of government would that be?

Ms. Julie Macfarlane: Obviously, you would know, as a lawyer, that employment law in Canada is almost entirely provincial. We have been moving province by province, because it needs to be done at a provincial level.

However, I would add, and I have permission to inform you today.... There is a whole group of people who are employed by the federal government, and there are many organizations and agencies that are funded by the federal government, including Hockey Canada. There will be a bill tabled shortly in the federal government to protect those workers in the federal government from being NDA'd.

Again, we have many examples of individuals working for this government who have raised complaints about discrimination and complaints about sexual harassment, and they have been NDA'd and terminated. I think it's very important to protect that group as well.

However, the vast majority of our work, because that is a jurisdiction of employment law, is done province by province.

The Chair: You have 30 seconds, Chris.

Mr. Chris Bittle: Thank you so much, Dr. Macfarlane. I'll take the last few seconds to thank you for your work. It's very important work.

I kind of laughed to myself when you said that I do "know" that. Of course I do, because I'm a University of Windsor grad—

Voices: Oh, oh!

Mr. Chris Bittle: —and I had excellent professors at the time.

I want to thank you for all the work you're doing and the important work you're moving forward with.

Thank you.

Ms. Julie Macfarlane: Thank you very much.

The Chair: Thank you, Chris.

I will now move to the Bloc Québécois and Sébastien Lemire.

Sébastien, you have six minutes, please.

[*Translation*]

Mr. Sébastien Lemire: Thank you, Madam Chair.

Mrs. Macfarlane, let me begin by thanking you for your work, which we can acknowledge and recognize today. My team and I thank you for your dedication to this cause.

Today you have seen a part of our work.

I am shocked by the image protection operation orchestrated by Hockey Canada and the inaction by its managers. Last year, when we began this study, I said that the use of non-disclosure agreements was abusive. I thought the timing of your statement was especially interesting.

Do you support the idea of an independent public inquiry to shed light on the abuse we see in all sports, not just hockey or soccer?

I think that you follow the work of our committee and even that of the Standing Committee on the Status of Women.

• (1715)

[*English*]

Ms. Julie Macfarlane: Yes, absolutely. There is a methodological problem here, as I would say as a researcher, which is that we're talking about secret settlements. How you collect data on secret settlements is of course very problematic. We've done it by allowing people to be anonymous in both telling their full stories and completing our survey. As well, quite a lot of material has been uncovered by various freedom of information requests over the last couple of years by journalists.

I think it will be imperative that an inquiry includes looking at the use and prevalence of NDAs—I think it will shock even the members of the committee—in sports organizations and beyond. It will be important to say, for example, that NDAs were signed that would ordinarily prevent people from even saying they signed an NDA, because, of course, you will realize that even saying you signed an NDA is a breach of an NDA. It will be very important to release people for that purpose. Otherwise, there inevitably will be a fear about people coming forward.

The committee may know that in Manitoba we already had a bill moved to committee there. It's actually just starting all over again now. It's about to go to committee again, because there was not sufficient time for it to be completed last session. In that committee, we made it clear to people who were in touch with us constantly about the use of NDAs and their silencing via an NDA that they could speak without fear of consequences, because they had parliamentary privilege to do so. That session was absolutely amazing. It is available for people to watch on our YouTube channel.

I think the inquiry needs to make it clear that people can come forward and speak to them about being bound by an NDA with no consequences to them, because people literally live in fear. They live in fear of having the money that they may have been given to compensate for the harm taken away. They also live in fear that their name will then be made public. They don't want their name made public. They want to maintain their own privacy and to control that as they would wish to do, which is exactly, for example, what the federal government is now doing in relation to criminal publication bans. Give the victims the right to control how public they want to be.

I hope the inquiry will look at the use of NDAs, but it will have to be with some kind of amnesty or release for people who sign them.

[*Translation*]

Mr. Sébastien Lemire: Mrs. Macfarlane, you clearly anticipated many of my questions. I thank you for that very complete response.

Mrs. Da Silva Rondeau, who we heard from a bit earlier this week, as well as others, also talked about the impact that lawsuits can have and the impact of the lack of support resources for the athletes.

How can we ensure adequate protection for the victims who dare to speak out and, more specifically, how can we involve them in the context of an independent public inquiry?

[*English*]

Ms. Julie Macfarlane: I think an inquiry will help, but I also—I'm sorry to be repetitive—have to return to the fact that what will really help is taking away the current right to force an NDA on somebody in order for them to secure their own privacy.

One of the questions asked in our survey, for people who decided not to file a formal complaint of discrimination, harassment or sexual harassment, was why they did not do that. Over 30% now.... The survey is increasing all the time. It's currently at about 1,200 people, which is a pretty respectable number. One-third of the people who said they didn't complain said it was because they anticipated they would have to sign an NDA and they didn't want to sign an NDA.

Increasingly, Canadians understand just what that means. It means that you are silenced for the rest of your life. Obviously, these folks aren't being followed around with video cameras, Sébastien, but people become very fearful. There are all kinds of mental health consequences that flow from this, as well, that we also have a lot of data on.

I think it will be critical to simply take away the possibility of an NDA in the future, which is what our legislation is doing, and to restrict that to the use of intellectual property and trade secrets, which was what this was originally designed to do in the 1980s.

• (1720)

The Chair: You have 30 seconds.

Ms. Julie Macfarlane: NDAs were first developed in Silicon Valley during the tech boom. I think most people here will realize that there were good reasons to try to get beyond the existing restraint of trade common law and enable them to keep their commercial innovation information secret forever. That's what NDAs were for.

Now we say that any kind of misconduct is a “trade secret”. That stretches the point.

The Chair: Thank you, Dr. Macfarlane. I think your time is up.

Sébastien, thank you.

Now I will go to the New Democrats and to Peter Julian.

Peter, you have six minutes, please.

[*Translation*]

Mr. Peter Julian: Thank you very much, Madam Chair.

I also want to thank the witnesses who are here today.

You contribute a great deal, all three of you, to the committee's deliberations.

The federal government just renewed funding for Hockey Canada, even though it did not change its position on non-disclosure agreements. I think this renewal is premature.

I will ask you the same question I asked earlier.

Do you think it is healthy for the federal government to allow Hockey Canada to believe that even though an organization has not changed its ethical stance on non-disclosure agreements, it can still get public funding?

[*English*]

Hockey Canada is now receiving funding from the federal government, after a suspension, even though they have not backed off from signing non-disclosure agreements. This is something that came up repeatedly in the Hockey Canada hearings we have had.

My question is very simple. Is it appropriate for the federal government to be financing Hockey Canada when they have not made any sort of commitment to stop the pressure of signing non-disclosure agreements on victims of sexual abuse or sexual violence?

Ms. Julie Macfarlane: May I answer?

Mr. Peter Julian: Yes, absolutely. It's addressed to you.

Thank you, Dr. Macfarlane.

Ms. Julie Macfarlane: Thank you very much.

I was absolutely shocked when I heard. I was actually away in the United Kingdom when the news came through a few weeks ago that Hockey Canada was going to get funding back without having said anything about NDAs.

In fact, a kind of throwaway comment was made by the Hockey Canada CEO to the committee last summer when the hearings began that, if anybody wanted to be released from their NDA, it was no problem—they should just get in touch. I cannot tell you what a disingenuous statement that is, because how are people supposed to get in touch? Are they supposed to google Hockey Canada? Who do they ask? How do they do this? Of course, these are all people who are very fearful of the consequences of breaking their NDA.

I think the very first thing Hockey Canada should have done—they should have done this last summer—was say, “We shall formally release people from existing non-disclosure agreements, so they can contribute to the work of the study and the work of the committee”. They should have done that, and they still can do it by writing directly to each of the people. They know who the people are. They could write to them directly to say that they will tear up their non-disclosure agreements.

The second thing they should do is undertake to not use them again in the future. Otherwise, nothing is going to change, frankly,

and it will all be pushed back under the carpet again. They can make agreements for confidentiality on the amount of money they paid. There might be special circumstances they want to agree to in terms of the public use of some of that information, but gagging victims without their being able to speak to anybody, and of course unable to then warn others about the people whom they have experienced.... This has become so incredibly effective in enabling these perpetrators to reoffend. We see that over and over again.

There is much research now—and I'm sure my colleague witnesses are very aware of this—that shows that acts of violence, sexual violence and harassment are carried out by a very small number of people over and over again. This is very rarely a one-off occurrence. We already know that people who have done this once are very likely to do it again, yet we're going to cover that up so they can do it again.

I believe Hockey Canada should release people immediately by writing to them, but not by saying, “Hey, get in touch; we'll think about it”. Write to them and release them.

Secondly, they should have been asked before funding was restored to undertake to never use a non-disclosure agreement again.

I did say at the beginning that the voluntary pledges are a very important part of culture change in relation to NDAs, but I think the reality is that secret settlements have to be outlawed because we cannot monitor what is going on behind those closed doors.

• (1725)

Mr. Peter Julian: Thank you, Dr. Macfarlane.

The Chair: You have one minute, Peter.

Mr. Peter Julian: I should say that Hockey Canada actually did pledge to release the victims from the non-disclosure agreements and they have not followed up. In fact, they have doubled down and have suggested that victims somehow all want to sign these gag orders, which of course, as you have disclosed, is disingenuous at best.

You may have heard the testimony from Canada Soccer and the appalling, horrific case of Bob Birarda, where Canada Soccer simply neglected its obligations to the victims and allowed this sexual offender access to more victims.

Internationally, you've cited some countries that have non-disclosure legislation. In those countries, do the national sports organizations abide by those laws as well? Are you aware of a textbook case of a country that has obliged its national sports organizations to stop the practice of gagging the victims of sexual abuse and sexual violence through non-disclosure agreements?

Ms. Julie Macfarlane: Looking at the United States as an example, there are now 17 states that have passed legislation to restrict the use of non-disclosure agreements in cases of sexual violence, misconduct, discrimination and so forth. We have all this information on our website. You can look at our tracker.

This legislation—

The Chair: Thank you, Dr. Macfarlane.

I am sorry, Peter, but we are now 40 seconds over your six-minute mark.

We could go an extra 15 minutes. I would like to get the committee's sense on this. Can you stay another 15 minutes?

We are almost at 5:30 when this meeting is officially supposed to end. We could go another 15 minutes. It would mean that we would do a round of three, three, 1.5, 1.5, and three and three. You know what I'm talking about.

Do I have agreement for that?

Ms. Marilyn Gladu (Sarnia—Lambton, CPC): Chair, I think there was an agreement amongst the committee members. Some people have flights to get to on Thursday night, and we agreed that we would end at 5:30.

Although I found the witnesses fascinating and would love to have links to all of the bills that have been put forward provincially and the draft one federally, I think we have to cut it here.

The Chair: All right, Ms. Gladu.

Does anyone disagree with Ms. Gladu?

I can see the floor. I don't see any hands being raised, so it's obvious that everyone is in agreement.

I want to thank the witnesses. As Marilyn said, it's fascinating. The issue of non-disclosure is a fascinating one, and I think the balance, as we've always heard, if you don't do a non-disclosure, people won't want to come forward. Victims wouldn't want to come forward and speak about their problems because they would be afraid. There are two sides to the story, but what you were saying makes a lot of sense.

I want to thank all three of you for coming and presenting. Thank you for the work you're doing, and thank you for some very interesting testimony.

I now declare the meeting adjourned.

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