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# Standing Committee on Canadian Heritage

EVIDENCE

**NUMBER 045**

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Chair: The Honourable Hedy Fry





## Standing Committee on Canadian Heritage

Tuesday, October 4, 2022

• (1100)

[*Translation*]

**The Chair (Hon. Hedy Fry (Vancouver Centre, Lib.)):** Good morning, everyone.

I call this meeting to order.

Welcome to meeting No. 45 of the House of Commons Standing Committee on Canadian Heritage.

I want to acknowledge that this meeting is being held on the traditional unceded lands of the Algonquin Anishinaabeg people.

[*English*]

Pursuant to the motion adopted by this committee on Tuesday, September 20, 2022, the committee is meeting on the study of safe sport in Canada.

Today's meeting is taking place in a hybrid format pursuant to the House of Commons order of Thursday, June 23, 2022. Members are attending in person in the room, and remotely using the Zoom application.

I would like to make a few comments for the benefit of the witnesses and members. Please wait until I recognize you by name before speaking. For those participating by video conference, click on the microphone icon to activate your mike, and please mute yourself when you are not speaking.

For interpretation, those on Zoom have the choice at the bottom of their screen of either floor, English or French audio. Those in the room can use the earpiece and select the desired channel. I remind you that all comments should be addressed through the chair.

In accordance with our routine motion, I am informing the committee that all witnesses have completed the required connection test in advance of the meeting.

Before we begin, there are two items I wish to discuss with members of the committee.

Will the committee consent to Ms. Skinner and Mr. Brind'Amour being assisted by their respective counsel when they appear in relation to the study on safe sport in Canada?

Is the committee in agreement with this?

John Nater.

**Mr. John Nater (Perth—Wellington, CPC):** Madam Chair, I just want to make the observation that the law firm is Hockey Canada's law firm, and Mr. Brind'Amour is appearing here as an individual.

I want to be reassured that there will be no undue influence or intimidation with respect to Mr. Brind'Amour's testimony by a law firm that is engaged by Hockey Canada and not by him as an individual.

• (1105)

**The Chair:** Thank you, John, and I think that was very clear. I'm hoping that the counsel and Mr. Brind'Amour will be aware of the condition put by the committee that there be no undue influence by a law firm on Mr. Brind'Amour.

There are some documents that we have to deal with. There are minutes that were received from Hockey Canada yesterday evening, and because there were many pages, we were not able to get them translated in time, but they will be distributed to the committee members when the translation has occurred.

I'm afraid this is one of the problems we have to deal with when we get things only at the last minute. It's pretty difficult to get them translated, and the clerk cannot distribute documents to the committee unless they're in both official languages. Please remember this, or if you can, send them in both official languages. Thank you very much for that.

I would now like to welcome our witnesses, but before I do, I have to ask the witnesses to swear in.

I will begin with Mr. Michael Brind'Amour. Would you like a religious oath, or a solemn affirmation?

[*Translation*]

**Mr. Michael Brind'Amour (Lawyer and Former Chair of the Board of Directors, Hockey Canada, As an Individual):** Good morning, Madam Chair.

I prefer the solemn affirmation, please.

[*English*]

**The Chair:** All right. I will read the oath, and you will respond in solemn affirmation.

I, Michael Brind'Amour, do solemnly, sincerely and truly affirm, and declare the taking of any oath is according to my religious belief unlawful. I do also 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.

[*Translation*]

**Mr. Michael Brind'Amour:** Madam chair, I solemnly swear that I will tell the truth.

[English]

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

Ms. Skinner, would you like to make a solemn affirmation, or would you like to make a religious oath?

**Ms. Andrea Skinner (Interim Chair of the Board of Directors, Hockey Canada):** Good morning.

I would like to make a solemn affirmation, please.

**The Chair:** Thank you. I will state your name.

I, Andrea Skinner, do solemnly, sincerely, and truly affirm and declare the taking of any oath is according to my religious belief unlawful. I do also 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.

**Ms. Andrea Skinner:** I so affirm and declare.

**The Chair:** Thank you very much, Ms. Skinner.

Now we will begin.

As individuals, you will each have five minutes. Then, at the end of your time, we will have a question and answer period with the committee. I would like to give you a 30-second notice when you do your five-minute round.

Mr. Michael Brind'Amour, you can begin, please, for five minutes.

Thank you.

[Translation]

**Mr. Michael Brind'Amour:** Thank you, Madam Chair, members of the committee, members of the public and players.

I recognize that this committee, and indeed all Canadians, have serious questions about Hockey Canada's handling of a sexual assault allegation in 2018, as well as the organization's ongoing efforts to improve safety in and around the game.

I hope my testimony today will help provide additional answers on these questions.

As you know, I served as the chair of Hockey Canada's board of directors from November 2018 until I stepped down last August.

Like many Canadians, I have spent much of my life in and around the sport of field hockey. I have been a volunteer in the sport for over 30 years, with particular involvement with minor field hockey associations.

I am a father and grandfather with two grandsons who play minor field hockey. And like the members of this committee, I am committed to ensuring that all Canadians can safely enjoy our national sport.

During my tenure as Chair, we have worked hard to bring forward new ideas and perspectives, with a focus on inclusion, including the advancement of women's sport, and sports safety.

While I am proud of this work, I know there is still much to do for Hockey Canada, and much work that should have been done earlier.

That is why, two months ago, I made the decision to step down from my role at Hockey Canada, so that the new leadership could take the immediate steps necessary to address the significant challenges facing Hockey Canada and our sport as a whole.

At the same time, I recognize that this committee has questions about certain decisions that were made during my tenure as president, including those surrounding the 2018 sexual assault allegations involving Canada's National Junior Team.

I strongly believe that Hockey Canada took appropriate action by reporting this incident to the police, Sport Canada and launching an independent investigation. While I understand the frustration of Canadians with the suspension of the investigation in 2020, which has recently resumed, I want to reiterate that I was never made aware of the identity of the individuals involved.

I hope that the recent changes made by Hockey Canada, including the reopening of the investigation and the mandatory involvement of the players, will help provide the answers that so many Canadians are looking for.

I also want to talk about the Board's decision earlier this year to authorize a settlement with the young woman at the centre of these allegations. While this decision was widely criticized, the Board made this decision because it felt it would be inappropriate to victimize the young woman in court.

I would like to conclude by noting that under new leadership and with a comprehensive action plan in place, I believe Hockey Canada is making real progress in improving the Canadian game for all participants.

Thank you.

I look forward to your questions.

● (1110)

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

[English]

I now go to Ms. Skinner for five minutes, please.

**Ms. Andrea Skinner:** Thank you, Madam Chair.

*Bonjour.* I appreciate the opportunity to appear today.

Like many Canadians, sport has been very important to me throughout my life. Growing up, I was a competitive swimmer, and I played soccer and hockey at the elite level. I was captain of the Cornell University women's hockey team and assistant coach for the University of Ottawa varsity women's team, and I have refereed at the highest levels in women's hockey. I am a partner at a Toronto-based law firm, where I lead our firm's mental health initiative and chair our diversity and inclusion program, which was recently internationally recognized.

Community service has always been a high priority for me. I have served as a mentor to girls' minor hockey associations, founded and directed a running and reading program for disadvantaged children in Ottawa, and served as a board member of Hockey Helps the Homeless.

I ran for election to the board of Hockey Canada in November 2020. It was a way for me to give back to the sport. From the beginning, a primary objective of mine was to make the sport more accessible, safe, inclusive and welcoming to existing and new participants. Our board shares this perspective.

There has been a lot of talk about toxic culture in hockey and a culture of silence. These behaviours are contrary to the fundamental values of respect, safety, fair play and authenticity. They include bullying, disrespectful or demeaning language, harassment, sexism, racism and sexual abuse or assault. While hundreds of thousands of participants across the country have never experienced such unacceptable behaviour in hockey, unquestionably it does exist. Any instance of this behaviour in hockey should not be tolerated.

Regrettably, toxic behaviour exists throughout society. No segment of society is immune. Culpable behaviour such as sexual assault, whether in our educational systems, the business environment, the political sphere or our religious institutions, is evil and reprehensible. Suggesting that toxic behaviour is somehow a specific hockey problem or to scapegoat hockey as a centrepiece for toxic culture is, in my opinion, counterproductive to finding solutions. It risks overlooking the change that needs to be made more broadly to prevent and address toxic behaviour, particularly against women. When these issues arise, we must do our absolute best to deal with them in the most humane, sensitive and responsible way possible.

My perspective on the settlement of the lawsuit involving allegations of sexual assault in London in 2018 is that, as a board, we wanted to do what we viewed as being responsible and respectful, particularly regarding the wishes of the young woman involved. When the statement of claim was filed earlier this year, we handled it based on the information we had at the time and based on professional advice. Our instinct was one of compassion for the young woman and a sincere desire to respect her wishes and perspective. We were keenly aware of the alternative to settling, which was that legal proceedings in these types of situations can revictimize people in a very traumatic way. I personally did not want to see the young woman subjected to the cruelty and invasiveness of an adversarial court process involving cross-examination and harsh defence tactics.

Our board does not share the view that Hockey Canada should be making more leadership changes at this time. As a board, we continue to support the CEO and management. We believe it's in the best interest of Hockey Canada and all its participants that the organization's leadership remain stable.

All nine positions on the board of directors are up for election later this year. We are in the midst of a governance review by a former Supreme Court of Canada justice, who is examining the structure and composition of the board and senior management. The board believes that Hockey Canada's CEO and his executive team have the skills and ability to lead Hockey Canada, including

through the execution of our action plan, on which we've already made good progress, and the other items in our strategic plan.

Like any group in our society, Hockey Canada has much to do to make hockey better, to do all it can to eliminate toxic behaviour, and to make our game more inclusive and mindful of the importance of diversity, respect and opportunity for all. We are actively promoting and accelerating positive change in the culture of hockey. We have and are continuing to establish additional safeguards and better reporting and handling of maltreatment complaints.

Across the country, our leaders at the provincial, regional and territorial levels are actively participating in efforts to track incidents of maltreatment and in reviewing and enhancing the education and training of players, coaches, officials, parents and volunteers to help address these issues. All of us involved in hockey play a part in eradicating unacceptable behaviour from the game. All of us must be empowered and encouraged to speak up and call out bad behaviour whenever and wherever it occurs.

Thank you again for inviting me here today. I look forward to responding to your questions.

• (1115)

**The Chair:** Thank you very much, Ms. Skinner.

Now we go to the question and answer segment. This is going to be a six-minute round. I will begin with John Nater for the Conservatives.

John, you have six minutes, please.

**Mr. John Nater:** Thank you, Madam Chair.

Thank you to our witnesses for joining us this morning.

I want to begin with a brief comment.

When Hockey Canada appeared before us in July, I left that meeting with a small glimmer of hope that perhaps Hockey Canada had got the message—that we would see meaningful change. Then, within weeks of that meeting, we saw Hockey Canada go out and hire Navigator, a crisis communications firm. We saw this asinine survey sent out that diminished the culpability of Hockey Canada.

We hear today that there's a need for "stable" leadership within Hockey Canada.

What really got me was that one week after that meeting, Hockey Canada's board met, and this is what was included in the minutes. The minutes said that it was encouraged to get the message into the public, get ahead of the communication and shift the narrative. They went on to say that the national equity fund is in place to protect children in hockey programs and to take care of any victims; that settlement payments must be viewed in a positive manner, not a negative manner; and that repetition was required to state the narrative.

Madam Chair, I find it deeply troubling that the organization is more concerned about shifting the narrative than actually meaningfully implementing change within this organization. I offer that as a comment at the outset.

My first question is for Mr. Brind'Amour.

We understand that on Saturday, May 7, 2022, the Hockey Canada board met in camera for two hours and three minutes to discuss the settlement of the London incident. I would like to know what information was provided to the board by Mr. Smith to make that settlement, and exactly what the board approved. What was the approval that was given by the board to the leadership of Hockey Canada?

[Translation]

**Mr. Michael Brind'Amour:** Thank you for the question.

I believe you mean May 19, the date when the board of directors agreed to a settlement.

The board of directors convened on May 19. At that time, our leadership team provided us with the necessary information as well as information from our legal team.

According to our legal experts, there were two options: go forward and start litigation or come to a settlement.

Following discussions, the board of directors authorized an out-of-court settlement between the parties involved, if possible. The case moved ahead and became what the public knows today.

• (1120)

[English]

**Mr. John Nater:** Thank you for that.

Over the summer, shortly before your resignation as board chair, it was speculated in the media that you had either formally or informally encouraged the board of directors to terminate the contract of Mr. Scott Smith as CEO.

Can you confirm or deny that you did in fact encourage Mr. Smith to either resign or be terminated?

[Translation]

**Mr. Michael Brind'Amour:** Thank you for the question, sir.

For the board of directors, given the state of the situation, discussing our chief executive officer's position and deciding on the matter was considered quite responsible. That is what was done. Following that, the board of directors gave Mr. Smith its full confidence. There was no motion or a vote. It was just a discussion, which was completely normal.

[English]

**Mr. John Nater:** My question, then, is whether you personally have faith in Mr. Scott Smith to lead this organization.

[Translation]

**Mr. Michael Brind'Amour:** Mr. Smith is very capable and talented. To answer the question, I would say that it will be up to the current board of directors to decide his fate.

[English]

**Mr. John Nater:** With respect, you didn't answer the question. Do you personally have faith in Mr. Scott Smith to be the CEO of this organization?

[Translation]

**Mr. Michael Brind'Amour:** My personal beliefs have no impact on the situation. I think the board of directors has all the tools in hand to be able to appropriately assess the situation.

[English]

**Mr. John Nater:** I think that answer is telling.

Ms. Skinner, who approved hiring Navigator, and how much was allocated in expenses for Navigator?

**Ms. Andrea Skinner:** Madam Chair, I'm not certain what the answer is to that question. Operations would know if there was an amount specifically allocated to Navigator.

I can say, though, that we have heard that there is a call for a new perspective. Hockey Canada has secured outside perspectives, and Navigator is one of those perspectives. We're taking steps to change how we communicate.

**Mr. John Nater:** Who approved hiring Navigator? Was it the board or was it the management?

**Ms. Andrea Skinner:** I believe that was a decision of operations.

**The Chair:** Thank you very much, Mr. Nater. You've gone a little over. You're setting the standard for the Nater formula again.

I now go to the Liberals.

Mr. Housefather, you have six minutes, please.

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

This is a follow-up to Mr. Nater's question.

[Translation]

Mr. Brind'Amour, during the meeting when the board of directors discussed the issue of Mr. Smith, did your opinion differ from that of other board members?

**Mr. Michael Brind'Amour:** I thank the honourable member for the question.

The directors held a discussion and each one was able to express their opinion.

**Mr. Anthony Housefather:** Mr. Brind'Amour, did you have a dissenting opinion during that conversation, yes or no?

**Mr. Michael Brind'Amour:** The board of directors came to a consensus and approved giving Hockey Canada the mandate...

• (1125)

**Mr. Anthony Housefather:** Thank you, Mr. Brind'Amour.

[English]

Ms. Skinner, I want to come to you now. Tone at the top is really important, and you're the new tone at the top. One thing about tone at the top is that it's important not to be tone deaf.

Our women's national hockey team made a statement on July 26, 2022, about the administration of Hockey Canada, that was quite scathing. Then the world championship happened and the women's team honoured our country by winning the gold medal. Who was presenting the gold medal? It was Scott Smith.

Ms. Skinner, did the women's hockey team request that Mr. Smith present them with the gold medal?

**Ms. Andrea Skinner:** I don't believe that was the women's hockey team's request. I believe it was a request from a woman who is a staff leader of the women's hockey program.

Ordinarily, if a volunteer director of the board was in attendance for that event, they would have been presenting the medals. Unfortunately, it wasn't possible for a volunteer director of the board to be there, so Mr. Smith did that in our place.

**Mr. Anthony Housefather:** It wasn't possible for any of the nine members of the board to be there at the women's world hockey championship. We'll check into whether anybody was there.

Thank you.

I want to come to the participants legacy trust fund, which we found out about yesterday in an article in The Globe and Mail. It deals with personal injury claims triggered by actions between 1986 and 1995.

Why did Hockey Canada not tell us about this fund when it appeared before the committee on the two previous occasions, Ms. Skinner?

**Ms. Andrea Skinner:** The participants legacy trust fund is not a Hockey Canada asset. That is why it wasn't mentioned. It doesn't show up on Hockey Canada's financials. It's not an asset of Hockey Canada.

To be clear, I think that fund has been fundamentally misdescribed in the media. That's very unfortunate. No funds from that trust have been used to settle claims.

**Mr. Anthony Housefather:** Okay. I'm going to get into that in a second. Before I do, can you tell me now if there are any other funds—other than the ones we now know about and that have now been disclosed—that are used to settle claims at Hockey Canada or for any member of Hockey Canada?

**Ms. Andrea Skinner:** I can tell you the answer to that question from my perspective, based on my knowledge.

There are four main elements to Hockey Canada's financials. We have an operating fund, a health benefits trust fund and the national equity fund, which people have heard a lot about. We have a series of pillars, which include a growth fund, a facilities fund, a branch support fund, an insurance rate stabilization fund, an international event hosting fund and a technology fund. Those funds all have prescribed purposes or objectives, and—

**Mr. Anthony Housefather:** Is the answer then no, you don't have another fund?

**Ms. Andrea Skinner:** I'm sorry, could you repeat the question?

**Mr. Anthony Housefather:** Is the answer no, you do not have another fund that you use to fund these types of claims related to sexual liability or sexual assault?

**Ms. Andrea Skinner:** Well, I'm not sure I agree with the premise of the question, but I don't believe there is.

**Mr. Anthony Housefather:** Okay.

Now I'm going to turn my attention to three things in the August 2 minutes that I think are interesting.

First, it said there was discussion about false information being circulated in and by the press, and that discussion on communications strategy ensued.

Second, it said Hockey Canada was a family and needed to push back hard, that it needed to start defending and stop sitting in the neutral zone.

Basically, Hockey Canada is taking a Trump-like view and saying that the press is responsible for its woes. Yesterday you guys issued a statement, which I want to come to. It says, "It is inaccurate to report that the participants legacy trust fund was used to settle sexual assault claims and any suggestion otherwise is false."

It sounds like it's horrible that anyone could have thought that. In that case, why, in 2019, in the affidavit that was filed by Brian Cairo, your employee, did it say in paragraph 5 that the trust was established to fund claims made against the Canadian Hockey Association "for matters including but not limited to sexual abuse"?

Is sexual abuse not sexual assault, Ms. Skinner?

**Ms. Andrea Skinner:** Sexual abuse and sexual assault for me are essentially the same thing, but could you repeat the question?

**Mr. Anthony Housefather:** In paragraph 5 of Brian Cairo's affidavit, when he tried to prolong the trust—when Hockey Canada was successful in prolonging the trust—he stated that the trust was established to fund claims made against the Canadian Hockey Association "for matters including but not limited to sexual abuse".

It would seem to me, then, that sexual abuse and sexual assault were potential claims that could be settled under this fund, but yesterday's statement made it seem like they couldn't be.

I also want to point out Mr. Cairo's affidavit. Paragraph 8 says, "There are currently unpaid claims." In your statement, and in the statement yesterday, it says, "This trust has never been used for any purpose." How could there have been unpaid claims in 2019 if the trust has never been used for any purpose?

• (1130)

**The Chair:** You have 13 seconds left.

**Ms. Andrea Skinner:** I have to apologize, because I don't have Mr. Cairo's affidavit in front of me, but what I can tell you is that it's inaccurate to say that the participants legacy trust fund was used to settle sexual assault claims. That trust was established to cover uninsured claims for a period in which Hockey Canada and its members were self-insured, between September 1986 and August 1995.

As we know, it can take a very long time for complainants in sexual assault cases to come forward, so when the trust was extended in 2020, it was extended for the benefits of the members who had contributed to that. Hockey Canada, as I said, is not receiving money under that trust.

**The Chair:** Thank you, Ms. Skinner. I think we've ended this round.

Now I'm going to go to Mr. Lemire from the Bloc Québécois for six minutes, please.

Mr. Lemire.

[*Translation*]

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

Ms. Skinner, members of Hockey Canada's executive leadership appeared before this committee twice, not just once. The first time, I got the impression they did not understand the reasons why they were here, nor the outrage expressed by parliamentarians and the public regarding the alleged scandal that occurred in London in June 2018.

Due to pressure from the public and sponsors, as well as the minister's decision to cut funding, people at Hockey Canada finally became aware of the problem. They sent a letter to the media.

Mr. Brind'Amour, Ms. Skinner, I imagine you contributed to that initiative.

This letter stated that the message had been understood and that changes would be made to the organization's culture. However, we see that its culture has not changed. These people appeared again before the committee and confirmed that they had the situation in hand. However, we found out yesterday about the existence of a secret fund, by which we were able to conclude that the culture of silence and cover-ups wasn't changing.

My question is very simple. Who is responsible for the situation at Hockey Canada?

I think senior management no longer deserves the trust of people who participate in Hockey Canada, whether it be our youth, women who have been the victims of wrongdoing, or anyone else. A profound cultural change needs to happen at Hockey Canada.

Who is accountable, right now? Is it the board of directors or senior management?

[*English*]

**Ms. Andrea Skinner:** Thank you.

Madam Chair, the board of directors has oversight for the organization, and that includes senior management. As I explained in my answer to Mr. Housefather, I believe the reports that have circulated in the media do not accurately reflect the situation with respect to the participants legacy trust fund.

Change is happening. I can assure this committee and I can assure the members of the Canadian public that change is happening.

I came to this board through an independent nominating process in November 2020 to help make this sport better. I took on this role as the interim chair less than two months ago. Change is in progress, and we've heard the members of the Canadian public who are asking for change more quickly.

[*Translation*]

**Mr. Sébastien Lemire:** I find it ironic that you are saying the media misreported the situation. Essentially, that's the same kind of formula used in the survey you commissioned, possibly to try and influence public opinion. You won that round, but there are still unanswered questions.

I also know that you hired Justice Cromwell, at great expense, to ask him to produce a report on the recommendations.

Before making a decision and renewing your trust, do you expect to shed light on what was done?

Do Mr. Scott Smith and members of the board of directors have your full trust to fully implement the action plan?

Coincidentally, I received a sponsored item from Facebook, saying that Hockey Canada suggests we look at the positive steps it is taking to change things.

[*English*]

**Ms. Andrea Skinner:** Thank you, Madam Chair. There was a lot packed in there. I'll respond to the question about support for senior leadership.

Our board, frankly, does not share the view that senior leadership should be replaced on the basis of what we consider to be substantial misinformation and unduly cynical attacks. I appreciate that others disagree with us, but our positions are based on the information that we have and an understanding that Hockey Canada has an excellent reputation.

• (1135)

I do not fault senior management or the board with respect to the way the 2018 sexual assault incident was handled. I believe the appropriate steps were taken in terms of contacting the police, retaining an independent law firm to investigate the allegations and contacting Sport Canada.



I understand there's criticism with respect to senior management having in place the national equity fund—I'm a parent of two young kids—but I believe it's a responsible risk management practice.

Those appear to be two fundamental allegations from critics who are calling for leadership change. In the board's view, we need stability at this time. We have nine members of the board up for re-election or election later this year. We're waiting on the results of a Supreme Court of Canada governance review, which, while it may be expensive, is one of the most important things Hockey Canada has done in its 100-year history.

[*Translation*]

**Mr. Sébastien Lemire:** Ms. Skinner, our criticism of Hockey Canada, and the reason why the Canadian public and parliamentarians do not trust Hockey Canada is precisely because of the lack of transparency and culture of silence. If we don't understand the situation, it is not necessarily our fault. Perhaps you are lacking transparency. This culture of silence resulted in possibly putting a hockey player above the law.

Ms. Skinner, you were the chair of the risk management committee. You had the opportunity to look into different sources of funds to settle a lawsuit. What we understand is that there is a fund within a fund.

Was Hockey Canada always responsible for paying the entire sum awarded to the victim?

[*English*]

**Ms. Andrea Skinner:** I'm not sure I understand that question. On the issue of transparency, I can say that since I stepped into this role, I agree that we need to be more transparent, and that we need to better communicate the things we've done and the things we need to be doing. That's partly why I stepped into this role. That's why I've been attending town halls across the country, speaking with stakeholders, trying to understand what's important and getting our message out there, so that we can be more transparent. That is my goal too.

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

The time is up, Mr. Lemire. I will go to Peter Julian for the NDP.

Peter, you have six minutes, please, with the Nater formula.

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

Thanks to our witnesses for being here today.

There is no doubt that hockey parents across the country want answers from Hockey Canada. They scrimp and save to register their kids in Hockey Canada programs. The revelations—not only the allegations of sexual violence and sexual abuse and how they are handled within Hockey Canada, but also the complete lack of financial transparency—are profoundly disturbing to Canadian hockey parents and profoundly disturbing to the Canadian public. That's why Hockey Canada has lost the trust of Canadians. That's why this committee has said in a very clear way that it has lost confidence in the leadership of Hockey Canada.

The way to respond to that isn't by pushing back and saying that these are attacks on Hockey Canada. The way to respond is by pro-

viding answers to what the Canadian public are asking, and I would like to see, over the course of this hearing, some answers.

I'll start with you, Madam Skinner.

You just said that the participants legacy trust fund is “not an asset of Hockey Canada”, yet we know it was set up by funds that were transferred from the national equity fund. We also know that it was Hockey Canada that went to court to alter the terms of the trust and to renew it until 2039.

Ms. Skinner, how can you say that it's not an asset when the funds came from Hockey Canada and when it was Hockey Canada that was actually going to court to extend the mandate of that trust?

**Ms. Andrea Skinner:** Thank you for the question. I appreciate the chance to clarify this issue.

The trust arises from contributions made by Hockey Canada's members: BC Hockey, Hockey Alberta and Hockey Saskatchewan. All of the members contributed to the trust. Hockey Canada is a trustee of the trust. The trust belongs to the original contributors of that trust for that self-insured period I mentioned, from 1986 to 1995. Over the years, this trust has provided annual funding to the members and the CHL by way of realized annual investment income. That income is then distributed to the members in the CHL, not Hockey Canada.

This money is not Hockey Canada's; it's not Hockey Canada's asset.

• (1140)

**Mr. Peter Julian:** Again, I find the answer is not transparent.

The reality is that Hockey Canada does control the trust. The monies went from the national equity fund to the participants legacy trust fund. Can you confirm how much was transferred from the national equity fund to the participants legacy trust fund?

**Ms. Andrea Skinner:** I'm sorry sir, but with the greatest of respect, I don't agree with that characterization of the trust. I'm being as transparent as possible. Unfortunately, it's not resonating.

The trust does not belong to Hockey Canada. It exists for the benefit of its members.

**Mr. Peter Julian:** How much was transferred from the national equity fund?

**Ms. Andrea Skinner:** I believe it was \$7.1 million in 1999.

**Mr. Peter Julian:** I'll move on to board meetings.

I wrote to Scott Smith in August because of information that we obtained through a former board member who is a whistle-blower. It was around the cost of board dinners for Hockey Canada.

Is it true that many board dinners have cost more than \$5,000? Is that something you can confirm? Mr. Smith refused to respond to that question.

**Ms. Andrea Skinner:** Madam Chair, through you, I have not experienced that. I can only speak to since I've been on the board since November 2020. Again, I view that as a changed board. I've only attended two meetings in person. I've spent hundreds of hours on Hockey Canada board matters. I've only attended two meetings in person and one dinner. It was a one- or two-plate meal. We have a code of conduct that's in place.

As I said, I've spent hundreds of hours as a volunteer, trying to improve the game of hockey.

**Mr. Peter Julian:** Thank you.

I don't have a lot of time, so I'll move on to the next question. It's on championship rings. Can you confirm the cost of those rings to members of the board of over \$3,000 each?

**Ms. Andrea Skinner:** I have no knowledge of that, sir.

[*Translation*]

**Mr. Peter Julian:** Mr. Brind'Amour, can you answer the same questions?

Have you ever attended a dinner for members of the board of directors that cost over \$5000?

Can you confirm the cost of the rings provided to members of the board of directors?

**Mr. Michael Brind'Amour:** Thank you for the question.

The type of dinners you're referring to were held during special events, intended for a broader public than members of the board of directors. I do not recall the occasion, but if it happened, it was because there was a special moment to honour.

**Mr. Peter Julian:** What about the rings?

**Mr. Michael Brind'Amour:** I think your information is just about the rings. That happens when our national teams are fortunate enough to win a world championship. It happens for rare occasions like that.

**Mr. Peter Julian:** At \$3000 per ring, multiplied by the number of members of the board of directors, that's expensive.

**Mr. Michael Brind'Amour:** No...

[*English*]

**The Chair:** Your time is up. Thank you.

Now I will move to the second round, which is a five-minute round. I begin with Kevin Waugh for the Conservatives.

Kevin, you have five minutes, please.

There's no Nater formula attachment here.

**Voices:** Oh, oh!

**Mr. Kevin Waugh (Saskatoon—Grasswood, CPC):** Thank you, Madam Chair.

Mr. Brind'Amour, we're disappointed in your leadership of Hockey Canada. You came on in November 2018. You were re-elected

board chair in November 2020. Then, when it got a little hot, you decided to leave on August 5. You're part of the problem as much as Tom Renney and Scott Smith.

Your leadership at the board table is in dire straits right now. We're desperately waiting for Thomas Cromwell's report. I feel the board has not done its due diligence from day one, and you're part of the problem.

When you went into your final board meeting in August and decided to pull the pin, was it because the board of eight members surrounding you had no confidence in you?

Would you please respond to that?

• (1145)

[*Translation*]

**Mr. Michael Brind'Amour:** I thank the member for the question.

To answer your question, I don't believe so, no.

[*English*]

**Mr. Kevin Waugh:** I was just surprised. There is no need to wait for a new era. All nine board members should have resigned immediately in August. You were the board chair. I think all nine should have resigned on August 5. You pulled the pin three months early, because you are up for re-election in November 2022. With you leading the board and pulling the pin early, I would suspect that all eight others should have pulled the pin with you.

What is your response to that?

[*Translation*]

**Mr. Michael Brind'Amour:** I thank the member for the question.

As for your characterization of my role in your introduction, I refute it. Under my leadership, we made immense progress in terms of cultural change to end mistreatment, abuse, bullying and harassment, and we made a great deal of progress in terms of inclusion. We had a long way to go, it must be said. I therefore refute your characterization.

As for your question, it's up to every member to make their own decision.

[*English*]

**Mr. Kevin Waugh:** I know it's composed of volunteers, but as the chair, did you have one-on-one conversations with Tom Renney and Scott Smith about the 2018 sexual assault allegations?

[*Translation*]

**Mr. Michael Brind'Amour:** Thank you for the question.

I was not chair of the board of directors when the events occurred in 2018.

[English]

**Mr. Kevin Waugh:** You were in 2020, and that's when we pick up the story, because in May 2022, \$3.55 million was transferred into an account for E.M.

When did you first know about 2018? When did the CEO of Hockey Canada inform you about 2018?

[Translation]

**Mr. Michael Brind'Amour:** In June 2018, when I was not yet chair, the sitting board of directors was informed towards the end of the month that the event had occurred and there was a sexual assault allegation.

[English]

**Mr. Kevin Waugh:** What did you do after you were informed? When you came on the board, what was the procedure of the board to move forward with the 2018 allegations? What did you do, in terms of your leadership?

[Translation]

**Mr. Michael Brind'Amour:** Thank you for the question.

As soon as we were made aware of this event, we were also informed that action had been taken by management.

The London Police Service was then informed of the situation, and Hockey Canada reported it.

We were also informed that management had commissioned a legal advisory firm to investigate to find out the truth and to make recommendations to Hockey Canada.

We were also informed that our management had reported the matter to Sport Canada, as well as to the insurers.

This is the information that was provided to us when we were informed of the situation in late June 2018.

[English]

**The Chair:** Thank you, Kevin. Your time is up. I will go to Lisa Hefner for the Liberals.

You have five minutes, Lisa.

**Ms. Lisa Hefner (Hamilton Mountain, Lib.):** Thank you very much, Madam Chair. I would like to begin my questions with Ms. Skinner.

In your opening statement, you said this toxic violence is not a specific hockey problem, yet the stories we're hearing around Hockey Canada are different from the stories of abuse we're hearing around other sports. I am wondering if you can comment on that.

What we're hearing about Hockey Canada is more than one incident of athletes acting like a pack of hooligans, and we don't hear that about athletes in other sports. I'm wondering if you can talk about the hockey culture and why you think we're hearing specific stories about hockey and not about other sports.

• (1150)

**Ms. Andrea Skinner:** The whole topic of sexual assault is a difficult one. The allegations of group sexual assault that I've heard of

happened in 2018 and 2003. I'm not aware of other incidents of that.

When I referred to scapegoating in my opening statement, I was talking about sexual assault and the way we treat women as being a societal problem. It's a social issue and it's triggered by the environments we exist in. Just last week, there were two new stories about politicians who have had allegations of sexual assault thrown at them.

In my view, any incident, no matter the type, is problematic. That's the point I was trying to make in my opening remarks. I think we need to not sit back and condemn just hockey, but take a broader view of this and ask how we can fix this in every sport and everywhere.

**Ms. Lisa Hefner:** If that's the case, do you see a problem with Hockey Canada condoning this behaviour? More than condoning the behaviour, do you see a problem when there are no consequences, when these allegations come forward and there are no consequences to players?

There's a fund that pays off the victim. You talk about wanting to respect the victim, but, respectfully, it sounds like a cop-out, because the players walked away with no consequences. The behaviour can continue because the top, Hockey Canada, is saying, "We'll pay and we'll make it go away." The players can continue and no one will ever hear any further details.

Do you understand why it looks to the general public like Hockey Canada is condoning that behaviour?

**Ms. Andrea Skinner:** I understand there is a perspective out there. With great respect, I disagree with it. We want to see consequences for the players.

The woman in this circumstance did not identify and refused to identify the players. What Hockey Canada has done is decide to resolve the matter in a way that was trauma-centred, victim-centred or complainant-centred. At the same time, we have an investigation that's ongoing. We put it in place so players will have to participate in that investigation, so the truth can be discovered. If they are found to have violated the code of conduct, they will be held responsible, and that's a process that's ongoing.

I absolutely think there needs to be accountability. I absolutely reject that we've condoned this. We took a view to try to respectfully deal with the wishes and perspectives of the woman.

I can point to a very recent example of exactly what we were trying to avoid by resolving this matter and not pushing it through the litigation process. That's the story about Jake Virtanen. He was charged with sexual assault recently from an incident in 2017. In 2021 or 2022, the criminal trial resolved—

**Ms. Lisa Hefner:** I'm sorry. It's a little off topic.

**Ms. Andrea Skinner:** I'm sorry.

I'm happy to save this for a different point. I'm trying to illustrate that this was not an attempt to condone anything.

**The Chair:** I'm sorry, Ms. Skinner. The questioner has the right to tell you when she thinks you have or have not answered her question.

Go ahead, Ms. Hepfner.

**Ms. Lisa Hepfner:** Let me go to another witness, Mr. Brind'Amour, and ask the same question.

Both of you said that Hockey Canada took appropriate action at the time, yet there are changes now being made so that players have to participate in the action.

Do you think Hockey Canada, from the top, has been condoning this behaviour by maintaining a fund through which players face no consequences for their actions?

[*Translation*]

**Mr. Michael Brind'Amour:** Thank you for the question, Ms. Hepfner.

I do not understand the verb "to condone". I can tell you, however, that from the moment the investigation conducted by the law firm was able to resume, it was made clear before the committee when Ms. Robitaille last testified that she did not wish to continue to hear testimony from the players, but first and foremost wished to meet with the complainant, to speak with her or to obtain a statement from her before continuing with her investigation. It is along these lines—

• (1155)

[*English*]

**The Chair:** Mr. Brind'Amour, I think Ms. Hepfner has gone way over her time.

I'm trying to be fair to everybody, so I'm allowing some leeway here. I think you'll have to answer that question when another questioner comes up.

I'm going to go to Mr. Lemire.

[*Translation*]

**Ms. Andr anne Larouche (Shefford, BQ):** Madam Chair, I will be the one to ask questions.

Mr. Brind'Amour and Ms. Skinner, I heard your opening remarks and I am now hearing your answers to the questions asked. When Mr. Smith first came before the committee, we were all shocked at the way that events and allegations of sexual assault were trivialized when he told the committee that this sort of thing was happening elsewhere in society.

I feel like I'm hearing the same kind of talk today. Yet these allegations are serious.

Earlier, you compared what is happening at Hockey Canada to other instances of violence that we see in the news and elsewhere in society. We are here to talk about what happened at Hockey Canada. We don't deny that things happen in other sports, as well. We've all heard about them. However, we are here to address the

2018 allegations of sexual assault, and there have been other cases within Hockey Canada. We were told so in committee.

Ms. Skinner, you can answer that, but there is one question you have not answered.

The other concern has to do with the organization's image. You mentioned the second trust. If what has been said in the media about that trust is not true, can you tell us what it was for?

[*English*]

**Ms. Andrea Skinner:** I heard a number of questions. I'm happy to start with the question about the legacy trust.

As I tried to explain, that trust was established to cover uninsured claims that might arise from the period when Hockey Canada and its members were self-insured, so for claims that might arise between September 1986 and August 1995. That's why there was money put into that trust.

[*Translation*]

**Ms. Andr anne Larouche:** Yet what has been reported in the media and what many are complaining about is that this trust was established to protect you in the event of sexual assault allegations.

It is this culture of silence and the way you have tried to sweep this under the rug, rather than being transparent, that is problematic.

You say you wanted to respond to the victim's requests, but you could have been much more transparent to show that you were taking the allegations seriously and that Hockey Canada was taking steps to implement a real culture change. That is not what was done.

[*English*]

**Ms. Andrea Skinner:** Thank you, Madam Chair.

I fundamentally disagree with the way the trust has been characterized in the media. In terms of trivializing or sweeping aside sexual assault allegations or other maltreatment, I can tell you that's absolutely not the case.

We've done a number of things as a board since 2020. We've adopted a national template maltreatment policy, which we distributed to all of our members. In June 2021, we started tracking incidents of maltreatment, including things like discriminatory taunts and insults under rule 11.4, and we are tracking that so we can better understand where incidents of maltreatment are occurring. We were doing that long before this discussion around sexual assault took place.

Just recently we've created a new independent and confidential mechanism to investigate complaints. This will improve Hockey Canada's handling of complaints when they do come forward. We also adopted an inclusive gender expression and gender identity policy that's going to benefit all of our participants, including transgender participants. We have been completely preoccupied with making the game safer and more inclusive for people, and putting in place systems that will allow us to better respond to these unfortunate incidents of maltreatment when they come forward.

[Translation]

**Ms. Andr anne Larouche:** People are also concerned about the follow-up to all of this. You talk about policies, but when we keep digging, we find new allegations, and they surface regularly.

How can you assure us that a culture change will take place if the same people are running the organization? A change in culture also requires a change in the leadership that has condoned the actions, that has trivialized the culture, that has not taken the necessary steps, and that has been more concerned with protecting their image than trying to ensure a safe environment.

How can you seriously think you can implement the necessary changes with the leaders who were there when these events took place and did everything they could to delay the process?

• (1200)

[English]

**The Chair:** Thank you, Ms. Larouche. I think your time is well over. You actually got five minutes, Ms. Larouche, and you really should have had only 2.5 minutes, but there you go.

Mr. Julian, I'm going to give you five minutes as well.

**Mr. Peter Julian:** Thank you, Madam Chair.

I think it's fair to say that the lack of financial transparency around these issues of allegations of sexual abuse and sexual violence is very disturbing. I'm calling on the Minister of Sport to do a full audit of Hockey Canada going back to 2016. That is one way Canadian parents and the Canadian public can get answers to these important questions.

I want to come back, Ms. Skinner, to Mr. Smith's testimony for July 27. When I asked him about victims who wanted to come forward if Hockey Canada would release them from the non-disclosure agreements, Mr. Smith said:

For victims who will come forward, first and foremost, we want to make sure they have the confidence in our independent investigation. We will continue to work to document their wishes. If they wish to eliminate those,

—and that means the non-disclosure agreements—

unless there is a legal reason not to that I'm not aware of, I'm not sure why we wouldn't. Our priority is to support the victims.

Ms. Skinner, has the board taken that decision, to release the victims who choose to be released from their non-disclosure agreements?

**Ms. Andrea Skinner:** We have not been asked that question, sir.

**Mr. Peter Julian:** The board has not had any follow-up at all. We had Mr. Scott Smith in public testimony, after being sworn in, saying he would endeavour to do that, and the board has not even now, two months later, looked into the issue of non-disclosure agreements. Has there been no discussion at the board at all?

**Ms. Andrea Skinner:** Sir, there has been discussion about non-disclosure agreements in a general sense, but not in relation to any particular matter. Every circumstance is unique. Often the non-disclosure agreement is put in at the request of the complainant or the victim. If a request were to come forward, we would absolutely consider it and deal with it.

**Mr. Peter Julian:** However, there's been no discussion of that at the board level, even though it was very clear—at least in testimony here—that Hockey Canada would be open to that. Is the message you're sending to victims today that Hockey Canada will allow them to be released from their non-disclosure agreements? Is that the message you are giving to the Canadian public and to the victims today?

**Ms. Andrea Skinner:** My message is that every case has its own unique set of circumstances and facts, and if an individual who is the subject of a non-disclosure agreement wishes to come forward and to be released from that, I would invite them to come forward and make that request, and we'll deal with it when it's made.

**Mr. Peter Julian:** That is different from what he said on July 27. Do you understand the contradiction between saying—

**Ms. Andrea Skinner:** I'm sorry. I don't recall that testimony, so I'm not trying to be difficult. I don't recall that from Mr. Smith and I don't have his transcript.

**Mr. Peter Julian:** The message from Hockey Canada on July 27 was that they're open. Now you're saying that Hockey Canada will consider it, which doesn't appear open at all. I regret that. I would have preferred a message from you, as chair of the board, saying to victims that Hockey Canada will release them from non-disclosure agreements if they so choose.

I'll move on, then.

• (1205)

**Ms. Andrea Skinner:** I'm happy to respond to that. I don't think we're saying anything different. We want to be open, and we certainly are taking a complainant-centric approach. That's why we handled the 2018 incident the way we did. I don't disagree with what you said, sir.

**Mr. Peter Julian:** Your message today to the victims is that if they choose or if they want to be released from the non-disclosure agreement, Hockey Canada will allow that.

**Ms. Andrea Skinner:** Hockey Canada will consider it with a view to allowing it, unless there's a good reason not to.

**Mr. Peter Julian:** Were there no requests made on August 2 at the Hockey Canada board around non-disclosure agreements?

**Ms. Andrea Skinner:** I believe there has been one request around a non-disclosure agreement related to a former board member and his involvement in the board. That is still something the board is gathering more information on. It's not an incident related to sexual assault.

**Mr. Peter Julian:** Ms. Skinner, I have appendix 1 from the Hockey Canada board agenda for August 2, 2022. It says non-disclosure agreement—to request for removal of signed NDAs.

**Ms. Andrea Skinner:** I stand corrected. There are two requests in relation to the same incident that happened at the board level. Again, it was investigated by an independent party, as I understand it. This was a board well before my time. Again, as I understand it, it has nothing to do with sexual assault, but it's —

**Mr. Peter Julian:** Did the board release that individual from the NDA?

**The Chair:** Peter, we're going to have to leave that one on the table, and you can ask it again.

I want to apologize to the committee for allowing both Peter and Ms. Larouche to go to five minutes, but this testimony is so fascinating that I get lost in listening to it and listening to what I consider sometimes to be absolute contradiction in the testimony.

Anyway, we'll move on, and I will go to Ms. Thomas for five minutes, please.

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

So far, what we've heard from Mr. Brind'Amour is that he stepped back from being chair of the board because there is much to do and much that needs to be accomplished, and he wanted to see that.

We heard from Ms. Skinner. She said there will be no more changes to leadership at this time because the organization needs to remain stable and that, therefore, it will continue as the status quo.

I'm curious as to which one it is, then.

Ms. Skinner, in your view, should Hockey Canada be most interested in maintaining stability, or should Hockey Canada be interested in creating cultural change?

**Ms. Andrea Skinner:** I think Hockey Canada can do both. The cultural changes have already started with my presence on the board, starting in November 2020. I think it's been accelerated. Stability is also an important consideration, especially in view of the fact that we have an entire board that's up for election in just a couple of months' time.

I don't think it's in the best interest of hockey or Hockey Canada for this organization to be destroyed. I don't think that a mass exit... If all the board were to resign and if all senior management were to be replaced, who would they be replaced with? What would that mean for hockey? How would that impact the boys and girls?

**Mrs. Rachael Thomas:** Let me be a bit more specific, then.

Every leading voice having to do with organizational change would say that the way to produce a desired culture is to start with the leader. Now, you seem to be very insistent that this leader needs to be protected, that he should be kept in place and that somehow organizational change or a culture shift is still possible. You're saying that starts with you. You just said you're a very instrumental piece in that change, but you don't seem to be open to changing the culture by starting with the leader.

What I'm hearing from you and Hockey Canada is that there are these words that are being nuanced. There are these platitudes that are being made in order to try to pacify the public, whether that be the public at large, players or parents. I'm not seeing meaningful structures being put in place in order to generate the change that is needed in order to create a Hockey Canada that we as Canadians can be proud of, that players can join, that parents can be part of and know that the players are going to be in the best care possible.

I'm just curious why. Why is the leader of this organization being protected rather than being held accountable?

**Ms. Andrea Skinner:** Madam Chair, the leader is not being protected. Management is independent from the board of Hockey Canada. Those lines are clear. Hockey—

• (1210)

**Mrs. Rachael Thomas:** Ms. Skinner, with all due respect, is it not the responsibility of the board to determine whether or not the leader of Hockey Canada stays?

**Ms. Andrea Skinner:** Absolutely it is, but that's not a measure of protection.

**Mrs. Rachael Thomas:** Okay, I just wanted to make sure this was clear. Then it is your decision as chair, your responsibility, to lead the board in its decision-making process and to determine whether or not the leader of Hockey Canada stays or goes. Is that correct?

**Ms. Andrea Skinner:** It is the board's decision to determine the employment of the chief executive officer. That's correct.

**Mrs. Rachael Thomas:** Absolutely. Thank you.

Contrary to all the literature out there and all the research that has been done that would say to start with the leader, you've decided to say, "No, we are going to protect the leader. We are going to keep the leader and somehow magically still change culture." Is that correct?

**Ms. Andrea Skinner:** No, I'm sorry; respectfully, I disagree with that. We've not said that we are going to protect the CEO and somehow magically change the culture. We have been working very hard over the past two years to put systems in place. I mentioned the policies that were recently passed. Just last week a new discipline and complaints policy, our independent third-party mechanism, was adopted.

The board carefully evaluates and considers whether we have the appropriate people in place based on all the information. We have done that—

**Mrs. Rachael Thomas:** Ms. Skinner, I'm down to time here.

Can you just outline for us, and for Canadians more importantly, what the three top qualities are that Scott presents that make him the most effective leader to bring Hockey Canada through this instrumental change? What are the three top qualities that make him the best leader for this?

**The Chair:** Ms. Skinner, please.

**Ms. Andrea Skinner:** That's a question I would have liked to have some thought on—

**Mrs. Rachael Thomas:** Madam Chair, surely their board has discussed this.

What makes him the best leader?

**Ms. Andrea Skinner:** What makes the CEO—and his management team—a good leader is first of all that he has an excellent team in place that is enabling us to make significant change. I appreciate that some may disagree or may not have that perspective, but I believe we are making significant change for the organization under that leadership.

We also need someone who is fully dedicated and aligned with the strategic plan, and Mr. Smith is.

**The Chair:** Thank you, Ms. Skinner. I don't believe you answered the question though.

We will now move to the Liberals, with Chris Bittle for five minutes.

**Mr. Chris Bittle (St. Catharines, Lib.):** Thank you very much, Madam Chair.

I have a question, out of curiosity. I'm a civil litigator by trade, and when I'm in court, I watch witnesses and watch what they're doing. You don't seem to be looking at the camera when you're answering the question.

Ms. Skinner, is someone typing answers to you or providing answers to you? I know we said counsel could assist, but is someone providing you with answers?

**Ms. Andrea Skinner:** As the committee is aware, Mr. Winton is in the room with me, but I have papers spread out all around me. My practice is also litigation-based, so my style is to have papers spread literally all around the desk, and I did make some notes.

I had very little time to prepare for this hearing, so I made some notes. It's my words that are coming from my mouth, sir.

**Mr. Chris Bittle:** That's fair enough.

Monsieur Brind'Amour, I'll ask you the same question.

[*Translation*]

**Mr. Michael Brind'Amour:** Thank you for the question.

[*English*]

**The Chair:** Mr. Brind'Amour, before you answer, I would like to point out that at the beginning, this committee made it very clear that you are appearing as an independent and therefore you should not have counsel giving you any answers at all. I hope you're keeping true to what you promised you would do.

Thank you, but please answer the question.

[*Translation*]

**Mr. Michael Brind'Amour:** Okay, Madam Chair.

Like my colleague Ms. Skinner, I have papers around me and, like her, I have had little time to prepare.

I am checking my notes and that's all. I am not receiving messages, and I am delivering my testimony independently.

[*English*]

**Mr. Chris Bittle:** Thank you so much, Mr. Brind'Amour. I have a follow-up question for you.

I was kind of shocked. Mr. Nater and Mr. Housefather asked you a direct question multiple times. I was shocked, when I looked you up, to find that you're a litigator yourself.

I'm not going to ask the question again, but I would expect that as member of the Quebec bar and as a witness under subpoena.... Why do you think you don't need to answer a direct question from elected members of Parliament under oath?

You may have contempt for this proceeding, but is that really a sign of the leadership at Hockey Canada and the leadership you provided?

• (1215)

[*Translation*]

**Mr. Michael Brind'Amour:** Mr. Bittle, thank you for the question.

I believe I have already answered that question. The way—

[*English*]

**Mr. Chris Bittle:** Excuse me, Mr. Brind'Amour. You were asked a yes or no question. From your bio, you're a litigator of 40 years. I don't think you would accept a witness who claimed to answer a question that was yes or no. I don't know why you are applying a different standard to your testimony as a witness that you would never have accepted as a lawyer in a courtroom.

[*Translation*]

**Mr. Michael Brind'Amour:** This forum is not at all like a court of law, and I am answering the questions I am asked in the way—

[*English*]

**Mr. Chris Bittle:** Excuse me, Mr. Brind'Amour.

You're a witness under subpoena and under oath. I know there isn't a judge in front of you, but this is shocking. Again, it speaks to how Hockey Canada and its leadership view these proceedings and how it has taken part in past actions. It's truly troubling that you would dismiss them and dismiss us. We have the same powers as a court. We've brought you here under summons, and this is truly disappointing.

Ms. Skinner, in your opening statement, I was particularly shocked when you thought Hockey Canada was being scapegoated in these proceedings. It seems to dismiss some of the responsibility you have as a board, especially when you bring in suggestions of.... You said a politician was recently found to have engaged in sexual assault. That is true, but I believe that member was kicked out of the Conservative caucus. There were consequences for that. Mr. Nater is nodding in agreement. The Senate moved to have that member expelled from the Senate, and now there are charges laid against him.

Why are you using that as an example? There were consequences for this politician, whereas the players and leaders involved in what happened at Hockey Canada seem to have faced no consequences.

Can you help me square the circle in terms of...?

**Ms. Andrea Skinner:** For sure. I gave that example of the politician as it was the first example that came to mind when I was asked a question. It was a response to a question, and it just happened to be what I read in the media recently.

It is Hockey Canada's hope and it's my hope that the players will be held accountable in this case, so that to the extent that there's culpable conduct, they will be held accountable for it. That's the investigation process that's ongoing that this committee has heard about.

**The Chair:** Mr. Bittle, I think you have gone over five minutes, but I have been very lenient today. Thank you very much.

Now we're going to the third round.

For the Conservatives' five minutes, we have Mr. Martel.

[*Translation*]

**Mr. Richard Martel (Chicoutimi—Le Fjord, CPC):** Thank you, Madam Chair.

Ms. Skinner, how will Hockey Canada be able to operate if it has no sponsors and no funding from the government?

If everyone keeps their job and Hockey Canada has no sponsors, how will it work? Many sponsors have dropped Hockey Canada.

[*English*]

**Ms. Andrea Skinner:** I believe the sponsors—and I have been meeting with many of them—are on pause as they have a bit of patience and are giving us a bit of time to put in place and follow through on our action plan, the governance review and the board elections, which will inevitably result in leadership change.

I'm very hopeful that the sponsors who have been good partners to Hockey Canada and, frankly, to all the boys and girls who are playing hockey, will continue to have patience while we continue to earn back the trust of Canadians and sponsors alike.

[*Translation*]

**Mr. Richard Martel:** If you keep the same people around the table, do you really think the confidence of the sponsors is going to come back, after all that has happened and all that we have heard?

Do you think the trust in Hockey Canada, which has really been shaken, can come back so easily?

• (1220)

[*English*]

**Ms. Andrea Skinner:** Madam Chair, my honest answer is that I had hoped that in taking on this interim role I could help provide a different perspective and provide some different information from what I think some people have understood on some of these things, like the settlement with respect to the 2018 allegations.

There will be leadership change, as I said. All nine board positions are up for election in a couple of months' time.

[*Translation*]

**Mr. Richard Martel:** You really seem to want to keep everyone in place and you talked about stability. Are you afraid of a change in personnel?

Are you afraid to hire new people?

Are you afraid of having a new vision?

You definitely want to keep people in place and seem to put a lot of effort into it.

[*English*]

**Ms. Andrea Skinner:** I am absolutely not afraid of change. I welcome it. I believe we have change. We're continuing to change.

I'll go back to a comment I was making earlier, which is that I think there is a significant risk to the organization if all of the board resigns and all of the senior leadership is no longer there. I think that will be very impactful, in a negative way, to our boys and girls who are playing hockey.

Will the lights in the rink stay on? I don't know. We can't predict that. To me, that's not a risk worth taking. That's why I stepped into this role.

[*Translation*]

**Mr. Richard Martel:** As I understand it, you never think to prepare for a certain succession.

Isn't that right?

[*English*]

**Ms. Andrea Skinner:** Sir, I am the new generation. I'm the first female chair of Hockey Canada. I sit on a board that in November 2020 elected three women. Unfortunately, one of them—well, fortunately for her—was elevated to sit as a judge. I am part of the change. That's why I'm here.

There's an election coming up, and I would encourage anyone who thinks they can contribute to this organization in a positive way to apply and to make the game better. I absolutely believe that.

[*Translation*]

**Mr. Richard Martel:** How many investigations are underway at Hockey Canada?

[*English*]

**Ms. Andrea Skinner:** As I understand it, there are three investigations that are ongoing that have been reported to Sport Canada.

[*Translation*]

**Mr. Richard Martel:** Mr. Smith reported to us that there were one to two cases per year.

Is that correct?

[*English*]

**Ms. Andrea Skinner:** I'm sorry. I can't recall what Mr. Smith said. I know that there are three open instances with Sport Canada. If those are the investigations you are referring to, I believe there are three.



[*Translation*]

**Mr. Richard Martel:** Mr. Brind'Amour, how do you explain the fact that, until now, you are the only person who has resigned honourably? No one else has done so.

**Mr. Michael Brind'Amour:** Thank you for the question, Mr. Martel.

As I said earlier, this decision is a matter of individual choice. I cannot give you any information about other people.

**Mr. Richard Martel:** You are the only one who has made that choice.

As a lawyer—

[*English*]

**The Chair:** The time is up, Mr. Martel. You have three seconds left.

[*Translation*]

**Mr. Richard Martel:** Can I ask one last question?

[*English*]

**The Chair:** No, you can't. I'm sorry. I will now go to the Liberals.

Mr. Housefather, you have five minutes.

**Mr. Anthony Housefather:** Thank you very much, Madam Chair.

I would appreciate very succinct answers. When I ask a yes-or-no question, I would like a yes-or-no answer, please.

At your board meeting of August 2, under item 4 it says Scott provided an update on the following items: review of settlements since 2000 and circumstances with each.

Was there a written document provided to the board, Ms. Skinner?

**Ms. Andrea Skinner:** No, there was not.

**Mr. Anthony Housefather:** Was there anything given to the board that Mr. Smith used? Did Mr. Smith, for example, refer to any notes of his in explaining all of the action since 2000 and all of the settlements?

**Ms. Andrea Skinner:** I am not aware of what Mr. Smith used to prepare.

**Mr. Anthony Housefather:** Okay. That's fine.

Madam Chair, I think we'll have to ask for that document.

Let me come back to the administrative practices of Hockey Canada. One of the reasons the committee is having some trouble today is that the minutes we received arrived yesterday, translated; they were sent by Hockey Canada on September 30. That was a bundle of minutes. We didn't receive the other item we requested, which was directors' notes from in camera meetings before you started minuting them.

Let me just ask this question. Like most good corporate organizations, Hockey Canada has historically, since we have minutes going back years, approved the minutes of its meetings at the next regularly scheduled board meeting. There were meetings held April

28 to 30 and May 7 that would normally have been approved at the June 2 meeting. It was on the agenda for the June 2 meeting.

Ms. Skinner, why were the board minutes not approved on June 2?

• (1225)

**Ms. Andrea Skinner:** Thank you, Madam Chair.

The minutes were not complete, so they were unable to be approved. The Hockey Canada staff that helps with preparing an initial draft of the minutes was inundated with requests in terms of responding to documents that Mr. Cromwell was requesting for his review. There was a delay in the minutes being prepared for the board's review.

In terms of the September 30 date—

**Mr. Anthony Housefather:** It had nothing whatsoever to do with the House of Commons adopting a motion that day to ask this committee to review Hockey Canada, and the knowledge that those minutes would eventually be subpoenaed. Then, those minutes were not approved until either September 8 or September 28.

Ms. Skinner, why were the minutes that were approved on September 8 not delivered to this committee before September 30?

**Ms. Andrea Skinner:** My understanding is that the request by this committee was that the minutes be provided by September 30. They were, with the exception, I think, of some that were sent either yesterday or this morning. That was as soon as we were able to get them.

**Mr. Anthony Housefather:** There was an ongoing order to provide the minutes as they were approved, and the delay in approving the minutes makes it seem you didn't want us to have the minutes for our meetings in June and July, and that we would get them at the last minute today, which is why we had to summon the unapproved minutes.

Let me just ask the question. When you dealt with the settlement agreement, and Mr. Brind'Amour mentioned that it happened at a meeting on May 19, where is this minuted? Where is the minuting of the board's approving anything to do with the settlement agreement?

**Ms. Andrea Skinner:** Thank you, Madam Chair. Sir, that discussion on May 19 that Mr. Brind'Amour referred to occurred in camera. As you know, it's not required to take minutes of discussions that happen in camera—

**Mr. Anthony Housefather:** Ms. Skinner, you're a lawyer. When a board approves something and authorizes somebody to sign a settlement agreement, when a board authorizes an amount to be paid in a settlement, yes, the normal practice would be to come out of camera and minute that. That wasn't minuted.

You're an attorney. Would you ever advise a client to not minute something so they can never prove in the future what decision was made at a board meeting?

**Ms. Andrea Skinner:** Sir, I wasn't the chair at that time. When I took on this role, I did create a document of a record of all the in camera meetings Hockey Canada had. It's been provided to the committee. I noted in that document, which is a record-keeping document, that the decision was made to authorize a maximum amount of settlement, and for external counsel to proceed with negotiations with the young woman.

I'm not going to stand here and say our practices were perfect. Yes, we can absolutely improve in our minute taking, and I've tried to put that in process. I'm hopeful that through the governance review, we will get even more guidance.

**Mr. Anthony Housefather:** I appreciate that you've changed the practice and now you're minuting in camera meetings, and you've engaged somebody, a lawyer, to assist with governance. That's excellent.

Let me ask this question. Did the board have the proposed settlement agreement in front of it when it authorized the settlement? Did the board members read the proposed settlement agreement, including the non-disclosure terms, before the board authorized settlement?

**Ms. Andrea Skinner:** We received advice from external counsel and we provided authorization as a board—

**Mr. Anthony Housefather:** Without reading the agreement... Without actually having an agreement in front of you to approve, would you ever authorize, ask, tell a client to sign an agreement without having actually reviewed it? That's what the board seems to have done here.

Let me also understand. Hockey Canada officials came here and said you had no idea what underlying circumstances were involved with this incident. How did you make the determination that legally you should settle?

**Ms. Andrea Skinner:** We relied on the advice of external counsel.

**The Chair:** I'm sorry, your time is up. I would appreciate that question being answered, though, Ms. Skinner—just a simple yes or no. Mr. Housefather asked you whether you would approve that if you had a client.... Could you give us a yes or no answer, please?

**Ms. Andrea Skinner:** I'm sorry, Madam Chair, I need to hear the question again. To me, it wasn't a yes or no question. We relied on external legal counsel with respect to negotiating and then documenting the settlement.

**The Chair:** We will move on, then, but I really wish people would answer the questions. Thank you.

Mr. Lemire, you have two and a half minutes, please.

[Translation]

**Mr. Sébastien Lemire:** Thank you, Madam Chair.

Ms. Skinner, what logo was on the check allegedly received by the young woman, identified by the initials E.M.?

• (1230)

[English]

**Ms. Andrea Skinner:** I have not seen the cheque, sir. That's an operational matter.

[Translation]

**Mr. Sébastien Lemire:** Did that money come exclusively from Hockey Canada?

[English]

**Ms. Andrea Skinner:** Yes, it came from Hockey Canada. I'm sorry if I—

[Translation]

**Mr. Sébastien Lemire:** Since you told my colleague that there were no other funds, how do you explain the existence of a fund, which has notably been shared equally within Hockey Canada for several years?

The documents submitted to the court in Alberta tell us, among other things, that the 13 member associations of Hockey Canada are signatories to an agreement to keep in place a second fund, known as the Participants Legacy Trust Fund. This fund will be used, among other things, to pay settlements for sexual assault and misconduct cases.

Will the financial statements to be received by the Minister include the amount of the settlement that is being paid exclusively by Hockey Canada or will there be any mention of money from other funds, including member association funds, that would have been used to pay this victim and that will possibly be used to compensate others at some point?

[English]

**Ms. Andrea Skinner:** To give you the best and most accurate information, that would be an appropriate question for operations. My understanding is that the second fund you refer to has never been used to pay out or to settle a claim. That's the participants legacy trust fund.

[Translation]

**Mr. Sébastien Lemire:** Hockey Canada has established risk management funds to cover various indemnities.

We know, among other things, that you will be subject to lawsuits, including a class action lawsuit brought by Mr. Daniel Carcillo and Mr. Garrett Taylor on behalf of players who were victims of sexual misconduct and abuse, a lawsuit brought by Mr. Kobe Mohr over contractual clauses that restrict accessibility to the sport, a lawsuit by James McEwan over the issue of sport safety and concussions, and a lawsuit, this time brought by, among others, Sam Berg over issues affecting players' minimum wages.

Have you also established funds to potentially manage these lawsuits, if necessary?

[English]

**Ms. Andrea Skinner:** I apologize; I think I may not have caught up with the translation. Would it be possible to repeat the question?

[Translation]

**Mr. Sébastien Lemire:** If I may, Madam Chair, I will rephrase my question.

Is this an insurer's strategy, or will a fund be set up to settle lawsuits, such as the one filed by Mr. Daniel Carcillo?

Has your board discussed the class actions at issue, including those related to sexual assault and initiation processes?

[*English*]

**Ms. Andrea Skinner:** I'm not quite sure I understand the question. There are lawsuits that are ongoing, and a number of those are being handled through Hockey Canada's insurer.

**The Chair:** Thank you very much. I have given you extra time, Mr. Lemire, so we're ready to move on.

We have Mr. Julian for two and a half minutes, please.

**Mr. Peter Julian:** Thank you, Madam Chair.

The refusal to provide information, for example around the cost of Navigator, is disturbing.

I believe we need to come back to the issue of the non-disclosure agreements.

I wanted to ask, Ms. Skinner, for the August 2 meeting, was the release from the non-disclosure agreements approved? How many non-disclosure agreements have allowed the victims or the signatories to the NDAs... How many has Hockey Canada allowed to be released in the past year?

**Ms. Andrea Skinner:** I don't know the answer to that second question. I'm not aware of any, except I am aware of the release with respect to the 2018 settlement. The woman was released from the NDA in that context.

With respect to the August 2 consideration, my recollection is—I don't have the pinpoint in the minutes right now—that the board requested further information around the request for the release of the NDA, who it might affect and whether those people might be resistant to the release of the NDA. As you know, in legal proceedings or semi-legal proceedings, NDAs are often put in place for the benefit of more than one party.

**Mr. Peter Julian:** Thank you.

I would appreciate your providing that information to the committee, as well as the cost of Navigator public relations. Please provide that to the committee as well.

I want to—

• (1235)

**Ms. Andrea Skinner:** Excuse me, I'm sorry to interrupt, sir. Just so I'm clear, what's the request?

**Mr. Peter Julian:** For Navigator, how much is Hockey Canada spending on its public relations firm?

I'll move on to the Hockey Canada board minutes for the end of April. There was discussion around renewal of the directors' and officers' liability insurance program. In that discussion, I understand there was a deadline of September 20, 2022. Was there discussion of the horrific allegations coming out of 2018 and the horrific allegations that we've seen coming out of 2003?

**Ms. Andrea Skinner:** I don't believe so. I was ill for one of the days of that board meeting in April, but I don't believe there was, at least not while I was in attendance.

**Mr. Peter Julian:** Has there been discussion of the 2003 allegations at any board meeting over the last few months?

**Ms. Andrea Skinner:** There would have been discussion in the context of an update from Scott Smith, which I think one of your colleagues referred me to, just to report that an investigation was ongoing.

**Mr. Peter Julian:** If I—

**The Chair:** Thank you very much, Peter, that's it. You've gone over time.

We will go to the Conservatives for five minutes.

Mr. Martel and Mr. Nater, you're going to split your time. Who will begin?

Go ahead, Mr. Martel.

[*Translation*]

**Mr. Richard Martel:** Thank you, Madam Chair.

Mr. Brind'Amour, was it having worked in youth protection that prompted your resignation?

**Mr. Michael Brind'Amour:** Thank you for the question, sir.

The fact that I had worked in the youth court did not affect my decision to leave office. The answer is no, Mr. Martel.

**Mr. Richard Martel:** Mr. Brind'Amour, are you surprised that you are the only one who has resigned?

I'm wondering about that and I'd like to know your opinion on it.

**Mr. Michael Brind'Amour:** Thank you for the question, sir.

As I said, this is a personal matter. Everyone has their own ideas about how they can contribute to moving things forward and making change.

Unfortunately, you are asking me to put myself in other people's shoes. My opinion doesn't necessarily count, because it has no value in this context.

That is the best answer I can give to your question, sir.

**Mr. Richard Martel:** Ms. Skinner, I'd like to pick up on the fact that you said you wanted Mr. Scott Smith to remain in office.

In your opinion, what qualities does he possess that would make it appropriate for him to remain in office?

[*English*]

**Ms. Andrea Skinner:** As I said in one of my previous comments, I don't believe senior management acted improperly or took inappropriate steps. I believe they handled the 2018 incident appropriately in the steps they took: contacting the police, retaining an independent law firm to investigate the allegations and contacting Sport Canada.

As I said, particularly being mindful that all nine board positions are up for election later this year and the fact that we are waiting for the results of a comprehensive governance review, we think the people we have in place are the people who are moving our action plan forward. We're making significant progress on that, and that change is happening right before our eyes with the current board and leadership.

[Translation]

**Mr. Richard Martel:** Madam...

[English]

**The Chair:** I'm sorry, Mr. Martel. Your two and a half minutes are up.

John, do you want to go on now? Thank you.

**Mr. John Nater:** Thank you, Madam Chair.

Mr. Brind'Amour, one last time, do you have confidence in Scott Smith to lead this organization?

[Translation]

**Mr. Michael Brind'Amour:** Thank you for the question, sir.

It is not my decision to make. You are asking me for my opinion. It is an organizational matter...

• (1240)

[English]

**Mr. John Nater:** Madam Chair, could you please direct the witness to answer the question?

**The Chair:** Could you please answer the question, Mr. Brind'Amour?

[Translation]

**Mr. Michael Brind'Amour:** I believe that Mr. Smith has the qualities to be able to do something positive within the organization. He is a unifier and he knows how to surround himself with people who complement him. He's hardworking...

[English]

**Mr. John Nater:** Mr. Brind'Amour, it's a yes-or-no question. Do you have confidence in Mr. Smith to lead this organization?

[Translation]

**Mr. Michael Brind'Amour:** Yes.

[English]

**Mr. John Nater:** Thank you.

Ms. Skinner, would you be in favour of directing all provincial branches to disclose to this committee information they have about historical abuse claims, including who investigated them and which funds were used to settle claims at each of the provincial organizations?

**Ms. Andrea Skinner:** Thank you, Madam Chair.

Respectfully, I think that information should be directed to the independent third party mechanism, which is fully equipped to be able to review and report on those claims.

**Mr. John Nater:** With respect, Ms. Skinner, what we've seen from the independent investigator in the past is hiding behind solic-

itor-client privilege. In a sense, Hockey Canada is using solicitor-client privilege to hide third party investigations.

I'm asking you, as chair of this board and in an effort to see meaningful change, whether these historical claims at the provincial level ought to be provided to this committee.

**Ms. Andrea Skinner:** I would have to think about that, sir, because I would have significant concerns about privacy. For the young woman at the centre of the 2018 incident, unfortunately, this has been a much more public process than she had envisioned. I'd want to think carefully about the ramifications of what you've proposed from a complainant's or victim's rights perspective and from a privacy perspective.

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

I would like to go to Mr. Housefather for the Liberals, for five minutes, please.

**Mr. Anthony Housefather:** Thank you so much, Madam Chair.

To come back—and these are just my personal thoughts—you're saying the board acted coherently and competently when it decided to settle the 2018 claim. I find that odd.

Number one, again, it was not minuted.

Number two, the whole discussion about settling a claim revolves around the legal risk of Hockey Canada. You have to understand the legal risk of Hockey Canada, your affiliates and the players in order to understand whether or not you settle a case, yet we were told by Hockey Canada at repeated hearings that they didn't know any of the individuals involved and they didn't know whether the underlying facts were true. To me, that means you would settle every single case, if the position is you settle the cases because you want to protect the plaintiff, whether you have investigated or not.

Finally, it seems that you didn't even have the actual agreement in front of you when you were authorizing it.

In any case, I find it odd. I wanted to explain to you why I was so categorical in my previous round of questions.

I want to move to another issue. You've talked about moving forward. You've talked about the oversight committee—

**Ms. Andrea Skinner:** I'm happy to respond that.

**The Chair:** I'm sorry, Ms. Skinner. You were not asked to respond.

**Mr. Anthony Housefather:** You've talked about how the oversight committee of experts tasked with monitoring and providing guidance on Hockey Canada's plan to eliminate toxic behaviour in the sport is really important. The implementation oversight committee has been discussed a number of times by the board.

Three-time Olympic gold medallist Marnie McBean alleged in August that she was asked by Navigator to sit on this committee.

Was she asked to sit on this committee, Ms. Skinner?

**Ms. Andrea Skinner:** According to the media reports, she was.

The board delegated the recruitment of the panel to a third party, so I can't say exactly what discussions went on there, but I read the article as well.

**Mr. Anthony Housefather:** She alleged, as you know, that it was rescinded because she made it clear that top Hockey Canada officials needed to be removed, and that condition was not met.

Then I go to the September 15 minutes, which say that on the special committee on action plan implementation, Navigator consulted with a number of individuals. However, for a variety of reasons provided, they did not have success confirming three qualified independent individuals to agree to be on the special committee on action plan implementation at this time, despite the fact that the action plan indicated a September 15 date for the appointment of the special committee.

What were the variety of reasons provided for none of these people agreeing to sit on the oversight committee?

• (1245)

**Ms. Andrea Skinner:** Madam Chair, there were a number of reasons, and I'm afraid I'm not going to recollect all of them at the moment. I think some individuals were too busy, didn't have the time to devote to it, or were unable to come in with a purely independent slate, if I could put it that way. There were a number of reasons.

**Mr. Anthony Housefather:** That's an interesting perspective. None of the reasons that you offered relates to any demands by these people of additional steps Hockey Canada needed to take before they would agree to serve.

Was that ever brought up as one of the reasons that people declined?

**Ms. Andrea Skinner:** It may have been. If it was.... This oversight committee has a particular mandate. Again, I would encourage anyone who wants to make a difference in hockey to come forward in the way they think makes sense for them.

I think that for some of the people who were approached for this oversight committee, that's not the way that made sense for them, so we continue to work to find an independent oversight committee with respect to our action plan. In the meantime, it's moving forward and we're making good progress on it.

**Mr. Anthony Housefather:** That's good to know, although the September 15 date is missed.

Let me ask one more question, coming back to something Mr. Nater asked.

You suggested information be provided to this committee. Let me ask the question in a different way, because we can go to the members, ask them for that information and summon it.

Do you know how many claims were made to members of Hockey Canada related to allegations of sexual assault or sexual abuse between 2000 and today?

**Ms. Andrea Skinner:** I don't believe I do. If I heard it once, I don't have it at my fingertips. I'm sorry, sir. I don't know.

**Mr. Anthony Housefather:** Would Hockey Canada not, as an organization that is convening and actually manages its trustee of

the other fund, ask the organizations to report to you? Is there a process at Hockey Canada to require member organizations to report these types of claims to Hockey Canada, like there is today at Sport Canada for Hockey Canada?

**Ms. Andrea Skinner:** I can't speak to what happened historically, but as I mentioned, we just approved a process that will require that.

**Mr. Anthony Housefather:** Thank you, ma'am.

**The Chair:** Thank you, Mr. Housefather.

Now, I would like to tell the committee that we have the ability to go a little past one. We can go to a final round, and it's going to be a shortened round. It's going to be the Conservatives for five, the Liberals for five, and the NDP and the Bloc for two and a half minutes each. That gives us a 15-minute round.

Beginning with the fourth round, we will go to the Conservatives. I think Mrs. Thomas and Mr. Waugh are sharing the time.

Mrs. Thomas.

**Mrs. Rachael Thomas:** Thank you.

Ms. Skinner, you commented that "confidential" spaces were being created, so that players would be able to come forward with complaints—or perhaps it's even others who would be able to come forward with complaints or concerns—and an investigation would be done.

What I'm being led to believe is that this process would be done internally and there would not be an external organization or external accountability. This concerns me, because it speaks of greater secrecy.

Do you care to clarify?

**Ms. Andrea Skinner:** Absolutely.

The independent third party is an independent third party. It's not internal. It's been completely outsourced, so it takes it out of Hockey Canada's hands completely.

**Mrs. Rachael Thomas:** Have at it.

**Mr. Kevin Waugh:** Okay.

Ms. Skinner, your term expires in four weeks. Will you come back onto the board, and will you lead this organization?

**The Chair:** Can you please answer the question?

**Ms. Andrea Skinner:** Yes. I apologize. I was looking for the unmute button again.

I would tell you, sir, that I'm focused on carrying out the balance of my term. As long as I feel like I can be a positive voice for hockey and for change, I'm here.

I don't know what my future plans are. I can tell you I joined the board to be part of meaningful and positive change and growth in hockey. I didn't expect to be involved in politics. In some ways, this is a bit of a defining moment for me. I didn't expect to be a lightning rod for extremists or receive threatening and hostile emails. I came here to be positive. I'm spending time away from my kids and my family and my job.

The short answer is I don't know.

• (1250)

**Mr. Kevin Waugh:** You're four weeks away from that, and there are eight other board members.... Have you talked to your board about who's coming back and who's not?

You mentioned earlier that you feel now is not the time for a complete whitewash of the board, or even those who are in charge, like Scott Smith, so you must have thought about this. We're four weeks away from having a new board with Hockey Canada, and you're leading it. You must have thought about this. Yes or no, are you coming back in four weeks?

**Ms. Andrea Skinner:** There is a call for nominations out right now, sir, and the deadline for members of the public, including members of the current board, to indicate whether they want to be part of the next board is October 28, I believe. That information's been posted on Hockey Canada's website.

I'm taking this day by day right now, trying to do the best I can every day. I don't know what every other board member's plans are. I know some board members are termed out and are unable to run again.

**Mr. Kevin Waugh:** Okay. Have you talked to Justice Thomas Cromwell? He's doing the governance structure. Have you had a conversation with him?

**Ms. Andrea Skinner:** I have. Mr. Cromwell reached out to me, as I think he reached out to 50 or so other people, including board members, to have a discussion, yes.

**Mr. Kevin Waugh:** What was your opinion of the governance structure? There seem to be a lot of issues Canada-wide, and Hockey Canada needs to change the governance structure because it's the CEO telling the board what's going on rather than the board directing the CEO.

Would you agree with that assumption?

**Ms. Andrea Skinner:** I don't, sir. I don't agree with that. I embrace the governance review that's being undertaken, absolutely. I think it will only make the organization better, but I think there's a separation between board and management, and that is an important and fundamental piece of good governance that we are actively trying to achieve right now.

**Mr. Kevin Waugh:** Is this a report that will just go on the shelf and never open up again, or, when Cromwell comes forward with recommendations, will you endorse those recommendations?

**Ms. Andrea Skinner:** It's hard to say exactly what will happen with the recommendations.

If we're talking about making bylaw changes to the organization, those bylaw changes may be recommended by Hockey Canada, by the Hockey Canada board, but they're actually made by our member organizations.

We are working to do whatever we can to put our members in the best position to be able to consider the comments and the report and to implement them, but it is a member decision.

**Mr. Kevin Waugh:** Thank you.

**Mr. John Nater:** I have a point of order, Madam Chair. Very briefly, in Ms. Skinner's testimony, she mentioned that she was the recipient of threatening emails, extremist emails and inappropriate contact.

I think, on behalf of the committee, we ought to condemn any inappropriate, extremist emails or contact that's made with any witness before this committee and unequivocally condemn that type of activity, Madam Chair.

**The Chair:** Thank you, Mr. Nater. I think the whole committee shares that sentiment.

I'll go to the Liberals and Mr. Louis.

**Mr. Tim Louis (Kitchener—Conestoga, Lib.):** Thank you, Madam Chair, and thank you to the witnesses for being here.

Ms. Skinner, I'd like to get your thoughts about the appropriateness of the government stopping federal funding to Hockey Canada, and also your thoughts on corporate sponsors pulling their funding. What message did that send to you?

**Ms. Andrea Skinner:** Thank you, Madam Chair. It sent a message on the degree of importance that hockey plays amongst members of the public. It's compelled Hockey Canada to be better at communicating and more transparent, and I view that as a positive thing.

**Mr. Tim Louis:** I want to say for the record, then, that this funding was pulled before the story came out about the newly revealed participants legacy trust fund, which Hockey Canada never mentioned. That's something that didn't come up in previous testimony.

Do you see that perception of that loss of confidence?

**Ms. Andrea Skinner:** I understand there is that perception out there.

Again, as a parent with two young kids, I understand a concern about where our funds are going, where our money is going. That participants legacy trust fund has been fundamentally misconstrued, and I've tried to address that in my comments today.

**Mr. Tim Louis:** You mentioned our children. That's primarily why we're here. We're looking out for our children in our communities. It's apparent from the testimony, and from previous testimony, that the perception is that we as a committee, journalists, the Canadian public, we all have to pull this information out in an extraordinary way. Testimony from you...journalists digging for the truth.... The message is somehow being sent that it's our responsibility to keep digging until we get to this truth.

How can we all go back to our communities and let parents know that it's safe for them to enrol their children in hockey, but that part of their hard-earned money that they've been using to pay for their children to participate in sports seems to have been used to pay off sexual assault cases?

• (1255)

**Ms. Andrea Skinner:** Madam Chair, I think you can commend to them the transcript of this proceeding. There is messaging on our website, including messaging that I drafted, that seeks to reassure parents out there, in particular, that some of the information that they understand may not be the truth.

This continues to be the game that many of us have grown up with and loved. We're trying to make it better, and we're working hard to do that. We have an open line of communication with members of the public, with our members, and with our sponsors. As I mentioned, we've been having town halls and focus groups. We're moving forward in a positive direction.

**Mr. Tim Louis:** Okay. Thank you.

I'm not sure that today's testimony has instilled that confidence, but I would like to give the rest of my time to Mr. Housefather.

**Mr. Anthony Housefather:** Thank you very much, Mr. Louis.

Ms. Skinner, if you were a teacher as opposed to a lawyer, and you were grading Mr. Smith, what grade from A to F would you give him in his role at Hockey Canada right now?

**Ms. Andrea Skinner:** I'm a hard marker, and I think that the circumstances in which Mr. Smith has been working have been really extraordinary and difficult. I would say that he's conducting himself as an A in the circumstances.

**Mr. Anthony Housefather:** You watched his testimony before this committee on two occasions. How would you grade him on his testimony before this committee? Would you say that was also an A?

**Ms. Andrea Skinner:** I think Mr. Smith did the best he could; he was as honest as he could be. I don't have a particular comment on that, beyond saying that it's a difficult position to be put in. I know, as I'm sitting here today.

**Mr. Anthony Housefather:** It's a difficult position for sure, as you are in right now.

The one thing I would say is that I think this shows there's a clear discrepancy between how the leadership of Hockey Canada views the management of Hockey Canada, and how this committee of all parties and the Canadian public view the leadership of Hockey Canada.

That, I think, is diagnosing the real problem we have before us today. I don't think you will win back the favour of Canadians and get parents to feel confident about Hockey Canada, or participants feeling confident in Hockey Canada until, as Ms. Thomas rightly said, you look at the leader and excise that leader. I think you're missing that right now.

I thank you so much for your testimony today, Ms. Skinner.

**Ms. Andrea Skinner:** My pleasure. I would just say we have been going around speaking to the public. I don't know whether the public shares this committee's view or not. I just don't know.

**The Chair:** Mr. Housefather.

**Mr. Anthony Housefather:** Thank you, Madam Chair. I'd like to make sure my NDP and Bloc colleagues have their time.

**The Chair:** We do have time for it. I'm keeping my eye on that, but if you've finished, thank you. That's great.

Now I will go to Monsieur Lemire for two and a half minutes.

[Translation]

**Mr. Sébastien Lemire:** Thank you, Madam Chair.

Ms. Skinner, the minutes of your meetings record discussions regarding the appropriateness of maintaining Canadian Hockey League coverage in your insurance and the effect on the size of your premiums.

Why are Canadian Hockey League players covered under your insurance policies?

[English]

**Ms. Andrea Skinner:** Hockey Canada provides insurance for all participants in Hockey Canada programming and its members' programming.

[Translation]

**Mr. Sébastien Lemire:** Do participants pay dues?

[English]

**Ms. Andrea Skinner:** I'm sorry. I didn't catch the question.

[Translation]

**Mr. Sébastien Lemire:** Do participants pay dues to be covered by insurance in case of accident, injury or wrongdoing?

[English]

**Ms. Andrea Skinner:** My apologies, Madam Chair. Yes, they do. The amount of \$23.80 is paid by participants. About \$3 of that goes to registration fees. The balance goes to insurance fees.

[Translation]

**Mr. Sébastien Lemire:** This is the case for all Hockey Canada participants, but do Canadian Hockey League players pay these dues?

• (1300)

[English]

**Ms. Andrea Skinner:** I'm sorry. Do you mean players or their parents? Yes, they pay an insurance fee to Hockey Canada through their member organization.

[Translation]

**Mr. Sébastien Lemire:** We will look into it.

You said that basically you disagree with the way Hockey Canada is being talked about in the media. I feel that you and your colleagues are in a bubble, that you are disconnected from the public. You convince each other that you did the right thing.

Normally, it is the board of directors' responsibility to be the watchdog of senior management. Right now, you are acting as the executive arm of senior management. You are helping to maintain the toxic culture. You don't understand that it's up to you to make sure you communicate your message well. You accuse the media, the public and elected officials of misunderstanding your message.

We remain on the lookout for the next revelation that, once again, will outrage us. We have seen today that you are protecting a message rather than acting with transparency. Your role would have been to supervise and manage the safe and healthy practice of our national sport by our children, I remind you.

I thank you for your presence, nonetheless.

[English]

**The Chair:** Thank you, Mr. Lemire.

I will go now to Mr. Julian.

Peter, you have two and a half minutes.

**Mr. Peter Julian:** Thank you, Madam Chair.

Ms. Skinner, this is on the issue of implementation. You're talking about a plan of action and implementation. Hockey Canada under its current leadership has had a very poor track record of implementing, whether we're talking about anti-sexual abuse recommendations or anti-racism tracking; none of those have been implemented.

Danielle Robitaille testified on July 26 before this committee that her recommendations in the interim report that was provided in the wake of the horrific allegations of the 2018 sexual violence had not been implemented. I asked her, and she said, "There were recommendations around alcohol that were implemented." That is, of course, the issue of underage drinking, which Hockey Canada should never have condoned in the first place.

Why have these recommendations not been implemented by Hockey Canada?

**Ms. Andrea Skinner:** The recommendations have been implemented. I believe Ms. Robitaille was incorrect when she made that comment. She simply may not have known, so I certainly don't fault her for that. The recommendations have been implemented.

**Mr. Peter Julian:** Okay.

Will you provide to this committee the interim report, and will you provide as well the balance in the funds currently for both the national equity fund and the participants legacy trust fund?

**Ms. Andrea Skinner:** The committee has been provided with the recommendations from the interim report. It is subject to solicitor-client privilege, so I don't believe that's something that we've provided at this point.

**Mr. Peter Julian:** Yes. That's why I'm asking. As board chair, will you commit to providing that to the committee?

**Ms. Andrea Skinner:** I'm happy to give it some further thought. I'm concerned that it could affect the integrity of the ongoing investigation and the work that Henein Hutchison is doing, so at this point my answer is no.

In terms of the balances of the funds, I'm sure we can provide that information to you.

**Mr. Peter Julian:** There is very clearly a disconnect here between the Canadian public—Canadian parents, who are asking for more transparency from Hockey Canada, and the Hockey Canada leadership. I regret that this is something that has not permeated the organization. It's not through public relations. It's through concrete transparency and taking responsibility, so that Hockey Canada can regain the confidence of the Canadian public.

It's our national winter sport. It's a very important sport. This is a very important organization. I have been profoundly disappointed by the lack of transparency from Hockey Canada, at three hearings now since June, where the answers have just not been forthcoming and the transparency has not been present. I believe Hockey Canada can do much better for hockey parents and for the Canadian public.

**The Chair:** Thank you, Mr. Julian.

Before I end this session, I would like to make a comment as the chair.

I have heard questions being asked; I have not heard a lot of answers being given. I still feel distressed and disturbed, to some extent, that there doesn't seem to be, among the witnesses, a sense of accountability...to be rational and reasonable about what everyone is deeming to be a "culture". I know we are dealing only with the 2018 incident, but that incident does not stand alone. We have heard that since 2003 this has been the thing: sweeping it under the rug, helping somebody to walk away, giving them payment and leaving it at that. Those are profoundly disturbing things, so for me, that means there's a culture.

I am really quite distressed to hear that everyone believes that the current leadership, which has been at the helm while all of this has been happening, should be kept because it is a grade A team.

I just wanted to place that on the table. I don't believe that we have come to any kind of conclusion, because we have not had any sense of responsibility. Blaming everyone else does not mean that there's a sense of accountability.

That being said and letting my distress be known, I would like to entertain a motion to adjourn.

**An hon. member:** I so move.

**The Chair:** The meeting is adjourned.









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