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# Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities

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Chair: Mr. Robert Morrissey



## Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities

Tuesday, November 26, 2024

• (1100)

[English]

**The Chair (Mr. Robert Morrissey (Egmont, Lib.)):** Good morning, committee members.

I call the meeting to order.

Welcome to meeting number 138 of the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities. Today's meeting is taking place in a hybrid format, pursuant to the House of Commons rules.

All witnesses have completed the required sound verification tests. I would like to remind those in the room and appearing virtually that you have the option of choosing to participate in today's meeting in the official language of your choice. In the room, interpretation services are available by using the headset. Please choose the language you want to participate in before the meeting begins. For those appearing virtually, click on the globe icon at the bottom of your Surface tablet and choose the official language you wish to participate in. If there is a breakdown in interpretation services, please get my attention by raising your hand. I will suspend while it is being corrected.

I would also like to remind members, for the benefit of the interpretation services, to please check all of their devices to make sure that the alarms are turned off. It can cause damage to the interpreters when alarms or buzzers go off. As well, please avoid touching the microphone boom, as it does cause popping in the sound system, which is harmful to the interpreters.

Please wait until I recognize you. If you need to reach me, simply raise your hand and I will recognize you by name. For those appearing virtually, use the "raise hand" icon.

We have a couple of additions to the committee. We welcome back Madame Vien, and we have Mr. Cormier and Mr. Mendicino appearing virtually.

With that, pursuant to the order of reference of Wednesday, September 25, 2024, the committee in the first hour will resume its study of Bill C-378, an act amending the Canada Labour Code.

I would now like to welcome our witnesses.

Mr. Nicholas Thompson, president and chief executive officer of Black Class Action Secretariat, is appearing in the room.

Welcome, Mr. Thompson.

Appearing virtually is Monsieur Yann Morin, criminologist, Groupe d'aide et d'information sur le harcèlement sexuel au travail de la province de Québec.

Each of you has up to five minutes.

We'll begin with you, Mr. Thompson. You have the floor for five minutes.

**Mr. Nicholas Marcus Thompson (President and Chief Executive Officer, Black Class Action Secretariat):** Good morning.

Thank you, Chair, and members of the committee.

My name is Nicholas Marcus Thompson, and I am the president and CEO of the Black Class Action Secretariat, a non-profit organization committed to dismantling systemic barriers within our public services. I also lead the Coalition Against Workplace Discrimination, which unites unions, human rights groups and civil society actors to address workplace inequities across Canada.

My expertise is further informed by my experience as the former president of the Union of Taxation Employees, where I applied the Canada Labour Code to advocate for federal workers in workplace safety and addressing harassment and discrimination.

Thanks again for the opportunity to speak on Bill C-378.

I want to begin by saying that my organization and I support the proposed amendments to the bill to extend the period from three months to two years. While the proposed extension is necessary, focusing solely on this change leaves the complaints process largely ineffective, and I'll explain why, in our view, that is so. Even with an extended time frame, the current framework fails to deliver justice or accountability for victims.

The complaints process focuses on workplace restoration rather than justice for victims. Investigations culminate in recommendations but impose no consequences on individuals responsible for harassment or violence.

There is also limited value for former employees. For former employees, an extended time frame does little to address the lack of meaningful outcomes. Even when complaints are upheld, there are no provisions for compensation, apologies or any form of redress. I could imagine, as a former employee, participating in a process that has no benefit to me at that stage when I've already left the workplace.

Without mechanisms to hold individuals accountable or address the root cause of harassment and violence, systemic discrimination persists, particularly affecting Black, indigenous and racialized workers.

To make the extended time frame meaningful, it must be accompanied by structural changes that address the fundamental flaws in the complaints process.

I propose the following reforms.

First, introduce a referral mechanism for disciplinary action. Investigations that confirm harassment or violence should automatically trigger a referral to a disciplinary body. Employers should be required to impose corrective measures, including retraining or other disciplinary actions to ensure accountability.

Second, provide restorative outcomes for victims. The process should include provisions for financial compensation, public acknowledgement of wrongdoing or apologies, which it doesn't provide at the moment. These measures would reinforce the seriousness of workplace harassment and violence and provide meaningful redress for victims.

Finally, strengthen support for marginalized workers. Specific programs should be developed to address the unique barriers faced by Black, indigenous and racialized employees. This includes culturally relevant training, outreach and tailored assistance to ensure equitable access to the complaint process.

In closing, the proposed extension to two years under Bill C-378 is an important step forward, but it does not address the systemic barriers that make the complaints process ineffective. Without accountability for wrongdoers, restorative outcomes for victims and tailored support for marginalized groups, the process will continue to fail those it is intended to serve.

I urge the committee to not only support this bill but to also take this opportunity to implement broader reforms to the Canada Labour Code to create a framework that delivers justice, accountability and equity in workplaces across Canada.

Thank you for your time and consideration.

• (1105)

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

[*Translation*]

Mr. Morin, you have the floor for five minutes.

**Mr. Yann Morin (Criminologist, Groupe d'aide et d'information sur le harcèlement au travail de la province de Québec):** Good morning, Mr. Chair and committee members.

Thank you for inviting me to speak today and for taking the time to discuss a topic as important as workplace harassment.

My name is Yann Morin. I work for the Groupe d'aide et d'information sur le harcèlement sexuel au travail de la province de Québec, as known as GAIHST. I hold a master's degree in criminology. I've been working for GAIHST as a criminologist for almost 10 years now.

GAIHST was founded in 1980 to raise awareness about sexual harassment in the workplace. In 2024, GAIHST's mission is to help people who are experiencing or who have experienced sexual, psychological or discriminatory harassment in the workplace. We try to give power back to the people who contact us by providing information and support throughout their personal or legal processes.

We operate mainly in and around Montreal, but our services are available to anyone in Quebec. Our expertise lies primarily in non-unionized environments within small and medium-sized businesses in Quebec. However, we also support unionized workers in large companies.

Our services basically consist of providing assistance, a listening ear, legal information and technical support to people experiencing workplace harassment. In some cases, we also provide support and representation during legal proceedings. Lastly, we continue to provide public education and awareness services.

Today, I hope to pass on our expertise based on our first-hand experience with these people.

In 2018, we had the opportunity to share our opinion on a similar issue, at the request of the Quebec government. At that time, GAIHST proposed to extend the deadline for filing a complaint for psychological harassment from 90 days to at least six months.

Since then, in light of the two-year extension of the deadline for filing a complaint, we've reconsidered our point of view. This change clearly showed that victims need a longer time frame to take action. In our experience over the past few years, a two-year time frame seems to align much more closely with victims' needs.

This need stems from the far-reaching impact of these acts for individuals. We continue to find that most of our clients are on sick leave as a result of the incidents reported and that the end of employment will occur close to or during the sick leave. Given the impact on their health, these people need more time to feel ready to start the process of filing a complaint or any other process.

The people who come to our organization will generally receive a diagnosis of post-traumatic stress disorder, major depression or adjustment disorder. For example, the National Institute of Mental Health provides a good summary of the reality of people who develop post-traumatic stress disorder. The symptoms generally appear within three months of the incidents. While some people may recover within six months of the onset of symptoms, a number of people may need a year or more to recover. Regardless of the medical diagnosis, these people can rarely take action in such short time frames.

In terms of our experience with the two-year deadline for filing a complaint, we find that not many people who contact us have trouble starting the complaint process within this time frame. In recent years, we've only rarely needed to explain to a victim that their deadline for filing a complaint had passed. A number of people who contact us manage to file their complaint within a year or two of the harassment.

However, the deadline for filing a work-related injury claim is six months from the onset of the illness in cases of non-sexual violence. We continue to maintain that it should also be two years. We regularly need to inform people that their six-month deadline has passed when they contact us for the first time. This also ties in with a recent study conducted by Rachel Cox. She had access to statistics from the Commission des normes, de l'équité, de la santé et de la sécurité du travail du Québec, or CNESST, concerning claims involving sexual violence. Ms. Cox also discovered that the most common reason for rejection was a late claim.

As a result, we support this proposal to extend the deadline for taking steps to address workplace harassment to at least two years. The goal is to improve access to recourse for these individuals, who suffer enormous consequences for their health, their professional lives and their personal lives.

I remain open to discussing issues concerning complaints, as my colleague said. Quebec has legal proceedings that aren't available in Canada. I also believe that this could be quite beneficial for victims.

Thank you.

• (1110)

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

Mrs. Vien, you have the floor for six minutes.

**Mrs. Dominique Vien (Bellechasse—Les Etchemins—Lévis, CPC):** Thank you, Mr. Chair.

I would like to thank the witnesses for being available today to answer parliamentarians' questions about the important Bill C-378.

I think that this bill is important. Of course, I'm the sponsor. I'm sponsoring it because I wanted to align the measures with the work done in Quebec, when I was the Quebec labour minister, in order to improve the federal measures here.

Mr. Morin, you referred to these measures. In 2018, you went through the same process when we held public consultations on this bill, and you agreed with this measure.

Contrary to the popular belief that politicians lack vision, at that time, you made a recommendation to proceed by proposing to extend the deadline for filing a psychological harassment complaint from three to six months. In the end, we agreed on two years. This shows just how open-minded we were in Quebec at the time.

When I look at former federally regulated employees, the current dynamic is somewhat similar. They have only three months to file a complaint, whereas the current employees don't have any deadline. That's better than in Quebec. That's what I told this committee last week.

Mr. Morin, you obviously agree with the two-year deadline. Everyone understands this, and we're pleased.

Could you provide a list of possible forms of workplace harassment or violence so that everyone can understand what we're talking about here?

• (1115)

**Mr. Yann Morin:** Thank you for your question. It is very broad.

Harassment does indeed include a wide range of events and behaviours.

In my presentation, I talked about psychological harassment, which can include screaming, insults, belittling or sidelining someone.

For example, we have seen cases of individuals working in an office tower, and their psychological harassment started when they were moved from the 33rd floor to the basement, beside the water heater.

So the definition of psychological harassment can be very broad. It can go as far as criminal acts: physical violence, punching, assault and threats of various kinds.

Sexual harassment is also part of the broader category of harassment. It can include repeated unwanted invitations, comments or jokes with sexual undertones. Those behaviours can in turn lead to sexual assault in the workplace.

As to discrimination, I think my colleague who is here with us can tell you more about that. Systemic discrimination is also definitely a form of harassment. It can range from microaggressions to much more serious and repeated incidents. The effects can be very serious and varied, according to what the person experienced.

**Mrs. Dominique Vien:** Thank you, Mr. Morin.

Let's talk then about the major effects that you also mentioned in your presentation.

You clearly referred to that when you talked about depression and post-traumatic stress.

In essence, what problems do people experience after being the target of that kind of harassment or violence in the workplace?

**Mr. Yann Morin:** It varies from person to person.

I will give you an overview of what we see most of the time.

I did of course mention the most common problems. There are often symptoms related to those problems. There are obviously a lot of psychological effects. People who experience symptoms of depression experience a loss of interest, have trouble getting up in the morning and trouble looking after themselves. People might also have trouble preparing meals for themselves and with their personal hygiene. They get to that point. Some people are even unable to go out of their home.

Post-traumatic stress includes a range of issues for victims: They may find it hard to think about the events again and to return to places that remind them of the events. People have nightmares and trouble sleeping. They might also relive an event. There is also the issue of anxiety, which is very prominent, loss of self-esteem, doubting their professional abilities, their ability to go back to work or hold a job.

There can also be various physical effects of what people experienced. They can have physical symptoms such as stomach aches, headaches, loss of energy and difficulty functioning.

In view of all these symptoms, people might have to go on disability leave, which affects them financially since it makes it harder for them to support themselves.

**Mrs. Dominique Vien:** This obviously has consequences for marital, family and financial life.

I feel like my time is running out. But I'd like to say a word about the consequences. We don't always think about it, but there are consequences for companies too.

The CNESST has studied this issue. We're talking about loss of productivity, loss of interest and commitment on the part of staff members, reduced quality of services, risk of error, absenteeism and staff turnover.

Do you agree?

We often think that the consequences are limited to the individuals who are victims, but companies are affected too, aren't they?

• (1120)

**Mr. Yann Morin:** I completely agree. There are a lot of consequences for companies, whether they're Quebecois or Canadian, and you've just identified them very well.

When you experience harassment, you find it hard to do your work. You question yourself. You don't know exactly what you're doing anymore. So there's this diminishment.

At the same time, when you stop working due to illness, there's an increase in absenteeism. The employer has to find replacements.

Moreover, in the majority of cases, people don't return to their jobs after stopping work due to illness. Employers have to hire new people and train them.

So there are indeed all these extra costs for companies as well.

**The Chair:** Thank you, Mrs. Vien.

[English]

Mr. Coteau.

**Mr. Michael Coteau (Don Valley East, Lib.):** Thank you very much, Chair.

Thank you to our witnesses.

I want to first talk about workplace restoration versus justice that you mentioned.

What is the difference between the two? Can you explain that a little bit more for the committee?

**Mr. Nicholas Marcus Thompson:** Sure. Thank you.

The intent, and the way the legislation is written, focuses not on blaming anyone or holding anyone accountable. What it seeks to do is find out what went wrong and to provide recommendations to restore the workplace. It's very broad. No one is held accountable and it's not a deterrent to change behaviour.

**Mr. Michael Coteau:** Give me an example of that—an extreme example, if possible.

**Mr. Nicholas Marcus Thompson:** Sure.

I participated in a process where a third party investigator came in, found that there was wrongdoing and found there was workplace violence that a senior leader had perpetrated against a worker. The issue had involved sending an email in the workplace. The recommendation was very broad training to all employees about email etiquette and about privacy.

There was nothing toward addressing that issue with that employee. It was just very broad for everyone.

**Mr. Michael Coteau:** I know you can't speak of specifics, but in a case where someone is threatening someone in the workplace, you're saying that there actually is not a process in place to hold that person accountable.

**Mr. Nicholas Marcus Thompson:** There isn't through the Canada Labour Code.

The employer may look at activating a procedure through its code of conduct or its directive on discipline. However, through the Canada Labour Code or its regulations or under part II, it does not mandate any type of referral mechanisms. There isn't that.

If the employer chooses to look at it through this process and not through any other... It's optional for the employer to determine which process. If an employee files a complaint through this process, then it means to say they will go through that. You can't hold anyone accountable through this process, legally.

**Mr. Michael Coteau:** I want to just thank you for the advocacy and the work you've been doing throughout your history of work. I think it's important to improve systems in general.

I know you've done a lot of work around racialized Black and indigenous communities. You mentioned that it impacts communities differently. I think there were some special measures put in place to really address these issues that impact different communities differently. I think it was the third recommendation.

Can you go into detail about what that would look like?

**Mr. Nicholas Marcus Thompson:** Sure. The data clearly shows us, and the experience of workers clearly identifies to us, that different groups face different barriers in the workplace. For example, fear of retaliation would be heightened for certain groups. My third recommendation would be to have specialized programs to support these types of marginalized groups through the complaint process.

Firstly, these processes are very bureaucratic. When you look at these processes, it's almost like you're David and the process is Goliath. It's a very challenging process to go through. There's the length of time, and the employer oftentimes doesn't provide you with all the information. They know the full back end of how the process works and they're only showing you a little piece. You're not fully aware of it.

For all workers, I think that creates barriers, but when you are in any of these racialized, indigenous or Black groups, you're already facing additional barriers within the workplace. To make the process more accessible, there could be programs to support employees in these groups to navigate these processes.

● (1125)

**Mr. Michael Coteau:** You're probably familiar with this, but when these issues came forward back in maybe 2016—a group of mostly women came forward with allegations of harassment within the system—the Ontario government did put in special measures. One of them—because of that complaint process you were talking about and the challenge of actually going through it—was to make a provision. The secretary of cabinet made a decision that complaints would have to go directly to him for that special category. The system itself wasn't allowing people to flow in the right way to get to where they needed to be. They felt there were too many barriers in place.

Is it with regard to that type of accommodation that you're looking for different ways to put in some alternative measures to address those issues?

**Mr. Nicholas Marcus Thompson:** Sure. These issues are over decades, over a long period of time, and oftentimes the solutions are temporary. These recommendations ought to be institutionalized within the processes. Over a period of time, it should make it better and better with amendments like these that are brought forward, but—

**The Chair:** Thank you.

**Mr. Michael Coteau:** Thank you. I appreciate your time.

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

[Translation]

Ms. Chabot, you have the floor for six minutes.

**Ms. Louise Chabot (Thérèse-De Blainville, BQ):** Thank you, Mr. Chair.

I would like to thank the two witnesses who, through their comments, seem to support the bill before us.

The Bloc Québécois, my Quebec political party, will also be supporting this bill, which aims to increase to two years everything to do with complaints related to harassment and violence. Currently, the Canada Labour Code only provides for a meagre three months. That's quite something. In Quebec, these initiatives have been taken because, in the world of work, we are often at the forefront. That said, some of the changes coming from elsewhere may inspire us.

I salute the sponsor of the bill, who was Minister of Labour in Quebec at the time of these initiatives, in 2018, when I was on the union side.

Mr. Thompson, I was very interested in your testimony. You did say that you were in favour of the bill.

I'm not asking you to compare Quebec and Canada. However, under part II of the Canada Labour Code, all new employees are now required to take training on the complaint, harassment and violence process. Members of Parliament must take training on harassment and violence.

In your opinion, are the current provisions for an investigation mechanism, a settlement mechanism and a support mechanism for workers who are victims of harassment and violence sufficient in the Canada Labour Code? Should other sections be amended to strengthen this part of the Canada Labour Code?

[English]

**Mr. Nicholas Marcus Thompson:** Thank you for the question. I think I got it. It was a little bit long.

I support, and my organization supports, this amendment. We think it would go a long way. But we are also calling for other measures to support the investigation process and to enable investigators to provide recommendations that are beyond the present scope. They would effectively provide individual remedies to the situation that go beyond restoration and go into the justice and accountability framework. That is the basis of our recommendations before you today.

● (1130)

[Translation]

**Ms. Louise Chabot:** Currently, there are no provisions regarding the role of investigators. Is that correct?

There are no provisions that allow for accountability and remedial actions, as you mentioned. Is that correct?

[English]

**Mr. Nicholas Marcus Thompson:** That is correct. The current legislation under part II in the regulations does not enable a third party investigator to make such a finding. They are only allowed to make a finding of whether workplace violence occurred or not, and what the broad recommendations are for the workplace. They are not directed to any individual. That system currently upholds the systemic issues. It allows wrongdoing to go unchecked. It doesn't allow for individual accountability.

That entire system is why, in part, we have organized and have filed a class action against the entire federal public service of 99 departments and agencies. It's because of the ineffectiveness of the current mechanisms, including those in the Canada Labour Code.

[Translation]

**Ms. Louise Chabot:** Thank you, Mr. Thompson.

Mr. Morin, you work for an organization that defends the rights of workers in these situations. It's often a very difficult obstacle course, sometimes physically, but especially psychologically.

The question of the time limit is obviously very important, but have you looked at the Canada Labour Code to see if we could strengthen other measures, perhaps drawing inspiration from what exists in Quebec?

**Mr. Yann Morin:** To answer your question, I'll continue in the same vein as Mr. Thompson.

In Quebec, there is indeed an investigation process, at the end of which an investigator can give recommendations, but they are not binding. The victim won't necessarily receive anything in return, and so won't necessarily benefit from this input. This is not the purpose of recommendations, which aim, rather, to improve the workplace. In Quebec, when that doesn't work, when the employee, for whatever reason, can't return to work, there are other remedies.

Let's take the example of a non-unionized employee in Quebec. He or she can file a complaint with the Commission des normes de l'équité, de la santé et de la sécurité du travail with a view to eventually going before the Tribunal administratif du travail.

There are then recourses available to get some justice for what you've suffered. We can potentially obtain compensation for psychological harm, or a rectification of our employee file if there have been unjust disciplinary measures. It can be compensation for lost wages, in some cases, punitive damages for the employer who would really be in bad faith, for example.

So there is this somewhat restorative part—

**The Chair:** Thank you, Mr. Morin and Ms. Chabot.

[English]

Madame Zarrillo, you have the floor for six minutes.

**Ms. Bonita Zarrillo (Port Moody—Coquitlam, NDP):** Thank you, Chair.

Thank you so much to the witnesses today.

Witness Thompson, thank you for the work you're doing to really shine a light on the reality of workers in the public service. Certainly, it will really help any workers who work for federally regulated industries.

I want to go back to your words about accountability. I'd like to revisit justice and accountability as two missing points in this bill and the opportunity presented here to have them added. Given your knowledge, with the basic return on investment that an employer receives by taking all the risk—they're moving forward with all the risk, knowing that there's rarely justice and accountability—I wonder if you could share whether this is deterring workers from reporting harassment in their workplace experiences.

• (1135)

**Mr. Nicholas Marcus Thompson:** I believe it is. In our experience, and as a union representative representing many workers, when you share this process with workers, oftentimes it's case of, "Well, what's going to come out of it?" The fear is most often that nothing will come out of this: No one will be held accountable and the workers will not be made whole again.

The process feels very performative for many, many workers.

**Ms. Bonita Zarrillo:** Just to follow up on that, I wonder if you could share with this committee some of the losses that those workers experienced—and not just monetary losses. What are all of the losses and risks they can potentially experience?

**Mr. Nicholas Marcus Thompson:** The biggest loss that workers experience is their mental health and that physical impact. This is especially when you work from home. Previously, you'd take it home, but when your home is your workplace, you live with that trauma and the impact on your family. That's a huge part of the experience of workers when it comes to workplace violence. It makes it even worse when you're experiencing this in your home. You have no safe space to go to. You can't leave it at work and come home. A lot of workers are working remotely.

I think the mental health aspects lead to physical illness as well. That accounts for a major obstacle for workers. I think every Canadian should be very concerned, because these are the workers who are showing up and providing you with public services, and they're working injured. These injuries are very real. The impacts on these workers are tremendous. Canadians are not getting full production. Canadians are not getting services at the level they should be when you have a worker showing up who could barely get sick leave, or when they are unable to perform at capacity. You as MPs would get feedback from your constituents of the services they're receiving from the public service.

No one is winning when there's workplace violence. No one is winning.

**Ms. Bonita Zarrillo:** Thank you for sharing that.

You know, this bill maybe will or maybe not make it onto the floor of the House of Commons, but I think what you're talking about has to be addressed. Obviously, you're taking action through legal action, which is very expensive and very costly. There's no way an employee could do that work on their own, so I thank you for that.

What recommendations could come out of this report in regard to protecting workers without necessarily getting caught up in the delays the Conservatives are causing in the House right now? What could we do now, as parliamentarians, to help?

**Mr. Nicholas Marcus Thompson:** You know, I often try to figure out why we have so many inequities in our public service. Why do we predominantly have one group in the leadership and others all below that? It has dawned on me that for members of Parliament who pass the legislation, often it's not a priority. It has not been a priority for Parliaments to ensure that these barriers come down. They're often enforced and reinforced by Parliament. Parliament has played a critical role in reinforcing systemic inequities throughout workplaces that the bureaucracy then enacts.

This body plays an important role in dismantling these. With regard to these recommendations that we've provided, presently there's no accountability for executives in the public service on these issues. It's not tied against their performance. It's not tied against anything. Their actions are optional. It's performative. They're enabled by legislation that says they have to do this, and they're able to check that box and that's it. They present numbers to Parliament that they're doing extremely well.

That's not the lived reality of many workers throughout the public service. Accountability is what these recommendations are calling for, and that's what you can do.

● (1140)

**The Chair:** Thank you, Mr. Thompson and Ms. Zarrillo.

[*Translation*]

Mrs. Vien, you have the floor for five minutes.

**Mrs. Dominique Vien:** Thank you very much, Mr. Chair.

Thank you, once again, for your testimony.

Mr. Morin, I'd like to take you to a very concrete area, which is the time limit.

Actually, former employees have three months to report an incident of harassment and violence in the workplace. We want to increase this time limit to two years, which would give them much more time. Again, current federally regulated workers don't have this problem.

Obviously, three months isn't enough. We know that. However, in concrete terms, can you give us any examples of trauma or situations experienced by former employees who realized that something had happened when the three-month deadline had already expired?

I'm assuming that right now, you must be receiving federal workers who do business with your organization and are under the three-month time limit. You are in a position to differentiate between those who benefit from a three-month time limit and those who would benefit from a two-year time limit.

Concretely, which recovery period for which type of trauma means that the three-month time limit is bound to be exceeded?

**Mr. Yann Morin:** If you'll allow me, I'll answer with an example, as I feel it will be simpler that way.

So I'll take the example of a lady who experienced psychological harassment at work, without going into details for the sake of confidentiality. She really did develop a major depressive disorder, and by the time she was able to contact us for a little help, over six

months had passed. Following the events and the end of her job, she needed all her energy to get out of bed. She wasn't able to look after herself or cook for herself. She had no support around her, and spent most of her days sleeping and trying to attend to her needs. As part of her medical follow-up, she was given antidepressants. However, it's usually only after four to eight weeks that antidepressants begin to produce noticeable effects and enable a person to function in life again.

By the time people get to us, they're starting to cope a bit. They begin to understand that something has happened to them at work. They're able to think about it and see that what led to the end of their job was really not right, and they ask us for help.

In the case of the lady in question, as it had taken her three months to manage to regain enough control of her life to successfully leave her home, it was impossible to take any action given that the deadline was also three months. Even on the side of our health remedies, whose time limit is currently six months, it was too late and there was nothing more we could do in terms of claims.

People who want to file a complaint about what they've experienced and who were working under provincial regulations have two years to do so. For them to file a complaint, they have to put their experiences on paper. So automatically, we have to ask them to re-live the difficult situation they experienced.

This is the kind of challenge we face.

● (1145)

**Mrs. Dominique Vien:** I don't know how much time I have left.

**The Chair:** You have one minute.

**Mrs. Dominique Vien:** Okay.

I'll leave it at that, because I don't know if we'll have time for a third round.

I feel that what the government provided for in its regulations amounts to an admission that three months might be insufficient. It gave former employees an opportunity to file a complaint or a notice of incident once the three months had passed.

However, to use my colleague Ms. Chabot's expression, it's an obstacle course. People have to prove that a health issue or trauma prevented them from filing a complaint within three months. They then have to provide documents and medical exams to support their process, and perhaps even make a sworn statement before a notary.

There is, I think, a very strong element that tips the scales in favour of passing this bill, and it is this: Even parliamentarians have provided for an additional period for filing a complaint because the three-month timeline may be insufficient.

What you're telling us is actually what we're seeing on the ground.

Thank you, Dr. Morin.

**The Chair:** Thank you, Mrs. Vien.

[*English*]

We'll go to Mr. Fragiskatos for five minutes.

[*Translation*]

**Mr. Peter Fragiskatos (London North Centre, Lib.):** Thank you, Mr. Chair.

First of all, I think Mrs. Vien's initiative is excellent. We discussed this after the last meeting. I sincerely believe that this is an excellent example of a private member's bill.

Second, at the last meeting, Mrs. Vien talked to us about the Quebec experience on this issue. She told us that Quebec had the same legislation.

Mr. Morin, what is your opinion on the Quebec experience?

**Mr. Yann Morin:** Thank you for your question.

I'm not really sure I understand exactly what Quebec experience you're referring to.

**Mr. Peter Fragiskatos:** In 2018, the Government of Quebec passed the same legislation with the same two-year timeline.

Do you have an opinion on the Quebec experience with the legislation?

**Mr. Yann Morin:** Yes, absolutely. I will tell you about my experience on the ground.

I started working with people experiencing harassment long before 2018. Despite the fact that we don't keep official statistics, I have to say that, when a case worker has to tell someone that they have no more rights because the timeline has expired, it is quite traumatic in itself. Nevertheless, that's what I had to tell people on a regular basis before the 90-day timeline was increased to two years. Every week, I unfortunately had to tell people that since they had let the 90 days elapse, I would have liked to support them legally, but I didn't see a solution for them.

Following the change that took place in 2018, I can count on my fingers the number of times I had to tell people that between 2020 and 2024. I'm not saying there aren't more, since there are certainly people who would need more than two years, but in our experience, it hasn't happened regularly.

However, the six-month deadline is still causing problems. Six months is not enough. There are still people who need a lot more than six months.

Obviously, between 2018 and 2020, there was a transition period. It was a bit complicated because the expired right could not be restored simply because the act was passed. Some people's 90-day timeline had expired when the act was passed, but the two-year timeline hadn't. They tried to file complaints, but they were rejected because the 90-day timeline was still in effect. As a result, we had trouble keeping statistics.

Once things stabilized and the timeline moved to two years, we saw a marked difference in the number of people whose timeline had expired.

• (1150)

**Mr. Peter Fragiskatos:** Thank you, Mr. Morin.

As far as I understand, you're happy with the two-year timeline, but you think it would be reasonable to set it at three, four or five years.

I also think that two years is a reasonable timeline. At the last meeting, the timeline was a topic of discussion. Why is it set at two years and not at three, four or five years?

What is your opinion on that? I think I know, but for the benefit of the committee, it would be good to repeat it.

**Mr. Yann Morin:** I am absolutely in favour of defending victims' rights. As a result, I'm always very open to three, four or five years, because there are always people who would need it. More time is always a very good thing. I understand that, in law, you have to weigh the pros and cons of a decision and that there are consequences. For the time being, based on our experience, we think the two-year timeline is reasonable. It seems to be working well in Quebec, even though there are some exceptions that would benefit from a longer timeline.

Obviously, as I guide people through the legal system, I'm also aware that the more time has passed since the events, the harder it is to be accurate and credible. Therefore, I understand that there are pros and cons to setting the timelines.

Today, I am prepared to say that our organization as a whole finds that six months is not at all sufficient. Two years seems reasonable to us. We would be very much in favour of a timeline longer than two years, for both Quebec and Canada.

**Mr. Peter Fragiskatos:** Thank you.

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

Ms. Chabot, you have the floor for two and a half minutes.

**Ms. Louise Chabot:** Thank you.

My question is for you, Dr. Morin.

Employment and Social Development Canada tabled its 2021 annual report entitled "Taking action against harassment and violence in work places under Canadian federal jurisdiction".

We found that out of the six federally regulated workplaces, the most complaints were about the public service and Crown corporations. We don't know the number of complaints rejected based on timelines, but it would be interesting to see how many of the already numerous complaints have been rejected. Given your testimony, I imagine we'll note a marked difference between incidents that have a longer timeline and all incidents that are rejected because the timeline has been exceeded.

Did the Institut de la statistique du Québec keep statistics on complaints that were rejected because the limitation period had run out?

**Mr. Yann Morin:** I'd like to properly answer your question. Statistics can be complicated, and I'm not a professional researcher. I don't have access to hidden data, only to data that is very open to the public. In addition, it is hard to clearly identify the reasons for rejections. The Commission des normes, de l'équité, de la santé et de la sécurité du travail, or CNESST, which is our source of data on harassment, does not usually keep statistics on the grounds for rejections. We really only have the number of harassment complaint files, for example, that have been rejected every year. That is easily obtained. At best, I can tell you about a study by Rachel Cox—

**Ms. Louise Chabot:** Okay.

**Mr. Yann Morin:** —which recently came out, based on CNESST health data. In fact, the research into sexual harassment and sexual violence is precisely where we found that there were various reasons for rejection. That data, which is recorded, is not necessarily accessible to the public. The most common reason is always the six-month timeline. I imagine the same is true across Canada.

However, there are also other grounds for rejection that Ms. Cox feels are problematic. They are often based on a lack of understanding of sexual harassment and sexual violence, as well as on the many prevailing stereotypes. For example, cases would be rejected because someone wore a skirt on the day of the incident. We still get feedback like that too.

I think situations like that still occur, but I'm hopeful it will be resolved.

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

Thank you, Ms. Chabot.

• (1155)

**Ms. Louise Chabot:** Thank you.

[*English*]

**The Chair:** Ms. Zarrillo, you have two and a half minutes.

**Ms. Bonita Zarrillo:** Thank you, Chair.

That's really a good segue into data collection. In the last meeting we had on this bill, there was talk about data collection and more data collection. I had some questions for the sponsor of the bill about the risks of privacy when it comes to that data.

Witness Thompson, is data collected now? How do you feel about data being collected around complaints? Obviously, they would aggregate it, or they should, but we know that human resource departments are notoriously, often known to be the least confidential office in a business. How can we protect privacy if there's data being collected? Is data being collected? Does data collection present a new risk, especially for marginalized groups?

**Mr. Nicholas Marcus Thompson:** First, I'll share with you what I think about whether or not data collection should be part of this. Data helps to inform a lot of the decision-making on these processes, what the outcomes are and whether they are effective or not, but the confidentiality of the process must be safeguarded. Aggregating

outcomes and not specific situations I think would be helpful in understanding what repeated issues are happening and why they're happening. It would also be helpful in looking at the root causes of that for accountability for an organization.

If an organization is able to identify that they've had hundreds of these complaints and that this was the recurring theme, from that perspective they may be better positioned to have a change in workplace culture. But that has to be protected in terms of who the complainants are and what their experiences are, particularly on their journey to recovery.

I don't have an answer for you on the collection of data currently or on how or if that is mandated.

**Ms. Bonita Zarrillo:** Chair, could I ask that we request that? I'd like to get some data on what's being collected right now regarding workplace complaints in federally regulated workplaces and the federal public service.

Thank you so much.

**The Chair:** Okay. Thank you.

Mr. Seeback, you have about two and a half minutes.

**Mr. Kyle Seeback (Dufferin—Caledon, CPC):** Thank you very much, Mr. Chair.

The current government actually tried to make some changes/improvements through Bill C-65, where they would allow the victims of harassment to apply for an extension and explain why they needed it. To me, that seems like almost revictimizing the victim.

Mr. Thompson, I wonder if you would comment on that, and then I would ask Monsieur Morin the same thing.

**Mr. Nicholas Marcus Thompson:** Thank you, Member Seeback.

Bill C-65 made some progress in this entire framework, but that time frame extension is still subject to the employer's approval. I would say it's a subjective process. You now have to go back and find all this information and you're often not given the benefit of the doubt. The employer holds the hammer to sort of crush you.

That's why this is important. It's to make it very clear that there is a two-year period. It removes the subjective decision-making from the employer. It gives those who face oppression in the workplace a little bit more time. My colleague, Mr. Morin, spoke about the six months. It's six months to 18 months for trauma recovery, and even longer for some people. Imagine going through that trauma and then having to come and justify yourself, find documents and make that representation. It even adds to and exacerbates that trauma.

• (1200)

**Mr. Kyle Seeback:** Yes.

Thank you.

**The Chair:** Thank you, Mr. Seeback and Mr. Thompson.

[*Translation*]

Thank you, Mr. Morin.

[*English*]

That will conclude the first hour of today's meeting.

I want to thank the witnesses.

We will suspend while we move to the next motion.

• (1200) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1205)

**The Chair:** Committee members, we are back in session with the second hour.

Pursuant to Standing Order 108(2) and the motion adopted by the committee on October 8, 2024, the committee is resuming its study of workers in the seasonal industry and the employment insurance program.

I would like to welcome our witnesses, Mr. Pierre Laliberté, commissioner for workers; Mr. Allan Melvin, president, Nova Scotia Federation of Agriculture; Mr. Brodie Berrigan, senior director of government relations and farm policy, Canadian Federation of Agriculture; and Mr. Philip Mondor, president and chief executive officer of Tourism and Human Resources Canada.

Mr. Pierre Laliberté, we'll begin with your opening statement for five minutes.

[*Translation*]

**Mr. Pierre Laliberté (Commissioner for Workers, As an Individual):** Thank you, Mr. Chair.

Thank you for inviting me to appear before the committee.

Of all the issues related to the problems with employment insurance, the treatment of workers in seasonal industries is the most glaring. In Canada, these industries are mainly in outlying regions. It is also the most symptomatic of the problem with the employment insurance program. It is a symptom of a broader problem that is experienced perhaps more intensely by seasonal workers.

The basic problem stems from the fact that the program parameters have not been adjusted since the last major reform, which happened in 1996. This is particularly the case with the table of benefits. The table tells applicants what they are entitled to based on the number of hours worked, the unemployment rate in their region and the benefit period.

Although Canada has 64 employment insurance regions, when the table was drawn up in 1996, there was only one employment insurance region with an unemployment rate of 6% or less. In that region, workers had to accumulate 700 hours of work in order to qualify for 14 weeks of benefits. Today, that applies to 39 of the 64 regions. Now, almost 60% of workers have to accumulate 700 hours of work to be able to qualify.

Another concurrent problem is the lack of adjustments to the employment insurance regions. Since 2000, no adjustments have been made to follow changes in the labour market. Our regions are not up to date.

The actual result of the lack of adjustment is a kind of hidden reform of employment insurance that basically prevents a large part of workers from accessing employment insurance, or makes it much more difficult for them to do so, because most workers are ineligible.

There is good news, however. In theory, the unemployment rate is going down. That's why benefits are harder to qualify for. However, the problem is that the drop in the unemployment rate is not always a sign of good economic health. That is the case for some regions where employment is growing and everything is going well.

I'd like to take this opportunity to tell you that I am currently taking part in a meeting in Rimouski with labour and community groups in the North Shore, Gaspé Peninsula and Lower St. Lawrence regions to talk specifically about seasonal work. These groups feel that it is a very pressing issue for their local communities.

I have heard quite a lot today, but to go back to the unemployment rate as a sign of prosperity, I will give you one scenario.

In the Gaspé region, the unemployment rate has dropped from around 17% to 7% over the past 10 years. Ten years ago, after working 420 hours, a person qualified for 32 weeks of employment insurance, which was enough to get them through the off-season. Today, the same person who holds the same job at the same employer would need 630 hours to qualify for employment insurance for 14 weeks, which is not enough to get them through the off-season.

I could talk about other parameters. For example, I would be very happy to talk about applicants' best weeks.

• (1210)

What I was trying to get at is that in many regions, not only in eastern Canada, the unemployment rate drops due to regional devitalization.

That doesn't mean there are more jobs. There are 1,000 more jobs in the Gaspé than there were 10 years ago. However, 7,000 people have left the workforce. The unemployment rate is a ratio. It can go down for more than one reason. In this case, the reason is regional devitalization rather than an economic boom.

I'd be happy to talk more about that and the pilot project as well—

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

[*English*]

We'll go now to Mr. Melvin for five minutes or less.

**Mr. Allan Melvin (President, Nova Scotia Federation of Agriculture, Canadian Federation of Agriculture):** Thank you, Mr. Chair, and to the committee for the opportunity to speak today.

My name is Allan Melvin. I am the president of the Nova Scotia Federation of Agriculture, but I'm here today representing the Canadian Federation of Agriculture. I'm a sixth-generation vegetable farmer in Kings County, Nova Scotia.

The CFA is Canada's largest general farm organization, representing 190,000 farms across Canada. The CFA's mission is to promote the interests of Canadian agriculture and agri-food producers and ensure the continued development of a viable and vibrant agriculture and agri-food industry in Canada.

The Canadian agriculture and agri-food sector generated \$150 billion of Canada's gross domestic product in 2023 and contributes significantly to the well-being of Canadians in both rural and urban Canada. However, like many other sectors, agriculture is facing a chronic and increasing labour and skills shortage. Some producers are facing acute seasonal needs, while others require labour on a year-round basis. These positions range from field work harvesting fruits and vegetables, to piloting highly advanced farm equipment that continues to evolve at a rapid pace.

The most recent statistics from the Canadian Agricultural Human Resource Council, which is also known as CAHRC, identified over 98,000 job vacancies in the agriculture sector in 2022, over 28,000 of which went unfilled in Canada's sector by the year's end, costing \$3.5 billion in lost revenues.

These unfilled positions remain, despite Canada bringing in over 70,000 temporary foreign workers to fill vacancies in a wide range of agricultural occupations in 2023. The agriculture sector needs the temporary foreign worker program and seasonal agricultural worker program, which account for upwards of 20% of the total employment in the sector. These workers pay into EI, but rarely draw on EI, as oftentimes when employment ends, they head back to their home countries.

There are several factors impacting the growing labour shortage in Canadian agriculture. For example, fewer family farms in Canada can meet their labour needs solely through family labour due to growth in the size of farm operations and demographic pressures, such as an aging workforce. This is increasing the need for non-farm labour. At the end of the day, the lack of available labour to meet the sector's diverse needs, both seasonal and year-round, represents one of the most significant constraints facing the competitiveness and sustainability of Canadian agriculture.

In terms of measures to support the needs of seasonal employment, the Government of Canada should ensure that the employment insurance system does not create disincentives for workers that would prevent employers from retaining skilled workers or undermine the viability of seasonal industries.

Historically, the unique skills required by many agricultural operations place an onus on on-the-job training and other informal educational approaches, such as online education modules produced through CAHRC, workshops held by equipment manufacturers, and other non-traditional educational arrangements. These sector-specific training opportunities have not always been eligible for EI-

funded support, despite the crucial role they play in retention during less labour-intensive seasons.

We're concerned that the reduction in funding available under the labour market transfer agreements will make this problem worse, especially in the Atlantic region. For example, given the remote and rural locations of many farm operations, the travel and accommodations needed to participate in in-person activities can be prohibitive for many farm employees.

Finally, it is our view that employers need to maintain oversight and input into the use of any funds generated through payroll deductions. Those deductions need to remain earmarked for initiatives aimed at achieving their stated outcomes.

At the end of the day, we are of the view that the EI program is a critical tool for supporting the temporary income replacement needs of workers. However, we need to ensure that it does not create disincentives to work for seasonal workers, supports the unique training needs of employers in seasonal industries and is used to support programs that benefit the employers and the workers who pay into it.

Thank you for the opportunity to speak today. I would be happy to answer any questions you may have.

● (1215)

**The Chair:** Thank you, Mr. Melvin. I'm sure there will be questions.

We'll now go to Mr. Mondor for five minutes or less.

You have the floor.

**Mr. Philip Mondor (President and Chief Executive Officer, Tourism HR Canada):** Good afternoon. Thank you, Mr. Chair and committee, for this opportunity to speak with you today on behalf of Canada's tourism industry.

The tourism industry employs just over two million people, which represents about 10% of Canada's workforce, with work in over 274,000 businesses across Canada and employment in nearly every riding.

The sector is highly diverse. It comprises five industries with the types of jobs that cover the complete career span. It's a wide spectrum. We have jobs that require no Canadian work experience or proficiency in one of the official languages, for example. We also have jobs that require highly specialized credentials.

It's important to appreciate that the services provided by these workers are essential to Canadians and not just to the visitor economy. Youth make up 30% to 35% of the workforce. Most are getting their first foothold in the labour market through tourism employment. New Canadians represent about 30% of our workforce. Permanent, full-time workers account for nearly 70% of the workforce.

In 2023, 12% of the tourism workforce was seasonal or temporary and 6% were casual workers. This percentage of seasonal workers is down from 20% about a decade ago.

The recreation and entertainment industry has the highest percentage of seasonal workers within the five that we represent, at 24%. This is largely indicative of the nature of that sector, which includes a lot of indigenous tourism, outdoor recreation and entertainment. This is followed by the accommodation sector at 15%, and food and beverage services at 7%.

I want to note that seasonal workers may include workers who work for seasonal operations, which are open for limited periods, but they also include year-round operations for those that need workers to help address influx or high-demand periods.

Many seasonal tourism operators have expressed the need for an EI system that provides supplemental income to help sustain their workforce in off seasons. This primarily concerns rural and remote operators, of which there are many and most of which are small to medium enterprises.

In many cases, these tourism businesses are the economic and employment anchors of their community. Without them, the communities will see a further migration of the population to larger centres. Workers who are able to access EI as supplemental income in the off-season help keep these people in those rural and remote communities, so EI is important not just for the employment needs of tourism businesses that most often are the single anchor employer in the region, but is also essential to sustaining populations in those areas.

The tourism sector has not fully recovered from the pandemic. It's taken five years to get back to the 2019 levels, just in September of this year, but this falls short of meeting the needs. For example, this past summer, we had a shortage of 177,000 workers. Today, that's about 181,000.

There are many impacts or consequences of not having workers to meet the demand. There are lost revenues, for example. Without the necessary skilled workforce in the tourism, Canada is losing about \$11 billion annually in potential revenue. Business closures, reduced ability to compete, reduced productivity and service standards, and reduced investment and innovation are all tied to not having these workers.

Last summer was especially difficult and in coming months, it will be more difficult. Reduced quotas on temporary foreign workers—who incidentally make up only about 1% of our workforce—and reduced numbers of international students and the hours they can work has added further constraint to the industry.

Other factors impacting attraction and retention in rural areas include housing, transportation, care services and even internet connectivity.

I mention this because it's important to think about the broader context. EI is one tool to help our businesses retain workers at a time when other options are simply not available. A well-designed EI system can complement the needs of our seasonal businesses.

Further considerations to policies are needed to enable seniors to work without penalties or clawbacks to their pensions or for people with disabilities to work without clawbacks to their disability benefits.

Enabling international students to work an additional 10 hours per week can make a big difference for our industry.

These are examples that may not be feasible, but they're all examples of things that can help our employers fill job vacancies in their seasonal needs, especially in rural and remote areas.

I would be remiss if I don't mention that with respect to EI, Restaurants Canada, which is one of the main national associations in our sector, is advocating for lower EI premiums—from 1.66% to 1.57%—to offset costs.

Indeed, in the first half of 2024, bankruptcies in the food service sector increased by 55% over 2023 and that's not telling the full story. Many businesses are shuttering permanently or underperforming locations without declaring bankruptcy.

• (1220)

To summarize, EI benefits are helpful in keeping tourism businesses afloat in rural and remote areas. In fact, they're essential. The diverse nature of our sector and the regional and sectoral differences suggest that EI premiums and policies need to be sufficiently flexible or tailored to the regional needs.

Finally, a holistic approach is needed to ensure that policies and programs are working together to optimize the workforce.

Thank you.

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

We'll begin with Mr. Seeback for six minutes.

**Mr. Kyle Seeback:** Thank you very much, Mr. Chair.

Mr. Laliberté, I heard your opening statement and your talking about the different zones that exist with respect to EI. I had the opportunity to be out in Newfoundland and Labrador in the early fall. While I was there, I had some time to meet with FFAW and its president, Dwan Street. One of the issues that came up with the fishers out there is exactly these zones that exist.

You could have two people working on a fishing boat. One person is only going to require a certain number of hours in order to be eligible for EI, and someone on the same boat who lives in a different part of Newfoundland and Labrador will have a different hourly requirement. For that industry, there's an inherent unfairness in two people working on the same fishing vessel having different requirements for eligibility for EI.

I'm wondering if you understand the rationale for that and if you've questioned the government about the impact this has had on fishers, particularly on the east coast.

**Mr. Pierre Laliberté:** This dates back to the seventies, when the program was redesigned with the notion that this being a big country, of course the situation is not the same all over and, in a sense, the generosity of the benefits should mirror the state of local labour markets. This is an eminently imprecise science when you try to draw boundaries. We use census data and census divisions to do that, but it's always extremely awkward and unsatisfactory.

There are two issues here. One is access, and the other is the quality of the benefit once you have access to it. I think the case for making access the same all across Canada is just overwhelming. It shouldn't matter whether you're in Calgary, Toronto or Yellowknife: If you lose your job and you have 420 hours, say, you should qualify for EI.

Perhaps the benefit can depend on the local labour market conditions, but at least when it comes to access, it should be the same. That would take care of at least half of the problem that FFAW members were referring to.

We can have a philosophical discussion about whether we should have the same old duration for the entire country or not. I think there are good arguments on both sides, but again, on access, it would simplify the life of everyone—including the administration of the program, incidentally—to have someone start with the same yard stick.

I don't know if that answers your question, but...

• (1225)

**Mr. Kyle Seeback:** It helps. Thank you.

Are you aware of the particular circumstance in Newfoundland and Labrador right now with the fact that the snow crab market's down almost 70%? Fish harvesters are in real jeopardy of not getting the required income to get benefits.

If you are aware of it... I know I am, because I've been out talking to these folks. I'm not sure if the government's aware of it, because it doesn't seem like there's much action on this. Have you raised this issue at all in your capacity with the government to suggest that something might need to be done to help our fish harvesters on the east coast?

**Mr. Pierre Laliberté:** Well, on the issue of access, absolutely. In fact, you can be sure that I was one of the first people who was made aware of the problem when it took place. It's our task, it's our duty to relay this to the government as diligently as we can.

The nature of the problem that hit the industry, being the way it is... I mean, EI is just a poor kind of policy—an incomplete policy response; let's put it that way. It should be part of the response.

What we got out of this was the pilot project in 2022. That did not really do the job, certainly, when it came to addressing this.

**Mr. Kyle Seeback:** I hate to do this. I'm going to interrupt, because I'm going to run out of time here shortly.

You say you were aware of this and you made the government aware of it. Can you provide to the committee a document or memo showing how you made the government aware of this? Could you provide the committee a copy of that memo so that we could have it as part of our committee report on this?

**Mr. Pierre Laliberté:** I'll be pleased to do that. I need to check, because sometimes I do convey stuff verbally. You'll—

**Mr. Kyle Seeback:** But if you did put it in writing, you'll send it in to us.

**Mr. Pierre Laliberté:** Indeed. If that happened, I will make sure I send it to you.

**Mr. Kyle Seeback:** Thank you very much.

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

[*Translation*]

Mr. Cormier, you have the floor for six minutes.

**Mr. Serge Cormier (Acadie—Bathurst, Lib.):** Thank you, Mr. Chair.

My questions are for you, Mr. Laliberté.

As you know, we have to review the boundaries of the so-called employment insurance economic regions every five years.

As commissioner, do you take part in this review by making recommendations?

**Mr. Pierre Laliberté:** Thank you for your question.

The answer is yes, because the Employment Insurance Commission is in charge of conducting the review every five years. The act clearly prescribes that.

Since 2000, however, our recommendations have not been taken up by the government. You can lead a horse to water, but you can't make it drink.

We were closely involved in the analysis done by the department, which does the professional and technical work. The good news is that the configuration of most of the regions still makes sense. The bad—

• (1230)

**Mr. Serge Cormier:** That was my next question. I don't mean to cut you off, but I have limited time. We could talk about this all day together.

The members of some of the groups you met live in my region, the riding of Acadie—Bathurst, and others live in eastern Quebec.

The changes proposed by some groups would consist in dividing these regions into several smaller ones. For example, in my region, some groups want to create a small region that would represent only the Acadian peninsula.

What do you think of proposals like that? Could it be realistic to change the employment insurance eligibility criteria that people living in such small regions have to meet? Could that put some regions at a disadvantage?

If we divide a region into several small regions, what are the neighbours on each side going to think? How do we ensure fair and equitable access for the other regions of Canada?

Do you think it's feasible to create such small regions and get representative data on the unemployment rate in those regions?

**Mr. Pierre Laliberté:** It's certainly not an easy exercise. For the Restigouche-Albert region, the one you're referring to, we did propose a few amendments.

As we know, the Moncton region has grown since 2000. Basically, the people who live in that part of the Restigouche-Albert region are connected to the job market in the Moncton region. The reality there is different from that of northern New Brunswick.

There would be a way to adjust that. Obviously, you're right in that having too many small regions is a bad idea. The previous government started that by creating one region for Charlottetown and another for the rest of Prince Edward Island. That created a precedent that could be used to delineate small regions.

**Mr. Serge Cormier:** The fact remains that we would have to verify the population of the Prince Edward Island regions, but that will be for another day.

We often focus a lot on the boundaries of the regions, but, as you said earlier, we also have to take into account the much-vaunted calculation method used to establish the unemployment rate. I think it's dividing the number of unemployed by the number of employed, and then multiplying it by 100.

Let's take the example of the labour force in my region. I can tell you that it has changed a lot in the last 10 to 15 years. It includes many more seniors and retirees, which necessarily skews the unemployment rate in that region, as it may in other regions of Canada.

I agree that the boundaries of the regions should be reviewed. However, do you think we should also review the method for calculating the unemployment rate, which may no longer reflect reality in some economic regions of Canada? Have you ever thought about reviewing the method?

**Mr. Pierre Laliberté:** We certainly raised the issue in our discussions with the department, because you rightly point out that the unemployment rate is not a reliable indicator of the reality. As you say, it could be due to regional devitalization.

Also, you're absolutely right about the data. If a region's labour force has declined, that also contributes to lowering the unemployment rate.

It's good to raise the issue of other indicators, but they still need to be tested. I'm thinking, for example, of modified unemployment rates that would take into account the number of people who are no

longer in the labour force. I won't go into the details, but we really need to test the indicators and see to what extent Statistics Canada could provide reliable data.

**Mr. Serge Cormier:** Since I have only 30 seconds left, I'll ask you my last question quickly.

In Canada, 13 economic regions have been identified where seasonal industries and jobs are heavily dominant. Do you think other regions should be added to that number?

• (1235)

**Mr. Pierre Laliberté:** In my opinion, some should be added rather than removed. The northern regions are the best example of regions that should be added. There are a lot of isolated communities there. Even if the unemployment rate is 5%, it is impossible to travel from one village to another. That's just the reality.

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

Ms. Chabot, you have the floor for six minutes.

**Ms. Louise Chabot:** Thank you, Mr. Chair.

I'd like to thank the witnesses for being here, including you, Mr. Laliberté.

I think that, as the commissioner for workers and the commissioner for employment insurance, you've been able to clearly identify the problems raised by seasonal workers for a long time now.

As you said, the labour market situation has changed, and our employment insurance system isn't meeting the needs of seasonal workers.

In the motion I moved, I made sure to specify that our study was on seasonal workers. Some permanent industries hire seasonal workers—that's another reality—but seasonal workers usually work for industries that don't operate year-round, but that need these workers, who contribute to the economy.

How can we support workers who don't work year-round by allowing them, through the employment insurance system, to avoid long periods called the EI black hole?

In Nova Scotia, lobster traps were put in the water this morning. Two weeks ago, we heard another fine testimony from Mandy Symonds, who works at the lobster-processing plant. She was explaining to us that this sector accounts for 90% of the economy in southern Nova Scotia.

Among the solutions being considered is a standard requirement of 420 hours of employment to qualify for EI. There is also frequent talk of increasing the number of weeks used to determine the benefit level to 35, and using the best 12 weeks for calculation purposes.

Can you provide us with more details on these solutions and tell us whether they seem to be winning solutions, if we want to keep these kinds of jobs?

**Mr. Pierre Laliberté:** Thank you for your question, Ms. Chabot.

The main issue right now, quite simply, is access.

People are having trouble qualifying. This morning, some groups told me that we're creating a situation where workers in these sectors are getting increasingly older, and young people, who find themselves without income during the off-season, are moving to other regions and moving on to something else. This phenomenon devitalizes the regions, as well as seasonal industries, which have to fall back on certain solutions, such as the use of temporary foreign workers. So we've created a vicious circle, which is very harmful. If everyone could have access to EI after 420 hours of work, that would be a good start.

Seasonal workers generally work about 16 weeks. For that reason, the 35 weeks of benefits have often been mentioned by the groups concerned by these issues, to enable people to get through this period. Many regions of Canada don't have a lot of alternate jobs in the off-season. That's the situation.

Is changing the schedule for all claimants the way to go, or do we need a targeted approach for workers in seasonal industries in regions where the problem is more severe?

In fact, it depends on the approach we want to adopt, meaning a universal approach or a targeted approach. The fact remains that the 35 weeks of benefits are important in these cases. Unfortunately, the current pilot project provides only five weeks of benefits, and that's problematic. If the pilot project allowed for additional weeks of benefits up to a maximum of 35 weeks, that would already be a very targeted solution that would help people. In other words, if someone is entitled to 26 weeks of benefits, for example, we could add nine additional weeks of benefits, but no more, given our 35-week cap.

There's also the issue of the best weeks. Seasonal workers, who work for 14 or 15 weeks, now have 22-week divisors imposed on them. As a result, they see their total gain divided by 22, and then multiplied by 0.55. We can see that the weeks not worked represent zero hours. This means that their benefits are easily reduced by a quarter, if not a third. Obviously, this doesn't help them. It would therefore be a good idea to set the number of best weeks at 14 for everyone.

I'll add one last thing. We tried—

• (1240)

**The Chair:** Thank you, Mr. Laliberté and Ms. Chabot.

[English]

Madame Zarrillo, you have six minutes.

**Ms. Bonita Zarrillo:** Thank you, Chair.

I thank the witnesses for being here today.

My first question is for Witness Melvin, and it has to do with the acute seasonal need. You raised the acute seasonal need.

I'm interested in your knowledge and thoughts on the EI divisor as it relates to acute seasonal workers, how that workforce has changed demographically over time, how technology has changed and what the unique training needs are for this specific class of acute seasonal workers. Furthermore, how has climate change affected the acute seasonal worker, and even the timing of the season?

**Mr. Allan Melvin:** Sure. Thank you for the question.

I may bring in Mr. Berrigan for some of this.

Approximately half of our workforce in Canadian agriculture is seasonally employed. Approximately 70,000 of those are temporary foreign workers, that is, from overseas or other countries. We do have an ongoing shortage. We fill some of that with the temporary foreign worker program and the seasonal agricultural worker program, but there continues to remain a gap. We have organizations like the Canadian Agricultural Human Resource Council that are researching this and trying to come up with solutions on to fill that gap. Some of that is training, broadening the scope of what's allowed to be provided as training under what I think is called the part II EI program. Mr. Berrigan can speak to that, but it's basically broadening the scope of those opportunities to allow folks to remain in the industry and upscale themselves while they're outside the regular work season.

I'll turn it over to Mr. Berrigan quickly.

**Mr. Brodie Berrigan (Senior Director, Government Relations and Farm Policy, Canadian Federation of Agriculture):** Thanks, Allan, and thank you for the question.

There were a number of parts to that question, so I'll try to touch on each one quickly.

I would echo the point that Allan made about our reliance on the temporary foreign worker program within the agriculture sector. The reality is that in agriculture we are faced with ongoing and structural shortages year over year. It's just not going away. We really rely on that program to fill a critical gap. We've seen that really supported, I would say—

**Ms. Bonita Zarrillo:** I have a question on that. Sorry, I only have six minutes.

Are any temporary foreign workers eligible for EI?

**Mr. Brodie Berrigan:** All temporary foreign workers are eligible for EI, as well as all other social benefits and worker protections that are available to Canadians. They're treated identically in that sense.

• (1245)

**Ms. Bonita Zarrillo:** Can you talk to me a little bit about how the EI divisor might affect a temporary foreign worker disproportionately compared with a permanent resident or a Canadian?

**Mr. Brodie Berrigan:** If I understand your question correctly, it's really about accessing a number of insurable hours. The reality for a lot of seasonal agricultural workers in Canada who come in through the temporary foreign worker program is that they come here to work. They put in 60-plus-hour work weeks and the vast majority would be eligible for employment insurance even at the top end of that threshold, given the number of hours they put in.

Does that answer your question?

**Ms. Bonita Zarrillo:** It does. I just wanted to make sure that there was some coverage there.

I was also interested in the divisor because I know that is something relevant to the acute seasonal need that we hear about.

**Mr. Brodie Berrigan:** On the training side—because I do think that is an important part of the question and Allan certainly referenced that—there are a few elements to that. One is wraparound supports. We hear that from a lot of our members and employers in the agriculture sector, including things like transportation to and from training facilities or training opportunities and employment counselling.

Number two, I would say, is broadening eligibility, as Allan said, and looking at other types of non-traditional training activities like short-term certifications and online-based training and workshops. I would say increased awareness of training opportunities and greater emphasis on job matching for off-season workers is critical.

You also mentioned technology, and I'm really glad that you did. That is a very important part. We're certainly seeing a lot of agricultural producers across Canada adopting technology. Canada has a very high adoption rate, in fact, of technology in the agriculture sector. However, the reality is that certain types of agricultural production, such as in fresh fruits and vegetables—in particular strawberry picking is typically an example that is used—the technology is just not available at scale and at a price point that makes it easily accessible and something that most producers can adopt. This is why there is still an increased reliance on the temporary foreign worker program to fill that critical gap.

**Ms. Bonita Zarrillo:** Great.

Regarding climate change and the season edges, how has climate change affected the acute seasonal need and worker?

**Mr. Brodie Berrigan:** There's no doubt that changes in the environment and the increasing incidence of extreme weather events have had a significant impact on Canada's agricultural production. You're seeing that across the country with droughts, wildfires, excessive rain, floods and hurricanes. Farmers really are at the coal-face, so to speak. They are on the front lines of climate change, which is why we at the Canadian Federation of Agriculture have been calling for increased support in our risk management programming to support farmers to adapt and respond to these incidents of climate change.

Most recently, we've called for the government and stakeholders to get together and have a disaster relief summit. Let's get all the players around the table and have a conversation about how we're going to fill this gap, because our current suite of programs is not responsive to the increasing incidence of extreme weather across Canada.

**The Chair:** Thank you, Madame Zarrillo.

Next is Mrs. Gray for five minutes.

**Mrs. Tracy Gray (Kelowna—Lake Country, CPC):** Thank you, Mr. Chair, and thank you to all the witnesses for being here.

Mr. Mondor, Tourism HR Canada commissioned a survey on the perception of tourism as a place of employment in Canada. It found that people currently working in the tourism sector are more likely to be under 30 or to be students. We also know that youth unemployment in Canada continues to rise. Young Canadians struggle to find their first job, which could be seasonal and/or part-time in many regions. Tourism has historically represented many young Canadians' first jobs.

Has the impact of inflation, debt servicing costs and ongoing tax increases hurt tourism businesses to the point where they're finding it more difficult to hire seasonal and/or part-time workers?

**Mr. Philip Mondor:** There are a lot of elements built into your question. Just as a point of clarification, in the industry itself, about 30 to 35% would be youth. That's up to 35%. The rest are older and look like most of the general population.

To your point, yes, the inflationary pressures and other dynamics around that have certainly impacted what's happening in the sector. The protracted recovery from the pandemic is still very much impacting the industry itself. Many of these businesses are micro and small businesses, with very tight cash flows and very limited revenue or profit margins. As a result, they are trying to do hiring incrementally, but they're limited in the scope at which they can do so, despite the demand for their services.

Even this past summer—to give you an example—20% of the rooms in hotels across Canada were simply not made available because they did not have staff to serve those rooms. Similarly with restaurants, the number of hours was reduced by 20% to 40%, and many restaurants were closed.

So the story goes in every case. The economic situation is really an impairment today to their bringing people back.

One program that is helping illustrate how much of a difference it can make is a government-funded program helping to subsidize student employment in summer periods. That program, the take-up on that, is in high demand. Again, I think it's an indicator of one of those stressors that you referred to.

• (1250)

**Mrs. Tracy Gray:** Great. Thank you.

Is that the Canada summer jobs program?

**Mr. Philip Mondor:** It is. I have to add that the program is fundamental.

The point I made earlier, too, might be worth restating here. In the end, these are very community-based exercises that we're concerned with. That's how the businesses will look at their workforce. In any given community, particularly in the rural and remote areas, they are stressed with the demands on those workers. The youth population has been shrinking. The demand for those workers has increased in every other sector. The protracted recovery means that we have less access to them. The blend of having to tap into other workforces matters.

**Mrs. Tracy Gray:** Thank you very much for that.

Mr. Chair, I'd like to cede my time to Mr. Aitchison so that he can speak.

**The Chair:** You have not quite two minutes.

**Mr. Scott Aitchison (Parry Sound—Muskoka, CPC):** Thank you, Mr. Chair.

I thought you were going to say you weren't quite sure about that idea, but, you know, I'm okay with that.

**The Chair:** No. I'm totally comfortable with that idea.

**Mr. Scott Aitchison:** Thanks, Mr. Chair.

I want to move a motion that we've put on notice. I'll read it for you.

Given that, in order to save Canadians up to \$50,000, reduce mortgage payments by \$2,200 every year on a typical home, and build 30,000 more homes every year, the committee report to the House its recommendation to remove the federal GST on new homes sold for under 1 million dollars.

Mr. Chair, I don't think this is a surprise to anybody. It's been on notice. When 30% of the cost of a home, on average across the country, is government charges and fees, I think this would be an important move by the federal level to lead by example, to get other levels of government to reduce their charges and fees on the cost of a home as well. When you think about 30%, you realize there are people borrowing money to pay their government charges and fees. A portion of their home purchase would be borrowing money, especially if they have a CMHC-insured mortgage, for example. You can imagine that's pretty crazy.

We think this is actually a really smart move. It's a way of leading by example, and we think that we should report this to the House.

I would like to move that the motion.

**The Chair:** The motion is in order. It's on the floor.

Witnesses, it's Mr. Aitchison's prerogative to move this motion, which is in order. We have to deal with it before we can return to you.

Mr. Fragiskatos, you had your hand up. I don't see anybody else.

**Mr. Peter Fragiskatos:** Thank you, Chair.

Witnesses have taken the time to be here today. I think we should show them the respect of giving them time to put comments on the record on an important study that Ms. Chabot has championed for a long time.

With that, Mr. Chair, I move to adjourn debate on the motion.

**The Chair:** I have a motion to adjourn debate.

(Motion agreed to: yeas 6; nays 5)

**The Chair:** Debate on that has adjourned.

We'll now move to Mr. Cormier for five minutes.

[*Translation*]

**Mr. Serge Cormier:** Thank you, Mr. Chair.

Mr. Laliberté, you were talking earlier about a uniform rate of 420 hours and the divisor 14 for all of Canada. I understand very well what you mean, because I've been saying for nine years that it's not necessarily the eligible hours that are problematic. According to a sampling I've done in my region with fish processing plants and tourist attractions, the majority of workers are eligible for EI.

Given the pilot projects that are in place, namely the five additional weeks of benefits that are coming to an end and the four additional weeks that we hope will be renewed, those people can get through the off-season.

I think the divisor is what's causing the most problems for people in my region right now, because of the drop in their benefits. Like it or not, it reduces the number of weeks of eligibility, but it's offset by pilot projects for additional weeks of benefits.

A number of businesses in my region are also looking to hire people in various sectors after the seasonal work period, such as fishing or tourism. How do we find that middle ground? We know that people who have been working in the same seasonal fields for years are eligible for the four and five additional weeks of benefits pilot projects.

Changing the zones, the formula or whatever is a complex process. I think there's a simple way to fix it, and I'd like your opinion on that. Couldn't we create an EI category called "other"? For example, a seasonal worker would have a lower eligibility threshold than a worker in another sector. Even in the case of a self-employed worker who has to comply with certain laws that have been amended, do you think that would be a possible quick and effective solution to make it easier for some people to qualify for employment insurance?

Right now, like you, I say everywhere I go that I fear that our rural regions are emptying out at the expense of our seasonal industries, which are vital to us and our economy, just as the automotive industry is to Ontario. The 18 fish processing plants in my area are important.

Do you think that minor changes could be made, without this evening being very legislatively heavy, to help these categories of workers qualify more easily for employment insurance?

• (1255)

**Mr. Pierre Laliberté:** Your suggestion is a very good one. As you no doubt know, in order to qualify for the pilot project as a seasonal worker, you have to show that, in the past five years, you applied for EI three times and twice during the same period of the year.

Not only does this flawed and convoluted method end up excluding young people, for instance, who you want to keep in your region, who might want to work in these industries, but who can't qualify as "seasonal". The solution you're proposing would be perfect, because then you would have a reason on the record of employment that would say, for example, "seasonal layoff" or "lay off of a seasonal employer". That would be a huge help to the administration.

In addition, a seasonal worker who works in the agricultural sector with Mr. Melvin and Mr. Berrigan, for instance, could do temporary work in the off-season and leave it to return to seasonal employment—

**Mr. Serge Cormier:** —without being penalized.

**Mr. Pierre Laliberté:** —without penalty. However, at the moment, the burden of proof is on the claimant. Let's take the example of someone who accepts a part-time job for 10 hours a week. However, if that work is permanent, it will be presumed that that person will have left a permanent job for a seasonal job. The claimant's hours can be rejected, which is a prejudice.

Workers in these sectors are well aware that they are at risk in doing so. This is the tail wagging the dog. Instead of encouraging people to try things, we prevent them.

• (1300)

**Mr. Serge Cormier:** Thank you, Mr. Laliberté.

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

Ms. Chabot, you have the last round of questions. You have one minute.

**Ms. Louise Chabot:** Thank you, Mr. Chair.

Mr. Laliberté, I'll give you the remaining minute. I think there are a number of solutions to support our economic regions in terms of the economy, the seasonal industry and the workers in that industry.

Since this study will be reported to the House, if there were any changes to be made to support workers and prevent them from experiencing a black hole, or at least reduce it, what would they be?

If you don't have time to answer verbally, we would very much like to receive a short written reply.

**Mr. Pierre Laliberté:** Ms. Chabot, there will be a written answer, and I'll give you a very short summary.

We would like to see 420 hours worked for all workers, seasonal or not. We would also like to see an existing pilot project extended by up to 15 weeks in a larger number of regions with similar profiles. That would already be good.

To round out that information, I'd add that we've already had these 420 hours of eligibility for everyone and the best 14 weeks for one year, between 2021 and 2022.

How much did it cost? It cost \$610 million. That's real money, but all things considered, it's a reform that wouldn't bring the program down and would be fair to all Canadian workers, seasonal or not.

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

Thank you, Ms. Chabot.

[*English*]

**Mrs. Tracy Gray:** I have a point of order, Mr. Chair.

This is just a technical issue I wanted to bring up. I know we're at the end of the meeting.

At the beginning of this meeting, Ms. Vien was giving her statement and answering questions. I've noticed quite often that the camera is not on when the first person is questioning. She spoke for about two minutes, and it was on the chair the entire time. I've noticed this happening quite frequently. I just wanted to bring it up for the technical team, especially the camera people, that the first lines of questions are always from one of four people on this side, so it's not like it's a surprise who might be asking questions.

I wanted to bring that forward because it was overt today; it was for almost two minutes.

Thank you, Mr. Chair.

**The Chair:** Thank you, Mrs. Gray, for raising that. I could not see that from here, but I think that's a good point. I'll ask the clerk to make sure it's rectified.

Committee members, next Thursday we will meet again. We have two ministers appearing next Thursday.

Thank you, witnesses, for appearing today.

With that, is it the will of the committee to adjourn?

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

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

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