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# Standing Committee on Government Operations and Estimates

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Chair: Mr. Kelly McCauley





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• (1305)

[*English*]

**The Chair (Mr. Kelly McCauley (Edmonton West, CPC)):** Good afternoon. I call this meeting to order.

Welcome to meeting number 98 of the House of Commons Standing Committee on Government Operations and Estimates, also known as the mighty OGGO or the only committee that matters.

Pursuant to Standing Order 108(2) and the motion adopted by the committee on Monday, October 17, 2022, the committee is meeting on the study of the ArriveCAN application.

I would remind those here in person to not put their earpieces next to the microphone, as it causes feedback and potential injury to our very valued interpreters.

We have two witnesses today.

Welcome back, Ms. O’Gorman and Mr. Ossowski. I understand you both have opening statements.

We’ll start with you, Ms. O’Gorman, for five minutes, please.

**Ms. Erin O’Gorman (President, Canada Border Services Agency):** Good afternoon.

[*Translation*]

When I appeared before the committee in October, I talked about the internal investigation that I initiated following receipt of allegations of misconduct and the referral made to the RCMP.

[*English*]

On December 19, I received a preliminary statement of fact from the internal CBSA investigation. A preliminary statement of fact is not a conclusion and does not reflect all of the information, including from respondents; it’s relevant documentary evidence collected to date in the course of an investigation.

As laid out in my correspondence to you, these packages contained documents that fit the parameters of material that you requested in October. As such, they were translated and provided to you.

The emails that you were provided are also relevant to testimony you received in previous meetings. Specifically, they show that the Botler chatbot was not the result of an unsolicited proposal and that there was a pattern of persistent collaboration between certain officials and GC Strategies. They show efforts to circumvent or ignore established procurement processes and roles and responsibilities.

I need to say at this point that the investigation remains ongoing. Ideally, it will be further informed by information and interviews from key individuals who have been requested to speak to the investigators. I am trying to balance my knowledge of information that you have been seeking against the integrity of the investigation or, in other words, I am trying to respect both due process and Parliament.

Public servants and the employees of the CBSA need to have confidence in our disciplinary processes and the internal investigations that support them. Parliamentarians should know if information that is provided to them is unsupported by facts.

[*Translation*]

The conclusion of our work internally will provide the clarity we need to formulate more comprehensive and further actions going forward, if necessary.

As I testified at my previous appearance, I have already implemented changes in how the agency manages and oversees procurement. Better controls and oversight have been put in place, including having those with procurement authority in headquarters retake their training, having a senior committee review every task authorization and centralizing procurement responsibilities within the organization. These controls will be calibrated over time and with a fuller understanding of what happened and why.

[*English*]

They will be informed by upcoming audits of the Auditor General and the procurement ombudsman. They will also be informed by the internal review that is ongoing with respect to contracts and documents associated with ArriveCAN.

I would like to assure you that my team is working full out to provide you as quickly as possible with the over 30,000 pages of information that you have requested from the CBSA in the course of your study.

[*Translation*]

We have provided six packages of translated records. Translation on the remaining material is ongoing. I will continue to send bilingual packages as they are completed.

• (1310)

[English]

In closing, while we still don't know everything, what we know is not okay. I am concerned and I want to get to the bottom of it. I must emphasize how critical it is that the CBSA maintains the confidence of Canadians as we carry out our important mandate.

The situation should in no way dishonour the dedicated employees and frontline border service officers across the country and around the world serving Canadians day in, day out, with professionalism and integrity. I am focused on not letting that happen.

**The Chair:** Thank you, Ms. O'Gorman.

Mr. Ossowski, welcome back. You have five minutes.

**Mr. John Ossowski (As an Individual):** Thank you for the opportunity to appear today.

We are approaching four years since these events unfolded, so I'm relying on the best of my recollection, on what the agency has provided me, and on my review of the testimony from previous meetings.

I'd like to take this opportunity to clearly lay out the facts as I remember them. If the committee has other relevant information it wishes to share with me, I hope it will do so. I'd be happy to review it and get back to you.

I'm going to begin by reminding the committee of the exceptional circumstances we found ourselves in during March 2020. We were shutting down the largest unprotected border in the world while trying to ensure that critical supply chains remained functional for the essential trade of food, medicine, PPE, etc. We had repatriation flights for Canadians returning home, and we had to manage immigration issues with the United States. We had to manage fear and uncertainty in our own workforce while ensuring the integrity of our frontline operations. Coordinating this with our U.S. counterparts and supporting the government in this historic time were my priorities.

ArriveCAN helped us administer the pandemic border measures, but I relied on my officials to deal with the procurement details.

I will now turn to a few points made by Mr. MacDonald during his testimony regarding Deloitte and the vendor selection process.

With respect to comments he made about the CARM contract with Deloitte, I have reviewed my business records and offer the following context.

On March 14, I received an email from the senior partner at Deloitte offering to help in any way they could with our challenges during the pandemic. I immediately passed this along to several of my vice-presidents. The vice-president of the CARM project replied that while Deloitte had cleared people who knew our systems, they were already stretched on the CARM project. This is the best evidence of the true state of play with Deloitte—clearly not a penalty-box issue. I will emphasize that all of my business records clearly show a cordial and business-like relationship with Deloitte. All I can say is that we were all working with Deloitte to make sure that the CARM project was a success.

With respect to Mr. MacDonald's statement that VPs were told not to use Deloitte, I have no recollection of providing this direction. I asked a few members of my former executive team if they recalled this, and they don't. In fact, one of them said that they would have objected if I had said that, as Deloitte was working on other contracts within the agency at the time and there were no issues. My understanding is that Deloitte has continued to work with the agency. To be clear, a deputy minister has no authority to ban a firm unilaterally. No one was in the penalty box, and there's no evidence to support this.

I'll now focus on a few days following the request from the Public Health Agency that I received on March 22, 2020, to look into an app. I immediately forwarded this request to my CIO, Mr. Doan, as well as to my vice-president of the travellers branch. Four days later, on March 26, Mr. Doan shared simple mock-ups of what the application could look like with me and my executive vice-president.

The committee will have seen two relevant meetings in my calendar at this time. One was on March 26 at 10 a.m.; I had a teleconference with Mr. Doan and my executive vice-president where he showed us the mock-ups. At 10:43 a.m. that same day, I forwarded those simple mock-ups to the DM of health and to the president of the Public Health Agency. On March 27, we had another meeting to discuss issues raised by those same DMs. To be clear, at this point, no one could have envisioned how many versions and releases of the app there would be, nor its cost.

I have reviewed my business records during this time period, and I have not been able to find any emails from Mr. Doan or anyone else regarding the vendor selection options developed by Mr. MacDonald or Mr. Utano. The agency has confirmed this to me as well.

I have no recollection of being asked for my opinion on Deloitte or any other potential vendor as part of the ArriveCAN procurement. Speed was of the essence as airports were slowing down with the paper-based process and provinces were demanding better data. I was relying on my vice-presidents for their best advice on how to manage the situation.

While I haven't seen any of the documents involved, Mr. Doan's testimony states that he was provided a choice between a fully outsourced Deloitte solution or an option to augment our existing capabilities. Mr. Doan testified that, for a variety of reasons—such as using the CBSA cloud versus a private sector cloud, speed and agility—the staff augmentation was the preferred approach. This choice makes sense to me, especially considering the legal and privacy issues involved.

Given what I have stated, the choice appears to be a rational, business-based decision and has nothing to do with the CARM project. If the committee has different information in its possession, then I'd be happy to review it.

To this day, I remain exceptionally proud of how the CBSA responded to the pandemic, and I hope that these current matters don't diminish the efforts of the many thousands of CBSA employees who served Canada during this unprecedented event.

I'm happy to answer any questions.

• (1315)

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

We'll start with Mrs. Kusie for six minutes, please.

**Mrs. Stephanie Kusie (Calgary Midnapore, CPC):** Thank you, Chair.

Thank you to our witnesses for being here today.

Imagine this: You are a public servant. You are someone who has made the decision to help your country. I personally made this decision as a member of the Canadian foreign service. You swear that you will act in your best possible capacity for the best interests of this country.

Now imagine that the worst situation for your nation occurs since wartime—a pandemic—and you are forced to make the best possible decisions that you can in your position for your nation with the information that you have. You do your best. You navigate the system, but things go wrong. The application you were working on ends up being a \$54-million boondoggle, a stain on the government, which is already neck deep in boondoggles. It's another instance of possibly unethical behaviour by this government, and certainly incompetent behaviour by this government, and a definite lack of oversight. You tried your best, because you were a public servant.

The stress of the investigation of this \$54-million boondoggle gets to you, so you go on medical leave. You think things can't possibly get worse, but they do get worse. They got worse for Cameron MacDonald, who was a director general at CBSA, and Antonio Utano, who was an ADM at the Canada Border Services Agency. Things got worse for them after coming here and giving what they believed was truthful testimony, their heartfelt testimony, to speak truth to power, to speak truth to Canadians, when they were suspended. They were not only suspended; they were suspended without pay. For what reason? They claim that they were misled by senior CBSA officials, that they were intimidated, that this was retaliation, that this was an attempt to muzzle them and that this was CBSA's opportunity to use them as scapegoats. There were no allegations, no details and no evidence. What they did receive were threats that decisions would be made if they were not compliant.

Ms. O'Gorman, I'm here to ask you this today on behalf of Mr. MacDonald, Mr. Utano, public servants everywhere and Canadians: Why were Mr. MacDonald and Mr. Utano suspended without pay?

**Ms. Erin O'Gorman:** CBSA is conducting an internal investigation. Neither of those individuals work for the CBSA right now—

**Mrs. Stephanie Kusie:** Ms. O'Gorman, why should we believe anything you say today, these canned speaking notes, when both Mr. MacDonald and Mr. Utano have stated that they were misled by senior CBSA officials as to who even chose ArriveCAN? This committee has found you not having spoken the truth to this committee before. There's no reason that we should believe this.

Can you tell the committee, then, what evidence you have of Mr. MacDonald and Mr. Utano for their suspension? Can you share that, please?

**Ms. Erin O'Gorman:** I'm not using speaking points, and I don't believe I have been informed of not having told the truth to this committee.

I did not take those actions. They don't work for me.

**Mrs. Stephanie Kusie:** Well, we would like to know what evidence you had. That was my question.

As well, their legal fees were being paid until this point of their suspension. Now they are no longer being paid. Why did you suspend paying their legal fees?

**Ms. Erin O'Gorman:** The preliminary statements of fact were provided to their deputy heads. I took decisions that were consistent, that are consistent, with the Treasury Board policy on legal fees.

**Mrs. Stephanie Kusie:** This information isn't providing any new information to us, Ms. O'Gorman.

Is this the type of treatment that CBSA whistle-blowers can expect in the future? Is this the type of treatment that public servants can expect in the future?

The CBSA was also made to know of threats against Mr. MacDonald by Mr. Doan. Can you tell us what steps you took to protect Mr. MacDonald from facing negative reprisals from higher-ups, please?

• (1320)

**Ms. Erin O'Gorman:** I heard that testimony here. There are processes and systems in place when somebody believes they've been subject to harassment. I'm trying to conclude an investigation. My interest is understanding what happened. I don't understand—

**Mrs. Stephanie Kusie:** You have an opportunity to speak the truth to people here today. Just tell us and tell Canadians: Why were they suspended without pay? Share that with everyone.

**Ms. Erin O'Gorman:** I did not take that action and it's not for me to talk about. Their deputy heads took that action.

**Mrs. Stephanie Kusie:** Mr. Ossowski, there are accusations that the public safety minister at the time wanted someone's head on a plate.

How involved was that minister in the building of ArriveCAN, and how involved was that minister's office in covering up the misconduct connected to the development of the ArriveCAN app?

**Mr. John Ossowski:** Those comments occurred after I retired.

**Ms. Erin O'Gorman:** I can speak to that.

**Mrs. Stephanie Kusie:** Go ahead, Ms. O'Gorman.

**Ms. Erin O’Gorman:** The minister of public safety was informed by me that we were launching an investigation. He expressed concern over the nature of the allegations and he indicated that he expected me to deal with any gaps that they showed, to go forward with the investigation and to let him know if there was any pertinent information that he should be aware of.

He never said he was looking for anybody’s head on a platter.

**Mrs. Stephanie Kusie:** We were also advised—

**The Chair:** I apologize. That is our time, Mrs. Kusie.

Ms. Atwin, we’ll go over to you for six minutes. Welcome back to OGGO.

**Mrs. Jenica Atwin (Fredericton, Lib.):** Thank you very much, Mr. Chair.

It is good to see everyone. Happy new year.

Thank you so much to our witnesses for coming back to the committee today. The last time, you were in the hot seat as well, and it was a bit of a difficult conversation. It seems we’re off to a similar start today.

Mr. Ossowski, you mentioned the importance of highlighting just how much work—as well as Ms. O’Gorman—the CBSA does for Canadians in protecting our borders. I really think it’s important for us to separate what’s happening here from this important and integral work that we have, as well as, of course, what CBSA officers endured during the pandemic, very much on the front line, in dealing with a lot of the pent-up anger and hostilities, even from community members who were just dealing with the uncertainties of that time.

I want to thank you for everything you’ve done and for providing your testimony for this very important study. We all want to get to the bottom of what occurred. I very much appreciate your opening statements.

I’m going to take us through, step by step, how we got to this place. It is perhaps quite repetitive at this point because, again, this has been quite an ongoing saga.

Ms. O’Gorman, I’ll begin with you. Can you confirm again for the committee, just for complete clarity, when the investigation into this matter was first launched, as far as your role as president is concerned?

**Ms. Erin O’Gorman:** Sure. I received information and the allegations in the fall of 2022, and I provided them to our director general of security, who launched an investigation in November.

**Mrs. Jenica Atwin:** Great. Thank you.

Of course, this investigation remains ongoing. Is that correct?

**Ms. Erin O’Gorman:** Yes.

**Mrs. Jenica Atwin:** We’ll certainly know more once the investigation is complete.

Of course, the RCMP are also conducting their own investigation. Is that correct?

**Ms. Erin O’Gorman:** I’m not aware of whether the RCMP are conducting an investigation. As I’ve testified before, we provided

the material that we received to the RCMP. They’ve indicated that should they wish to have any information, they will seek it through a production order, and we stand ready to give them whatever they seek.

I don’t know if they are conducting an investigation. I know they have the information and the allegations.

**Mrs. Jenica Atwin:** Okay. Thank you.

In your opening statement, you mentioned some of the changes around procurement practices in the CBSA since you’ve become president. I’d ask you to further clarify some of those changes. You mentioned some really great ones. In particular, the senior oversight piece is really important, just to ensure that everybody has eyes on something, so hopefully we can avoid this in the future.

Could you provide further detail on some of those changes? Perhaps you could add clarity on whether these changes were instituted specifically because of what we’re seeing right now around the ArriveCAN experience, or whether there were intentions to tighten things up around procurement ahead of that.

**Ms. Erin O’Gorman:** I’ll just speak to the first part of your question.

Some of the changes—indeed, all contract task authorizations—come through a senior executive committee now to conduct a challenge function, and we’ve centralized all procurement into one branch. What I saw was a breakdown of roles and responsibilities. I saw engagements with contractors without seeing the presence of procurement officials. Procurement officials play an important role beyond signing documents.

Based on what I saw, I felt there was a breakdown and a lack of controls, and that’s what I’ve put in place.

There will be more recommendations to come. We’ll calibrate. Perhaps I’ll be found to have overreacted and slowed things down, but right now, given what I’ve seen, that’s what I’ve put in place. At the same time, I’m trying to use fewer contractors.

● (1325)

**Mrs. Jenica Atwin:** Just for the second part of that question, were there any intentions to tighten those kinds of procurement processes or look at improvements ahead of this ArriveCAN experience, or was it really coming out of what we’ve seen over the last few months?

**Ms. Erin O’Gorman:** It all coincided with my assuming this role, so I didn’t have much runway to examine the procurement function. When I started, there was nothing glaringly absent, but some of this information and the allegations came to me early in my tenure, so I acted.

**Mrs. Jenica Atwin:** As our current president of the CBSA, do you have faith in the organization’s ability overall to follow fair procurement practices moving forward?

**Ms. Erin O’Gorman:** I have absolute faith in the organization, including in procurement practices. We’re trying to get to the bottom of a set of actions and work by individuals—and I’m looking forward to an investigation to conclude on that—but I have absolute confidence in the CBSA and its adherence to policies.

**Mrs. Jenica Atwin:** Thank you very much.

Mr. Ossowski, I will just switch to you now to again bring us back to being in the midst of the pandemic, and some of the things that were experienced and the necessity to act. What data were the provinces asked for at the onset of the pandemic? How was that data crucial to helping inform public health officials on how best to protect Canadians from COVID-19, in the context of the CBSA?

**Mr. John Ossowski:** It was actually quite interesting, this past weekend, to review my business records and see some of the back and forth in terms of the initial requirements. Provinces, in fact, were developing their own applications. Airports had developed some of their own applications. What we were mostly interested in and what the Public Health Agency wanted from us were the collection of the contact tracing information—where you were coming from, your name and address. This was being passed off to the provinces so they could monitor people on their arrival in case they needed to ensure that their health was in place for—

**The Chair:** I’m afraid I have to cut you off there because we’re past our six minutes, but perhaps you will have a chance to continue in the next round.

Mrs. Vignola, please go ahead for six minutes.

[Translation]

**Mrs. Julie Vignola (Beauport—Limoilou, BQ):** Thank you very much, Mr. Chair.

Ms. O’Gorman, does the Canada Border Services Agency have a policy or regulation to protect public servants or senior officials in the event of employment-related legal action, for example by paying their legal fees?

**Ms. Erin O’Gorman:** We are required to follow Treasury Board policy.

**Mrs. Julie Vignola:** Okay.

If I understand correctly, before they were suspended, Mr. MacDonald and Mr. Utano had lawyers paid for by the Canada Border Services Agency.

**Ms. Erin O’Gorman:** As I said, I made decisions that were consistent with our policy. I know that some information has been made public. My answer is that I acted in accordance with our policy.

**Mrs. Julie Vignola:** So the lawyers were paid for by CBSA, in accordance with the policies in place. Did I understand correctly?

**Ms. Erin O’Gorman:** There are two reasons that legal fees can be paid. I apologize, but I will speak briefly in English.

[English]

They are for appearances before parliamentary committees and in legal proceedings. The criteria are set out, and I am consistent with that policy in the decisions that I’ve made.

[Translation]

**Mrs. Julie Vignola:** Are these two public servants currently still covered by the protection policy? Are they still represented by lawyers who are basically paid for by taxpayers?

**Ms. Erin O’Gorman:** When I receive requests, I’ll be able to make a decision. I’ve made decisions on all the requests I’ve received.

• (1330)

**Mrs. Julie Vignola:** Okay.

Where do public servants and current or potential suppliers usually meet?

**Ms. Erin O’Gorman:** Meetings take place in the workplace. That doesn’t mean that people don’t meet outside. There are no specific rules on meeting places. We have a values and ethics code that guides us when we decide how and where to meet with suppliers, to avoid situations that could lead to a conflict of interest or the appearance of a conflict of interest.

**Mrs. Julie Vignola:** In the email lists you sent us this week, I saw that a number of meetings had been held at breweries, for example, almost weekly. I won’t name the breweries, because it’s not their fault. These meetings could last half an hour, an hour or even an hour and a half.

Is it a normal, recommended, or effective practice? I’m not a beer drinker, but I find a meeting at a brewery questionable.

**Ms. Erin O’Gorman:** I’ll say three things.

First, as I’ve said, we have to avoid the appearance of a conflict of interest. I’ve also seen a number of invitations. The investigation is ongoing and, to date, I have yet to receive any confirmation that people have accepted these invitations and participated in these meetings. However, I certainly find it troubling to see such invitations to meetings with suppliers, even though there is no evidence to show that procurement employees were present. I’m wondering about that as well.

**Mrs. Julie Vignola:** Mr. Ossowski, in your presentation, you talked about the comparison between internal data storage and external storage offered by Deloitte.

Is the storage provided by Amazon Web Services considered an internal or external storage? From what I see in the documents we’ve received, the applications must be compatible with that platform and use it.

[English]

**Mr. John Ossowski:** Thank you for the question. Actually, I don’t think I’m qualified to answer that. You need someone with a technology background.

I think the point that Mr. Doan was likely making was that it was in an instance that was in the government’s control as opposed to a private sector entity’s instance of where that cloud was. But I really can’t comment on the technicalities of that.

[Translation]

**Mrs. Julie Vignola:** Okay.

You'll no doubt recall that, during the pandemic, Deloitte was the company that managed everything related to the supply of medical equipment from China, including the departure of planes and boats carrying masks.

Would Deloitte have been available to create a mobile app, or was their role in managing the supply of medical equipment too important?

[English]

**The Chair:** It will have to be a very brief answer.

**Mr. John Ossowski:** I believe Mr. MacDonald said that Deloitte was available to provide this outsource solution that was proposed.

[Translation]

**Mrs. Julie Vignola:** Thank you.

[English]

**The Chair:** Mr. Johns, go ahead, please.

**Mr. Gord Johns (Courtenay—Alberni, NDP):** Thank you very much, both of you, for coming back here, and for the important work you do and have done for Canada.

I want to start with you, Ms. O'Gorman. I'll read from an email Cameron MacDonald sent to Minh Doan on November 19, 2019. Cameron says that Minh directed him to "look into a specific domain within HR using AI". He says, "I found a company in Montreal and connected with GC Strategies, who sought options to move something forward". That company was Botler AI.

So what we have here is a government official saying they clearly identified a solution, but they chose to bring in a middle person to profit off it first. We've seen the direct message that GC Strategies sent to Botler on LinkedIn. That's not professional headhunting that the government can't do itself. It really seems that GC Strategies was brought in as a middle person for no reason at all except to profit off a taxpayer-paid contract. Unless we see evidence to the contrary, that's what this shows.

Ms. O'Gorman, do you believe this is acceptable? With many more eyes on CBSA's procurements right now, have you found other cases of where this is happening? What is your plan to figure out whether this is happening in other cases?

• (1335)

**Ms. Erin O'Gorman:** I note your comment about unless other information comes to the fore.

With regard to your question, I don't agree that that was proper procurement. It was not an unsolicited proposal. The rules allow for prime contractors to subcontract and, as this committee has heard and asked about, to sub-subcontract. It's not for the CBSA or a department to try to manage and develop those subcontracts. Those are business decisions between entities in the course of a procurement. What I have seen, based on the documents that you're referring to, is that the CBSA's involvement in how those contracts would come together is not usual.

In looking at other options, the CBSA presumably could have put out an RFP for its requirements. It could have looked to justify a sole source. It could have used supply arrangements and pre-qualified. There were other options. It's not clear to me that what was

happening was appropriate. In fact, it appears to be inappropriate. The spirit of the supply arrangements and standing offers is not to retrofit products through them.

**Mr. Gord Johns:** Would this be your rationale for the suspensions, then?

**Ms. Erin O'Gorman:** Do you mean the suspensions of the companies?

**Mr. Gord Johns:** No, I mean the suspensions of the employees: Mr. MacDonald—

**Ms. Erin O'Gorman:** I didn't suspend the employees.

**Mr. Gord Johns:** Is Mr. MacDonald not suspended?

**Ms. Erin O'Gorman:** Neither Mr. MacDonald nor Mr. Utano works for the CBSA. I have no authority over them. Their deputy heads have taken action.

**Mr. Gord Johns:** Understanding that, what's your plan to figure out whether this is happening in other cases? Have you looked to see if this is taking place in more than this instance?

**Ms. Erin O'Gorman:** Twofold.... I have the investigation under way. The investigation is going to canvass all of those issues. I have a committee set up that's looking at every contract, asking the questions and trying to understand before any approvals are given.

**Mr. Gord Johns:** Now that you have this committee working, has the committee come back to you already and flagged other contracts that are of concern?

**Ms. Erin O'Gorman:** The committee is forward-looking. We are reviewing documents related to contracts on ArriveCAN and the billing around that.

With regard to your question, I have the internal investigation that will be canvassing how the CBSA was engaging with contractors during this period. It's not limited to Botler and GC Strategies.

I look forward to those conclusions. I look forward to—

**Mr. Gord Johns:** When do we expect to have those conclusions? I mean, this could run for years, right? We don't want that. We want to make sure that we get results. That's what this committee wants.

**Ms. Erin O'Gorman:** I'm very impatient. I need to make sure that I don't translate that impatience into undue pressure. I'm trying to preserve the integrity of the investigation. I hope that everybody involved will participate so that we can wrap it up as soon as possible. I would hesitate to give a date at this time.

**Mr. Gord Johns:** Mr. Ossowski, we've been told that GC Strategies was chosen over Deloitte because Deloitte was in the penalty box. You commented on that earlier. It was highlighted that it was for its poor work on the CARM project. Mr. Doan says that's not the reason.

Why was Deloitte in the penalty box, or are you even aware of why? What was the nature of the problems with Deloitte's work?



**Mr. John Ossowski:** As I said in my opening remarks, the relationship was business-like and cordial at that time. No one was in the penalty box. I reviewed all the emails, and there's nothing to suggest it was anything different from that. It was normal—

• (1340)

**Mr. Gord Johns:** Ms. O'Gorman, can you comment on that since you are currently in the role?

**Ms. Erin O'Gorman:** I can't comment about the statements that were made. I would say that the cordial and business-like relationship continues.

**Mr. Gord Johns:** So, Deloitte's never been in the penalty box, in your view, under your watch, and you're not aware of that in the past?

**Ms. Erin O'Gorman:** No.

**Mr. Gord Johns:** So, this was—

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

Mr. Brock, go ahead, please.

**Mr. Larry Brock (Brantford—Brant, CPC):** Thank you, Chair.

Ms. O'Gorman, I find your responses to the questions put to you by my colleague Ms. Kusie—as to why both Mr. MacDonald, who was director general of the CBSA, and Mr. Antonio Utano, who was the vice-president of the CBSA, were suspended without pay—to be lacking in clarity. Clearly you know a lot more, and we're going to ask questions about that because Canadians deserve a full, frank answer as to why these senior civil servants have been treated in this fashion.

These are extremely unusual circumstances. Bill Curry from The Globe and Mail was able to speak with the former clerk of the Privy Council Office, Mr. Michael Wernick, who said that “public finger-pointing by senior public servants is highly unusual” and that he could “not recall any other instance of such public disagreement.” Is it “an outlier”? Yes, and “suspensions without pay are also rare”.

“It is a very strong measure to suspend without pay while a process is under way and no conclusions have been reached. Usually, disciplinary measures follow an investigation being completed and suspension with pay is more common in the early stages,” he said.

“It is also a very strong measure to suspend or permanently revoke a security clearance. It is tantamount to removing someone from that job and any other job that requires that level of clearance. It is not a common occurrence.”

Your decisions at the CBSA, as directed and delivered to the other ministries these two individuals have worked for, have destroyed their lives, and Canadians deserve an answer. Parliamentarians deserve an answer as to why due process was not provided to them and why very draconian measures were taken against them, so I'm asking a number of questions. Whom did you speak with on suspending the two public servants on the \$54-million ArriveCAN app?

**Ms. Erin O'Gorman:** On ArriveCAN?

**Mr. Larry Brock:** You said it wasn't your decision, but you clearly participated in the ultimate recommendation that they be removed. Whom did you speak with?

**Ms. Erin O'Gorman:** That's not accurate at all. I didn't speak to either of their deputy heads about the actions they were taking.

**Mr. Larry Brock:** You received a preliminary report from investigators in your department. Did those investigators recommend suspensions?

**Ms. Erin O'Gorman:** No.

**Mr. Larry Brock:** Who did?

**Ms. Erin O'Gorman:** The decisions were taken by the deputy heads. I shared the preliminary statements of fact with their deputy heads—

**Mr. Larry Brock:** What did the preliminary statements of fact...? How were they so damning against those two individuals that you felt it prudent to pass that on to the other ministries?

**Ms. Erin O'Gorman:** They included, as in the emails you have received, information about engagements with consultants and a whole series of information that, as their deputy heads, I felt they had a right to have. They did not consult me on their actions.

**Mr. Larry Brock:** Why did you claim that they were a national security risk?

**Ms. Erin O'Gorman:** I never claimed that.

**Mr. Larry Brock:** Are you aware that was the language used in their suspension letters?

**Ms. Erin O'Gorman:** I haven't seen their suspension letters.

**Mr. Larry Brock:** You were completely blind to that. You had no knowledge of that.

**Ms. Erin O'Gorman:** I'm not their deputy head. They don't work for me.

**Mr. Larry Brock:** The deputy heads never spoke to you at all. Is your evidence today that they alone made that decision?

**Ms. Erin O'Gorman:** They alone made that decision.

**Mr. Larry Brock:** Okay, so identify those deputy heads for us, please. Who are they?

**Ms. Erin O'Gorman:** Bob Hamilton is the commissioner of the CRA and Stephen Lucas is the deputy head of Health Canada.

**Mr. Larry Brock:** How many communications did you have with both of those individuals?

**Ms. Erin O'Gorman:** I let them know that I would be sharing a....

Pardon?

**Mr. Larry Brock:** How did you let them know—emails, a telephone call, a letter?

**Ms. Erin O'Gorman:** I called them and I indicated—

**Mr. Larry Brock:** When did you call?

**Ms. Erin O'Gorman:** It was soon after I received it. I received the package on December 19.

**Mr. Larry Brock:** Did you follow up with an email?

**Ms. Erin O'Gorman:** Possibly....

**Mr. Larry Brock:** You'll provide this committee with any and all matters of communication to those two deputy heads surrounding the preliminary findings from your investigators in your ministry. Can you do that? Can you hand that over to us within two weeks?

• (1345)

**Ms. Erin O'Gorman:** Yes.

**Mr. Larry Brock:** Did they communicate back to you?

**Ms. Erin O'Gorman:** They told me after the fact the decision they had taken.

**Mr. Larry Brock:** They communicated that they took the decision to suspend without pay.

**Ms. Erin O'Gorman:** They informed me that they had taken actions.

**Mr. Larry Brock:** In what manner did they communicate that to you?

**Ms. Erin O'Gorman:** It was in a phone call, as I recall.

**Mr. Larry Brock:** There was nothing official—no email, no letter—just a phone call.

**Ms. Erin O'Gorman:** There would be no reason to inform me officially. They are the deputy heads of those employees.

**Mr. Larry Brock:** Right. They were taking the most drastic of remedies—

**The Chair:** Can you wrap up, Mr. Brock?

**Mr. Larry Brock:** —against these two whistle-blowers who spoke truth to power, and they only communicated that via telephone.

**Ms. Erin O'Gorman:** The employees work for them.

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

Mr. Bains, we'll go over to you, please.

**Mr. Parm Bains (Steveston—Richmond East, Lib.):** Thank you, Mr. Chair.

I'm going to go back to Mr. Ossowski.

You were trying to inform us a little bit about the ArriveCAN app and the centralization of it in order for it to not fall through cracks of airport and provincial apps. Could you maybe finish that? I think you were trying to—

**The Chair:** I'm sorry. Let me interrupt you, Mr. Bains, for a moment. I'll stop the clock.

Madam Vignola.

[*Translation*]

**Mrs. Julie Vignola:** The sound is too bad for the interpreters. I would very much like to hear my colleague's questions. Could Mr. Bains bring his microphone closer to his mouth so that I can hear his questions through the interpretation?

[*English*]

**Mr. Parm Bains:** Is this good, or do I need to speak a little bit longer?

**The Chair:** Yes, keep speaking a bit longer, please, Mr. Bains. Tell us about how the Vancouver Canucks are doing this year.

**Mr. Parm Bains:** We are very proud to send five members of the Vancouver Canucks to the all-star game, and it looks like we have a Norris candidate in Quinn Hughes. It looks like we're going to have to pay a lot of money to Elias Pettersson.

**The Chair:** Thanks, Mr. Bains. Just bear with us for a couple of moments while we check with the translation booth.

We're going to suspend for a couple of moments.

• (1345)

(Pause)

• (1350)

**The Chair:** Colleagues, we're going to now switch over to Mr. Jowhari because we still have to work out some IT issues with Mr. Bains.

We'll start with a full five minutes with you, Mr. Jowhari. Thank you very much.

**Mr. Majid Jowhari (Richmond Hill, Lib.):** Thank you, Mr. Chair.

Mr. Ossowski, I'm going to go back to you. You were reflecting on your observations and what you noticed when you were going through a number of emails. You were talking about the outreach to you around various requirements from various provinces and all of those things. Can you expand on that? Had we not gone with ArriveCAN the way we did, what would potentially have been the impact?

**Mr. John Ossowski:** When I was looking through my emails, the best way I would describe it—and the memories that were refreshed—is that the airports were clogged with people trying to fill out paper forms. People then had garbage bags full of these paper forms, and they'd have to digitize them so that the information could be passed to the provinces.

You might recall that, at some point, provinces were looking at checking in on people to see if they were okay. They were trying to make sure that they were enforcing mandatory isolation. Initially, it was done on a sampling basis, and then it moved to something more persistent. I think the initial piece at the airport, as well, was complicated because you had all these people getting off an airplane all at the same time, and they were concerned, quite frankly, of a superspreading event happening while they were waiting, doing the paper process.

It was logical to sort of look for some way to capture this information in advance, if possible. There was a web-based version of this, as well, for people who didn't have a mobile app so that we could capture that very simple information, give it to the provinces, and also allow the Public Health Agency of Canada to do the analytics—to say, “This person came from this country. This is what variant that turned out to be, following the testing.” It was much more sophisticated and much more effective than a paper process.

**Mr. Majid Jowhari:** Thank you.

So, the reference to a \$54-million boondoggle is not really true. Can you share with us—if you know it—the dollar cost of the development of the application?

• (1355)

**Mr. John Ossowski:** I don't have those details, but I remember your asking me a similar question on December 8, 2022, when I first appeared. I think that, at the time, the estimate was that the processing of a paper form was about \$3 per form and that the application was.... I think we talked about 60 million people using the application or 60 million travellers. That worked out to about 65 cents per form.

I want to take the opportunity, if I may, in terms of the cost of this.... Unlike all of the other references that this committee has heard on what an app costs to develop, we did not know the requirements at the time. We did not have the luxury of weeks of thinking about how we wanted to situate this, what the true business requirements were, and what data we had.

As you can appreciate from my remarks, what we were dealing with was a million different things at once, quite frankly. This constantly evolved as we brought in new measures, and the Public Health Agency, along with our provincial counterparts, tried to prevent the spread of the disease based on what was coming into the country. That's where we tried to help them. These references that we could have done an app cheaper than this.... It was not the same situation by any means whatsoever.

**Mr. Majid Jowhari:** As a reference for the committee, I believe the development cost of the application, with 70 different iterations that were coming in rapid fire, was about \$9 million. Therefore, the reference that this application has cost \$54 million in development is not factually correct.

Ms. O'Gorman, in your opening remarks, you talked about the fact that the investigation led to information that you shared with other department heads and that they then made the decisions that they made. Also, some of our colleagues on the opposite side refer to the statement that you provided as not a true statement.

Madam O'Gorman, can you tell us why you asked for an in camera meeting as opposed to a public meeting?

**Ms. Erin O'Gorman:** As I said, I'm trying to balance information that this committee is seeking with the integrity of an investigation that remains ongoing and that hasn't heard from key individuals. I am anxious for that to conclude, and I'm very conscious of not prejudicing that investigation.

The CBSA conducts internal investigations, and individuals who have been subject to those investigations have talked to me about how stressful those can be, whether they are respondents or even witnesses. I can't imagine the stress that would cause somebody who is subject to an investigation with such a public profile.

I'm concerned about people's mental health. I would like the investigation to have the space to conclude, and I would like to protect its integrity. Those are the reasons why I asked.

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

Mr. Jowhari, thank you for your flexibility.

Ms. Vignola, you're next for two and a half minutes, please.

[*Translation*]

**Mrs. Julie Vignola:** Thank you very much, Mr. Chair.

Ms. O'Gorman, to your knowledge, have any government officials or senior public servants put pressure on or threatened reprisals against people who testified before this committee, such as Mr. MacDonald, Mr. Utano and Ms. Dutt? Have there been any legal notices or requests of that nature?

**Ms. Erin O'Gorman:** I don't have that information.

I think we should know the facts at the end of an investigation. I know that different information was presented in the testimony.

[*English*]

I was concerned by that.

I'm not sure that I understand what whistles are being blown, and I want to get to the bottom of what happened. I have trust in the investigation, and I look forward to it concluding.

[*Translation*]

**Mrs. Julie Vignola:** If there was any pressure, it was beyond your control and knowledge. People would have acted on their own initiative.

**Ms. Erin O'Gorman:** Yes, indeed.

**Mrs. Julie Vignola:** During your investigation, did you ask internally to meet with all the players involved, such as Botler AI?

**Ms. Erin O'Gorman:** You're asking me if—

**Mrs. Julie Vignola:** As part of the internal investigation, was there a request for a meeting, perhaps not from you, but from someone else?

• (1400)

**Ms. Erin O'Gorman:** I believe Botler AI was asked to provide information, but I don't know if the team asked to meet with its representatives.

**Mrs. Julie Vignola:** I'd like to talk about the language requirements in the contract applications I've read. I'm told that everything is done in English in IT, but these applications state that people will have to work in English only. When French is mentioned, which doesn't happen very often, it's in the conditional tense. They say that people may have to work in both languages. So it's not even French that would be required, but bilingualism, while English is mandatory.

Do Chinese, Japanese, Portuguese, Spanish or Russian programmers only program in English too, or can there be experts who speak other languages?

[*English*]

**The Chair:** I'm afraid you didn't leave enough time for an answer, but perhaps you could get back to that in the next round.

Mr. Johns, please go ahead for two and a half minutes.

**Mr. Gord Johns:** Ms. O'Gorman, can you please tell me the date on which CBSA officials commenced the internal investigation into Botler's allegations, as well as the date on which the Botler task authorization was cancelled?

**Ms. Erin O'Gorman:** I'll have to get back.... The investigation was late in fall—in November, I believe. I don't know the exact date and I don't know when the task authorization was cancelled. That was before I was at the agency.

**Mr. Gord Johns:** I thought Mr. MacDonald said that the investigation started in January, but I'll go to the next question.

I have a few questions about Mr. MacDonald's claims that the CBSA was covering his and Mr. Utano's legal fees. When did CBSA begin covering their fees with private legal counsel? Who made that decision, and does this include legal fees related to the RCMP investigation for MacDonald and Utano?

**Ms. Erin O'Gorman:** I'm going to speak generally about covering legal fees. There are criteria in terms of determining whether legal fees should be covered. The criteria are different for appearances before parliamentary committees and for legal investigations. Any requests that I received to cover legal fees were consistent with the policy.

**Mr. Gord Johns:** Do you recognize the concerns and the conflict of interest in using taxpayer dollars to fund the private legal counsel of the same individuals who are under investigation by the RCMP, by this committee and by your own agency?

**Ms. Erin O'Gorman:** I'll just clarify this: I don't know if anybody is under investigation by the RCMP. I have no information about that one way or the other. I applied the Treasury Board policy on legal fees for public servants.

**Mr. Gord Johns:** Can you explain why the Department of Justice wasn't taking the lead in terms of providing counsel?

Also, lastly, can you table the date on which the internal investigation into Botler's allegations was launched? Could you table that for this committee?

**Ms. Erin O'Gorman:** Yes, we can provide that.

**Mr. Gord Johns:** Can you provide that in writing?

**Ms. Erin O'Gorman:** We can provide the date.

To your other question about legal fees, can you repeat the question?

**Mr. Gord Johns:** Why wasn't the counsel being provided by the Department of Justice?

**Ms. Erin O'Gorman:** I will speak generally about the process.

**The Chair:** Be brief, please.

**Ms. Erin O'Gorman:** I applied the policy, and it does contemplate whether there's a conflict of interest. That's in the policy. It sets out the considerations to be made.

**The Chair:** Thanks very much.

Mr. Barrett, go ahead, please.

**Mr. Michael Barrett (Leeds—Grenville—Thousand Islands and Rideau Lakes, CPC):** Ms. O'Gorman, in your calendar there

are multiple visits to the address 80 Wellington. While this building is on Wellington Street, it's not 80 Wellington Street; 80 Wellington is the Prime Minister's Office. These visits are interspersed or spaced around your times appearing at ArriveCAN hearings for the government operations committee. For example, before your appearance at the government operations committee on October 24 last year, you visited the Prime Minister's Office at 2 p.m. Then you walked across the street and sat down to take questions. The next morning you were back at the Prime Minister's Office. Whom did you meet with at these meetings?

• (1405)

**Ms. Erin O'Gorman:** I have not met with the Prime Minister. The Privy Council Office is in that building. I would have been at 80 Wellington to attend meetings with colleagues in the Privy Council Office.

**Mr. Michael Barrett:** None of your meetings at 80 Wellington had any relation to the ArriveCAN scandal or your testimony at this committee.

**Ms. Erin O'Gorman:** No. I have spoken to colleagues in the Privy Council Office about ArriveCAN. Certainly, there's a big public profile to ArriveCAN. They've had questions. However, you're linking specific meetings and specific appearances here that have no relation to one another. I have come to give this testimony free of putting anything by anybody else. The suggestion that I would have been meeting with the Privy Council Office in advance of this meeting is not accurate. My calendar shows many meetings at 80 Wellington.

**Mr. Michael Barrett:** You did meet with people at that office before this meeting, so it is accurate to suggest that. It's an assertion of fact. You just said that it is inaccurate to say that you met there before this meeting.

**Ms. Erin O'Gorman:** But not on ArriveCAN.

**Mr. Michael Barrett:** Well, it's certainly interesting that your appearances at the Privy Council Office or the Prime Minister's Office are directly around your appearances at this committee.

**Ms. Erin O'Gorman:** I think you will see many meetings at 80 Wellington around all sorts of other meetings.

**Mr. Michael Barrett:** You said that you spoke to colleagues in the Privy Council Office about this meeting.

Did you speak about your testimony at this committee with folks at the PCO?

**Ms. Erin O'Gorman:** I didn't say that I met with colleagues about this meeting. I did indicate that I was coming.

**Mr. Michael Barrett:** Just give a yes or no.

**Ms. Erin O'Gorman:** I indicated that I was coming, and I shared my opening remarks with them. They acknowledged receipt.

**Mr. Michael Barrett:** On October 13, 2022, there was a meeting in your calendar with Public Services and Procurement Canada and the CBSA on ArriveCAN.

Did you attend that meeting?

**Ms. Erin O’Gorman:** Can you repeat the title of the meeting?

**Mr. Michael Barrett:** It says, on October 13, 2022, “PSPC and CBSA ArriveCAN”.

Did you attend the meeting?

**Ms. Erin O’Gorman:** I don’t recollect. If it was in my calendar, I likely did. However, I don’t recollect that meeting in particular.

**Mr. Michael Barrett:** It seems that the meeting would have been important to your committee strategy because we have an email on October 21 that says, “Both PSPC and CBSA pushed to have all depts do remarks if they can, for time management and putting our narrative out there”, so it seems like there was a time management strategy developed. It relates directly to your appearance at committee.

Do you have any recollection of it now with that having been offered?

**Ms. Erin O’Gorman:** No, I don’t. I’m sorry.

**Mr. Michael Barrett:** Would you be able to table for this committee the prep materials that you would have had or a slide deck?

Do you have the title of the slide deck on ArriveCAN lessons learned? Are you familiar with that document?

**Ms. Erin O’Gorman:** I am.

**Mr. Michael Barrett:** Could you table that with the committee?

**Ms. Erin O’Gorman:** I believe, if it’s the one I’m thinking of, it was presented to the Treasury Board. However, yes, I can.

**Mr. Michael Barrett:** You undertake to provide that to the committee. Thank you.

The PCO, in the documents that we reviewed, also said that it wanted to review all documentation being requested by the committee. Was the PCO involved with any of the redactions to the documents?

The CBSA was non-compliant with a legal order of this committee to provide full documents. We want to know if the PCO was involved in the restriction of the release of information that was lawfully requested by this standing committee.

**Ms. Erin O’Gorman:** The CBSA makes redactions to its own documents.

**Mr. Michael Barrett:** What was the PCO’s interest, then, in reviewing all of the documentation before it was submitted to the committee?

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

Mr. Sousa, please go ahead.

**Mr. Charles Sousa:** Thank you, Mr. Chair.

Thank you to both witnesses for being here today.

Ms. O’Gorman, has Botler co-operated in discussions? Have you had any discussions with any of the principals?

• (1410)

**Ms. Erin O’Gorman:** I have not spoken personally with either of the principals. As I’ve said, we invited them to provide any material that was pertinent to the investigation. I have received three let-

ters from Ms. Dutt over the course of my time here. I have not spoken to her personally.

**Mr. Charles Sousa:** Among the concerns the committee has is the way it was proceeding or it took shape, as you rightly noted in your opening remarks. They didn’t actually have a contract. In fact, we’re still not really certain as to what they were prepared to do or what was being asked of them, given that they were being proactive in their presentation to government, nor did GC Strategies have a contract. I know there was some inference made to that. Can you explain what has developed here, to your mind?

**Ms. Erin O’Gorman:** In recognizing that there will be further information and an internal investigation, based on the information that I’ve seen there was engagement, with officials from CBSA, GC Strategies, Botler, Coradix and Dalian getting involved in how the work of Botler would be brought to bear at CBSA.

**Mr. Charles Sousa:** That is what was presented to the RCMP, am I not mistaken on that? Is that what was given to them?

**Ms. Erin O’Gorman:** The allegations by Botler were passed to the RCMP.

**Mr. Charles Sousa:** None of that has anything to do with ArriveCAN. Is that correct?

**Ms. Erin O’Gorman:** That’s correct.

**Mr. Charles Sousa:** Okay, so the RCMP is not investigating ArriveCAN, but you are. You’re taking initial steps. Is that correct? Is that what this committee is being apprised of?

**Ms. Erin O’Gorman:** The investigation is looking into procurement practices at CBSA following on, frankly, the allegations that were provided by Botler. Botler brought to my attention some allegations that, if founded, would be extremely serious. Those were the basis for the launch of the investigation. The investigation is pursuing the information, I assume, based on what it is seeing and hearing in terms of the people they talk to and the documents they obtain.

**Mr. Charles Sousa:** Right, and so your disclosure and your engagement is to try to uncover, as much as possible, what has taken place. You’re not trying to hide anything. You’re actually trying to uncover more.

**Ms. Erin O’Gorman:** I want to understand what happened, and I want to protect the integrity of the investigation and give it the time and space it needs to conclude.

**Mr. Charles Sousa:** Mr. Ossowski, can you position what occurred at that time, given the urgency of the pandemic?

**Mr. John Ossowski:** Do you mean the creation of the app?

**Mr. Charles Sousa:** Yes.

**Mr. John Ossowski:** As I said in my opening remarks, it was an incredibly tense moment in history, certainly in the history of the Canada Border Services Agency. No one, I believe, before me had ever shut down the border before and still tried to make sure that commercial trade, and essential food and medicine were coming across.

I was spending a lot of time with my American colleagues to make sure that the messaging was the same. They have a different legal construct in terms of how airports work, but the land border was the primary concern, given that's where most of the commercial trade comes through to Canada and back.

**Mr. Charles Sousa:** Yes, I know, and so it was a massive urgency at a massive border—the largest, I guess, in the world—and you had an issue of public safety at the forefront. Some are suggesting maybe there were too many...or there were some shortcomings in the way things were processed. Can you explain? Were there any shortcomings, in your view, in how it was managed?

**Mr. John Ossowski:** Do you mean in how the application development was processed?

**Mr. Charles Sousa:** Yes—and the procurement.

**Mr. John Ossowski:** As I said in my opening remarks, we got the request, and four days later my team had put together mock-ups of what the application could look like. We already had some basic capabilities on this in the organization, but to do something quickly and get things approved through an app store, both android and Apple, was going to require extra help. The team had something ready to go for a soft launch—I believe it was in the middle of April or just towards the end of April—and then it was fully launched.

It was a very tight time frame, absolutely not normal in terms of the normal way we would procure any IT project or anything like this. Were we running at 150 miles per hour? Absolutely, but this was a pandemic: People were dying. I remember that, at the time when we shut the border, 100,000 people had died—

• (1415)

**The Chair:** I'm sorry, but you are past the time. I'll have to cut you off there, Mr. Ossowski.

Thanks, Mr. Sousa.

Mr. Genuis, we go over to you, please.

**Mr. Garnett Genuis (Sherwood Park—Fort Saskatchewan, CPC):** Ms. O'Gorman, two senior public servants involved in the ArriveCAN affair, Mr. MacDonald and Mr. Utano, provided highly detailed and critical testimony to this committee on November 7, 2023, about what happened with ArriveCAN. They didn't toe the line. They were very critical of you directly as well as Mr. Doan, and indirectly, I think, of Minister Mendicino. My impression is that they did not intend to be critical in particular. However, they simply provided direct and forthright answers to direct questions, and we welcome that from others as well.

In any event, immediately after their testimony it seems that you ordered an investigation related to their conduct. Is that correct?

**Ms. Erin O'Gorman:** No.

**Mr. Garnett Genuis:** You didn't order any investigation after their testimony.

**Ms. Erin O'Gorman:** No.

**Mr. Garnett Genuis:** Their dismissal letters say that on November 27, 2023, they were made aware of an investigation by the Canada Border Services Agency. Were they made aware of an investigation on November 27, 2023?

**Ms. Erin O'Gorman:** In the course of conducting an investigation, at some point, individuals, if there are allegations against them, are formally informed of those allegations. I think what you're referring to—

**Mr. Garnett Genuis:** They were informed that they were the subject of an investigation regarding serious allegations of misconduct, allegedly. They were informed of that on November 27—suspiciously just a few weeks after their testimony before this committee. Are you claiming that information was related to an investigation that was actually launched prior to their testimony?

**Ms. Erin O'Gorman:** It was.

**Mr. Garnett Genuis:** When was that investigation launched?

**Ms. Erin O'Gorman:** There was one investigation launched in November 2022.

**Mr. Garnett Genuis:** Okay, but then they were informed of what, the expansion of that investigation, a part of that investigation, or were they simply informed on November 27, 2023, that they were the subject of particular complaints?

**Ms. Erin O'Gorman:** My understanding is they were informed of the allegations against them, so there was the information—

**Mr. Garnett Genuis:** Were these new allegations or allegations that had been long-standing?

**Ms. Erin O'Gorman:** Botler AI presented allegations to the agency. The investigation that has been followed is consistent with any investigation undertaken by the CBSA and—

**Mr. Garnett Genuis:** Madam, I like direct responses here. What I'm trying to understand is that, a couple of weeks after their appearance before this committee, they were informed of a serious investigation into their own conduct. You're telling us that it just so happened that there were new revelations related to an ongoing investigation.

**Ms. Erin O'Gorman:** I wouldn't say there were new revelations. The investigation—

**Mr. Garnett Genuis:** Then why were they told of this only on November 27? Was information simply kept from them for a long time? You have to agree that the timing is a little bit odd, isn't it?

**Ms. Erin O’Gorman:** I don’t agree with that.

**Mr. Garnett Genuis:** Really?

**Ms. Erin O’Gorman:** The investigation has been carried out consistent with our investigation. I have not spoken to the investigators. The process is such that when people are subject to—

**Mr. Garnett Genuis:** So it’s pure coincidence. They came on November 7 and were very critical of you personally, and then two weeks later—slightly more—they were told that they were under a cloud of investigation. Subsequently you sent a preliminary finding of fact to their bosses, which led to their both being suspended without pay, all in a few months’ succession after their appearance and testimony. Their legal support was withdrawn as a result of a decision you made, which you claim is in keeping with Treasury Board guidelines. All of this was within weeks and months immediately after they came and criticized you at this committee, and you’re telling us that was purely coincidence. Is that what you’re telling us?

**Ms. Erin O’Gorman:** Is the suggestion that I’m interfering in the investigation? There is no information to support that. I’m not speaking to the investigators—

• (1420)

**Mr. Garnett Genuis:** I’m pointing out the timeline, but here’s what I’d like you to do. I’d like you to provide the preliminary statement of fact, which you provided to their superiors, to this committee within 48 hours. Will you undertake to do that?

**Ms. Erin O’Gorman:** I’ll say two things.

**Mr. Garnett Genuis:** No. Will you provide that document?

**Ms. Erin O’Gorman:** The preliminary statement of fact—

**Mr. Garnett Genuis:** Will you provide that document?

**Ms. Erin O’Gorman:** —was at a point in time and, being conscious of my obligations under the Privacy Act—

**Mr. Garnett Genuis:** I’m asking a question.

You talk about your concern about the integrity of the investigation, but you have told this committee—you’ve chosen to publicly testify—that you believe Mr. Utano and Mr. MacDonald have behaved inappropriately. You have said that on the record at the same time as claiming you don’t want to compromise the investigation.

You made the decision to send those letters immediately after they gave testimony at this committee critical of you. If you won’t answer my question, I hope the committee will agree with me to order the production of that preliminary statement of fact that you sent to superiors of Mr. MacDonald and Mr. Utano.

I put it to the committee that we order the production of those documents with 48 hours. That’s not a question. That’s for the chair.

I think I’m out of time.

**The Chair:** We are, but I will ask colleagues: Are we fine?

Mr. Jowhari, did you want to respond to that?

**Mr. Majid Jowhari:** Yes, with the same comment as I did yesterday with Mr. Gord Johns. If we can have it in writing in both official languages, I would appreciate that. As usual, we always sup-

port any type of production of documents. I appreciate [*Inaudible—Editor*]

**Mr. Garnett Genuis:** Thank you. I’ve stated it clearly.

It is the preliminary statement of fact that Ms. O’Gorman sent to the direct bosses of Mr. MacDonald and Mr. Utano that led to their suspension. I’m requesting that the committee order the production of those documents.

**The Chair:** I’m going to interrupt because we’re out of time.

We’re going to try to get that translated and sent around, and perhaps we can address it a bit later in the meeting.

We’ll get the translation sent around to everyone if you could provide and send to our clerk exactly what you’re looking for so we can move forward on that.

**Mrs. Jenica Atwin:** I rise on a point of order.

I’m sorry, Mr. Genuis, could you lean back from the mic a bit when you’re speaking? It’s hard on our ears, and I’m sure it’s hard on interpretation.

**The Chair:** Thanks. We’ll pass it on.

Mr. Bains, we’ll try you again. IT thinks they’ve got you fixed, so please go ahead.

**Mr. Parm Bains:** Thank you. I’m going to go to Ms. O’Gorman.

We know that ArriveCAN is not being investigated. As you’re aware, the Office of the Auditor General has been working on a report on ArriveCAN. The last time she was here, she was disappointed that this matter had not been brought to her attention. Are you keeping in good contact with her office to make sure that she has what she needs for her work?

**Ms. Erin O’Gorman:** Yes, that was my decision not to provide that to the Auditor General at the time, because the allegations related to another contract. In hindsight, I recognize that they were the same individuals and they were the same company. I probably ought to have informed them of that, including the caveat that we knew nothing further.

We have appreciated the work with the Auditor General. Our teams have worked closely with them. I look forward to her report, and I expect that she’ll have some good recommendations.

**Mr. Parm Bains:** You're referencing "the same individuals" and "the same company". Can you name them, please?

**Ms. Erin O'Gorman:** As they've been named here: GC Strategies, among the companies, and the individuals have already been named as well and are included in the email disclosure that was in the package I provided.

**Mr. Parm Bains:** Procurement practices at CBSA are ultimately what we're looking at and what you're looking at. In light of what we've been hearing at committee these past months, do you have faith in your organization's ability overall to follow fair procurement practices? With everything that we've heard, do you think the system is working, and the practices that you're trying to improve...? Are you seeing some changes? Are you bringing changes forward? If you could, maybe share something on that.

**Ms. Erin O'Gorman:** I have every confidence in the people at CBSA, absolutely. CBSA does a lot of procurement of goods and services. There are no specific concerns I have. As regards contracting, staff augmentation, information technology, I have seen that in some cases files were not complete. I've seen engagements with vendors, with contractors, that didn't involve procurement officials—unclear roles and responsibilities. That's what I'm looking to fix.

• (1425)

**Mr. Parm Bains:** I'm going to go back to Mr. Ossowski.

As you know, part of our role here as members of OGGO is to provide recommendations to government. Has your experience in this process, what you've witnessed here and your appearance here led to any insights or recommendations that could improve the procurement process?

**Mr. John Ossowski:** That's a good question. I would say I'm not privy to all of the information that certainly might come up from the Auditor General's work or the work of the procurement ombudsman, but I'm certain that the agency and the government would receive any recommendations to improve procurement gratefully.

**Mr. Parm Bains:** Thank you.

I think we've determined here and from what you mentioned earlier also that the federal information technology project ArriveCAN was developed in record time under dire circumstances and it ultimately saved money over the paper process that involved people filling out forms. It also saved time. Do you feel the decision made at that time provided good value for taxpayers' dollars?

**Mr. John Ossowski:** As I mentioned, I don't think anyone could have predicted how many iterations and versions of the app there would be and all of the different tools that were built into it for things like holding vaccine certificates and people's health care and personal information. It was something that started off as a very modest, simple application to take contact tracing information and pass that along, and it grew into something incredibly sophisticated. From that perspective and as I said to Mr. Jowhari, I think it was definitely more effective than a paper-based process. In retrospect if this were to happen again, I'm sure there were lessons learned about how we would do this better. Other than that, I don't have any comment.

**The Chair:** That is our time.

Thanks, Mr. Bains. Thank you again for your flexibility.

Ms. Vignola, go ahead for two and a half minutes, please.

[Translation]

**Mrs. Julie Vignola:** Thank you very much.

Mr. Ossowski, when did the pandemic officially begin in Canada?

[English]

**Mr. John Ossowski:** That's a good question. I would have to go back and check, but it was somewhere in the middle of March 2020.

[Translation]

**Mrs. Julie Vignola:** Some of the emails we receive mention "MoBo" as early as 2019. I assume this is Mobile Border.

Is Mobile Border the predecessor of ArriveCAN? Did this project exist long before the pandemic?

[English]

**Mr. John Ossowski:** I don't recollect the details of the Mobile Border. I think that was actually for officers to use internally so that they had something as a mobile tool to use when they were going on tour buses. I would have to go back and check with the agency on that one. Perhaps Ms. O'Gorman knows.

[Translation]

**Mrs. Julie Vignola:** Ms. O'Gorman, I'm going to ask you my question about language.

It was said that English was a requirement. I won't go through the whole introduction again, but when I saw that, I thought to myself that, for C, C+ and C# languages, an expert can be French-speaking.

An expert from Quebec or another Canadian province may not express themselves perfectly in English. In fact, I know people who are entirely English-speaking who make mistakes, and not just one per square kilometre.

Why require English when your public servants are supposed to be bilingual, understand both languages and be able to communicate with suppliers in both languages?

**Ms. Erin O'Gorman:** There is a distinction between bilingualism when it comes to applications and services to Canadians and bilingualism when it comes to working in IT.



As I understand it, English is the common language of work in this market. It's the language people work in. That's why we asked that English be mandatory. That was one of the three choices.

This reflects the fact that most people who work in IT work in English. The concepts are in English.

• (1430)

**Mrs. Julie Vignola:** The best IT people—  
[English]

**The Chair:** I'm afraid we don't have time for another question.

Mr. Johns, I'll turn it over to you. Go ahead, please.

**Mr. Gord Johns:** First, I just want to give Ms. O'Gorman a really quick chance to respond to Mr. Genuis's question. She wasn't given a chance to reply, and I don't know if she wants to take that opportunity.

**Ms. Erin O'Gorman:** I would just say that the CBSA is conducting this investigation in the same way that it conducts all investigations. That's very important, and it's important for the people of the CBSA to see that we don't do things differently based on people's levels. The team is carrying out the investigation. There are established steps supported by jurisprudence. I'm not involved in talking to the investigators. I'm certainly not directing anything related to that investigation. I receive updates. When I receive a document, I share it with the relevant deputy heads. We are conducting that investigation in a way that is absolutely consistent with others. The public profile is certainly making it a challenge. We want to wrap it up quickly, and we want all those involved to participate in the investigation and meet with the investigators.

Thank you for the opportunity to make that clear.

**Mr. Gord Johns:** Thank you.

Mr. Chair, I'm going to move a procedural motion from the last meeting. The motion has been circulated in both official languages, and it reads:

That the clerk inform Vaughn Brennan that the committee sends for all records of communications from January 1, 2019 through the present between Vaughn Brennan and Ritika Dutt, Amir Morv, and any other persons acting as or on behalf of Botler AI, including communications by email, call, text message, or any other method, and that the information be provided to the clerk of the committee no later than 12:00 PM EST on February 1, 2024.

**The Chair:** Thanks.

Mr. Johns, I just want to confirm. Is this the one you brought forward yesterday?

**Mr. Gord Johns:** Yes.

**The Chair:** Go ahead, Mr. Sousa.

**Mr. Charles Sousa:** I just want to say that we will support this motion.

(Motion agreed to)

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

Consider it done, Mr. Johns. Thanks very much for your patience with that. You have about five seconds left.

**Mr. Gord Johns:** I would like to move another motion, Mr. Chair, if I could. This motion I would like to speak to as well.

**The Chair:** Mr. Johns, you're basically out of time. We have one more round coming up. Could you do it in the last round, please?

**Mr. Gord Johns:** It is my understanding that I can move motions in my time and that it suspends.

**The Chair:** You were actually out of time. I said you had five seconds. Could you save it for the next round, please?

**Mr. Gord Johns:** Okay.

**The Chair:** We will have time during the meeting, though. You don't have to worry. We're not going to finish right at three o'clock.

**Mr. Gord Johns:** Thank you.

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

Mr. Barrett, please.

**Mr. Michael Barrett:** I'm having a hard time reconciling the fact that you said that you were at the Prime Minister's department but that it wasn't about ArriveCAN. It was immediately before your appearance here. When pressed in my questions to you, you said that you focus-grouped your opening remarks to your colleagues who work in the Prime Minister's department at that allegedly unrelated meeting. I find it hard to believe. I think Canadians would find that hard to believe. Who was at that meeting from the Prime Minister's Office?

**Ms. Erin O'Gorman:** I have not met with anybody from the Prime Minister's Office.

**Mr. Michael Barrett:** My question was this: Who was at that meeting who works in the Prime Minister's Office?

**Ms. Erin O'Gorman:** If you mean the building, I was meeting with Privy Council Office officials.

**Mr. Michael Barrett:** My question is very clear. You were at a meeting. It's in your calendar. You acknowledged that you were at the meeting. Was there anyone from the Prime Minister's Office in attendance at that meeting?

**Ms. Erin O'Gorman:** No.

**Mr. Michael Barrett:** There was no one. Okay. So, it was just the PCO that you focus-grouped your remarks for this committee with.

**Ms. Erin O'Gorman:** The focus group I provided them—

**Mr. Michael Barrett:** On page 180 of the emails that you provided to this committee, it talks about the time management strategy for your appearance before this committee and that the PCO wanted to review all of the documentation being requested by this committee. It's something else that you seem unaware of. You're taking meetings with the Prime Minister's department, the PCO, immediately before and immediately after your appearance at this committee. It's reviewing all of the documentation that's coming from your office, your department, which illegally refused document production orders of this committee. You're telling us that all of these meetings at the PCO that are happening directly around your appearance at this committee are unrelated. You do acknowledge that you did circulate your opening remarks in advance, but there was no discussion at these allegedly unrelated meetings.

Do I understand that correctly?

• (1435)

**Ms. Erin O'Gorman:** I'm not even sure where to begin to answer that. I've attended meetings—

**Mr. Michael Barrett:** The truth would be the best place to start, and that would be a wonderful change.

**Ms. Erin O'Gorman:** I have been absolutely honest and forthright with this committee.

The meeting you're asking about preceded my previous appearance at OGGO. Is that the meeting?

**Mr. Michael Barrett:** Chair, I'm not getting an answer. I'll give the rest of my time to my colleague.

**Mr. Larry Brock:** Ms. O'Gorman, given the extreme seriousness of this matter, with both the RCMP and the Auditor General now investigating this boondoggle of the ArriveCAN app procurement and the \$54-million cost, you surely, as the president of the CBSA, would be keeping your minister, Dominic LeBlanc, the Minister of Public Safety, fully apprised of all developments.

Is that correct?

**Ms. Erin O'Gorman:** I informed the minister that I had received preliminary statements of fact that were of concern and that I was providing them to the deputy heads.

**Mr. Larry Brock:** Did you provide Minister LeBlanc with a copy of those findings?

**Ms. Erin O'Gorman:** No.

**Mr. Larry Brock:** Why not?

**Ms. Erin O'Gorman:** I didn't think he.... He didn't ask for it.

**Mr. Larry Brock:** How many meetings have you had with Minister LeBlanc with respect to this investigation?

**Ms. Erin O'Gorman:** We've had no meetings. I called him to inform him that—

**Mr. Larry Brock:** How many calls have you had with him?

**Ms. Erin O'Gorman:** The one call.

**Mr. Larry Brock:** How many emails have you shared with Dominic LeBlanc?

**Ms. Erin O'Gorman:** I sent him one email.

**Mr. Larry Brock:** Previous to Dominic LeBlanc, Marco Mendicino was in that role as the Minister of Public Safety. Did you communicate with him as well?

**Ms. Erin O'Gorman:** I called him to inform him of the allegations I'd received.

**Mr. Larry Brock:** What was his response?

**Ms. Erin O'Gorman:** He was concerned about the nature of them. He expressed his expectation that I would shore up any gaps, and informed me that I should keep him apprised if there were any developments that he needed to be aware of.

**Mr. Larry Brock:** Were all of your communications via telephone or email?

**Ms. Erin O'Gorman:** I don't recall emailing the previous minister. I may have.

**Mr. Larry Brock:** If you did, you will look back at your email chain with respect to both ministers and you'll provide copies to this committee within seven days. Is that okay?

**Ms. Erin O'Gorman:** Yes.

**Mr. Larry Brock:** Lying before this committee has become a serious problem with a number of witnesses. It's almost a culture of lying and deceit. Although you have not been sworn to tell the truth, there is the presumption that you are telling the truth when you appear at committee.

Mr. MacDonald, a now suspended public servant over the ArriveCAN app, said that you lied, specifically targeting you for a mistruth that you provided to committee this past fall.

Have you told the committee the truth and nothing but the truth today?

**Ms. Erin O'Gorman:** I have told the committee the answers to the questions truthfully and to the best of my recollection.

**Mr. Larry Brock:** Thank you.

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

We're going to Ms. Atwin now, please, for five minutes.

**Mrs. Jenica Atwin:** Thank you, Mr. Chair.

I just have one quick question for Ms. O'Gorman, and then I will be directing most of my questions to Mr. Ossowski.

I have one piece that I'm confused about. When the contract was cancelled with Botler, was it due to issues with deliverables, or was it because of the misconduct allegations that came forward?

**Ms. Erin O'Gorman:** My understanding is that it was cancelled because the CBSA didn't feel it had a need to continue with the contract. I don't know the details. I don't know who made that decision, but that's my understanding.

**Mrs. Jenica Atwin:** Okay.

Mr. Ossowski, do you have any additional comments to add to that?

**Mr. John Ossowski:** No. In fact, I have no recollection of the contract or the task authorizations with Botler. The meeting I had with them, when I got the demo, was my interaction with them. There were some subsequent emails back and forth that we talked about the last time I appeared, but that's it. I wasn't involved in the task authorizations.

• (1440)

**Mrs. Jenica Atwin:** Thank you.

I would just like to remind our whole committee about the Treasury Board contracting policy. Ideally, we want government contracting to be conducted “in a manner that will stand the test of public scrutiny in matters of prudence and probity, facilitate access, encourage competition, and reflect fairness in the spending of public funds”. In other words, we want it to be fair, open and transparent.

Mr. Ossowski, in your view, has scrutiny of the ArriveCAN procurement process or allegations of wrongdoing from Botler revealed any shortcomings of the federal integrity regime for public procurement?

**Mr. John Ossowski:** Since I've retired and those investigations were started internally with what Ms. O'Gorman is doing within the agency, and then the procurement ombudsman and the Auditor General.... I'm sure they will find things that could be improved in the process, but I think it should be caveated with what was happening at that particular point in time.

**Mrs. Jenica Atwin:** Okay. Thank you.

It's been argued at this committee and in the news that staffing firms like GC Strategies bring no added value to government projects like the ArriveCAN app, and yet they received contracts worth millions of dollars for this specific project. Can you explain, just from your point of view, what value, if any, staffing firms bring to government projects?

**Mr. John Ossowski:** I think you've heard testimony from several witnesses that getting qualified to access the government contracting regime is burdensome and complicated. It's not just about security screening. There are all kinds of things around intellectual property and access to buildings. It's very hard for small, individual firms to do this on their own. They go to these staffing agencies, these people who have specific skills and talent, and make themselves available to these firms that do qualify to provide these services.

The government uses these services regularly for unique skill sets. Mr. Johns has been on record that public servants should be doing this, and I agree. Quite frankly, if I had to have a recommendation around this, it would be that public servants should be doing what I would call “run”, which is maintaining the systems, patches and things like that, and the private sector should be used for bringing in innovation. That's where there's probably a shift that I think would be beneficial.

**Mrs. Jenica Atwin:** Excellent. Thank you.

Mr. Barrett alluded to a potential document on ArriveCAN lessons learned. Again, in your opinion, based on your experience, even with this committee, what lessons should the CBSA have

learned from the ArriveCAN project regarding the use of intermediaries like GC Strategies or in process in general?

**Mr. John Ossowski:** I think all the investigations and audits that are being conducted right now will yield all kinds of lessons learned for the agency to take on hand, and I'm sure they will.

**Mrs. Jenica Atwin:** Great. Thank you.

Lastly, is there anything that you personally would have done different in this situation in hindsight? You know, hindsight is 20/20; if we could look back and fix things. Would you personally have done anything different as the acting president?

**Mr. John Ossowski:** I'll start with a bit of a joke: I would wish that I never opened up the president of the Public Health Agency's email asking for an app.

**A voice:** So do a lot of Canadians.

**Mr. John Ossowski:** That said, we were moving very quickly. Everybody was making their best efforts to respond to the Public Health Agency's requirements here to get this information. I'm grateful for and very proud of what the agency did during that period of time.

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

We'll go back to Mr. Genuis, please.

**Mr. Garnett Genuis:** Thank you very much, Chair.

Can I ask a question of both our witnesses, just very briefly? Minh Doan has said that he is proud of the ArriveCAN app. Is that your position as well? Are you both proud of the ArriveCAN app?

**Mr. John Ossowski:** I'll start.

Yes, I'm very proud of the app. If I may, I would just expand on that a little bit.

**Mr. Garnett Genuis:** I don't have a huge amount of time, so give me your—

**Mr. John Ossowski:** I'll be very quick.

The future of travel, and many countries are doing this, is all reliant on an application of this nature. Getting advance information on people is critical to the border functioning—

**Mr. Garnett Genuis:** My question was about the ArriveCAN app specifically, but thank you for your response, Mr. Ossowski.

Go ahead, Ms. O'Gorman.

**Ms. Erin O'Gorman:** We continue to use it on a voluntary basis. About 300,000 travellers a month are using it.

**Mr. Garnett Genuis:** Are you proud of it?

**Ms. Erin O'Gorman:** It worked. It performed. It did its job. There's a separate question relating to—

**Mr. Garnett Genuis:** It's just a yes or no: Are you proud of it?

**Ms. Erin O'Gorman:** Yes.

**Mr. Garnett Genuis:** Okay.

I'll go back to my previous line of questioning.

Ms. O'Gorman, I think you understand that when it comes to issues of conflict of interest, public servants have to avoid the reality and the appearance of conflict of interest. I think a similar principle would apply to professional retaliation. It's important to avoid the reality and the appearance of people facing professional retaliation for speaking to this committee. By analogy, sometimes the horse's head is in the bed just because it's a convenient place to put it, but more often than not, it might be interpreted as a message.

We had at this committee, on November 7, Mr. MacDonald testifying that you and CBSA lied about who was responsible for choosing GC Strategies. Twenty days after that, they received a letter saying they were under investigation. This was a new letter to them. About a month after that, they were advised that you had made the decision that their legal fees would not be covered.

You can tell us that this was not professional retaliation for their testimony before the committee. Whether it was purely intended as retaliation or not requires us to assess your motivation, which is something that's obviously difficult to do externally. But don't you think it obviously looks like retaliation, and would likely have the effect of chilling public servants who would otherwise be interested and willing to come before this committee to give honest and frank testimony? Doesn't the fact that so shortly after their testimony, you made the decision to pull the support for their legal fees, and they received a letter saying they were under investigation, which led to their being suspended from their jobs without pay, have at least the appearance of professional retaliation against them and their careers as a result of testimony they gave to the government operations committee?

• (1445)

**The Chair:** I'm sorry. Let me just interrupt.

Mr. Sousa, do you have a point of order?

**Mr. Charles Sousa:** Yes. If Mr. Genuis could just step back a bit.... It's very statically when he speaks so close to the mic.

**The Chair:** Thank you.

Mr. Genuis, go ahead.

**Mr. Garnett Genuis:** My question was for the witness.

Go ahead.

**Ms. Erin O'Gorman:** I'm not retaliating against anybody. I'm trying to find out what happened.

**Mr. Garnett Genuis:** Do you think it looks like retaliation that these events that had severe negative implications for their careers happened to occur immediately following their testimony before this committee?

**Ms. Erin O'Gorman:** I'm confident that all decisions that were taken were taken by the accountable people.

You referenced legal fees—

**Mr. Garnett Genuis:** I'm confident that you're not answering the questions, though. This isn't my first committee hearing and this isn't your first committee hearing. My question was the following. Would you not agree that this looks like a scheme to retaliate and

punish public servants who were critical of you, your leadership and others within CBSA?

**Ms. Erin O'Gorman:** You're suggesting that it is, and I'm telling you that I'm not retaliating against anybody.

**Mr. Garnett Genuis:** I don't really believe you, but in any event, it sure looks that way.

Can you provide some other explanation as to why immediately after they came to this committee they said they were threatened by other public servants and that nothing was done on that? They said that you and others had lied to this committee, and then you're the one who gets to decide whether or not the department covers their legal fees, and you, perhaps unsurprisingly, make the decision to pull their legal fees.

Doesn't that look like you made a decision to punish people who criticized you at a parliamentary committee?

**Ms. Erin O'Gorman:** I approved their legal fees for their first appearance. I received no requests. I have no—

**Mr. Garnett Genuis:** Yes, you approved their legal fees before they appeared and they're coming back to this committee.

**Ms. Erin O'Gorman:** Can I just get back to my response?

**Mr. Garnett Genuis:** I'll give it to you in a moment.

They came to this committee. They were supported with their legal fees before they appeared, but after you heard what they said, you pulled their support. The next time they come before this committee, they will not have the support for their legal fees as a result of the decision you made, because now you know what they're going to say. Is that not the case now?

**Ms. Erin O'Gorman:** No. They have not asked for legal support for their appearance and they have been encouraged to make that request so that I can render an answer for that. They have not asked for legal fees for their appearance before this committee coming up.

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

We're going now back to Mr. Bains, please.

**Mr. Parm Bains:** Thank you, Mr. Chair.

I believe I'm ceding my time to Ms. Atwin.

**Mrs. Jenica Atwin:** Thank you.

We've talked a lot and we've kind of gone in circles a little bit on some of these questions today.

I really want to thank our witnesses for your patience, for your tenacity. It hasn't been easy.

I also would like to caution some of our colleagues on the committee for some of the harshness of their words and insinuations. We really need to be careful about how we conduct ourselves, and we need to treat our witnesses with respect, because they've given their time to come here today.

Again, I think each of us wants to get to the bottom of this. I think that's the point of what we're trying to do, and I think it can be done in a manner that's becoming of parliamentarians.

In saying that, Ms. O’Gorman, I asked Mr. Ossowski if he would have done anything different during that experience. You’re here in the seat now. You’re in this important role. You’ve already initiated some key changes around procurement moving forward, which I think is great. Are there any other lessons that you can take away from this?

• (1450)

**Ms. Erin O’Gorman:** I think every day the people of CBSA are doing outstanding work.

I’m very concerned about the public nature of this investigation. I ask myself whether anything could have been done.

It was duly provided to the professional standards people, who have undertaken an investigation. I’ve assured myself that the process is consistent with any investigations they would undertake in the CBSA; I need the people of the agency to have confidence in these processes. That is my absolute preoccupation.

We have discussions about accountability, about values and ethics. The people of the CBSA are doing excellent work, and it’s an organization of accountability. People in the CBSA—frontline officers—take decisions every day, and they have those decisions tested in court. It’s an organization that understands accountability.

I’m trying to get to the bottom of what happened. I’m impatient to do so, and I regret that the people involved have to have the added stress of the public aspect of this. I look forward to a final investigation and, as I’ve said, I will take any additional actions that support any of the findings of that.

**Mrs. Jenica Atwin:** Thank you.

Do you as a witness, as someone appearing before a parliamentary committee like this, have any kind of general comments? How has your experience been?

**Ms. Erin O’Gorman:** It’s difficult to be accused of lying in a general sense. As I’ve said, I’ve provided truthful testimony. I have provided and continue to provide the materials that were requested, and I stand ready to continue answering questions.

**Mrs. Jenica Atwin:** Thank you.

Mr. Ossowski, now that you are again kind of on the other side of things, I think about what lessons you would really like us to learn. I was going to ask this question, but as far as recommendations moving forward go, we have a couple of reports we’re looking forward to. We have the Auditor General’s report. We’re to look into procurement processes more broadly as far as the ombudsman’s report goes. I’m wondering what the main takeaway for us is. What do you want us to have taken from these few months of discussions? What can we as committee members and as parliamentarians do better?

**Mr. John Ossowski:** That’s a good question. The only thing I would offer to the point of my colleague Erin is that these processes take time. The committee is hungry for all kinds of answers and information, and I totally understand that, but I think there’s an appropriate balance to be struck in terms of ensuring a fair process for all of the people involved. I think some thought could be given to that in terms of the demands for information versus the due process that needs to unfold.

**Mrs. Jenica Atwin:** Thank you.

Ms. O’Gorman, you alluded to the idea that we need to have faith in disciplinary processes as well. Each of us needs to be assured that if there’s wrongdoing, you will have to meet the decision and you’ll have to feel the repercussions of that. I have faith that’s going to happen and I’m just wondering if you have faith that will happen as well.

**Ms. Erin O’Gorman:** That will happen.

**Mrs. Jenica Atwin:** Great.

Those are all my questions.

Thank you very much.

**The Chair:** You’re just on time.

Thanks very much.

Ms. Vignola, go ahead for the final two and a half minutes.

[*Translation*]

**Mrs. Julie Vignola:** Thank you, Mr. Chair.

First I want to complete the comment I wanted to make earlier.

When we establish as a language requirement that it’s mandatory to be anglophone and that bilingualism is optional, we send French-Canadian or Quebec experts, who are usually bilingual, the message that, no matter how good they are in both languages, it will probably never be enough.

Canada is willing to do without a potentially world-class expert in any subject. Indeed, this requirement to speak English is common, not just in IT; I’ve seen it everywhere. So Canada is prepared to do without an expert because, according to the government, the expert doesn’t speak the “right language”. That’s how it’s repeatedly interpreted, not just in IT, but elsewhere too.

We have to be sensitive to that, because experts don’t just speak one language. There are Spanish or Japanese experts who don’t speak English and who still do high-level IT work. I just wanted to make that comment.

That said, is it usual to see the same teams working with the same suppliers, as we see in the case of Botler AI and ArriveCAN? Is that typical, given the nature of these contracts?

• (1455)

**Ms. Erin O’Gorman:** I’m not sure I’m in a position to answer definitively. It’s a matter of perception. Entrepreneurs—

**Mrs. Julie Vignola:** Okay. Thank you.

As for lawyers, since Mr. Utano and Mr. MacDonald no longer work for the Canada Border Services Agency, but for two other organizations, why do you still have to give authorization or not, and not their current supervisors?

**Ms. Erin O’Gorman:** It’s because it involves activities that took place while they were at the agency.

**Mrs. Julie Vignola:** Is it possible that the lawyers for these people sent legal opinions to other witnesses to tell them to keep quiet or to withdraw their statements without your being informed?

**Ms. Erin O'Gorman:** If it happened, I wasn't informed.

**Mrs. Julie Vignola:** Thank you.

[English]

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

Mr. Johns, go ahead, please.

**Mr. Gord Johns:** Chair, thank you very much.

I'm going to get back to the opportunity to table that motion.

I put three motions on notice. This is the first motion I would like to move, and I would like a chance to speak to this motion. It's timely today, given that the CEBA loan extension ends today. I'm going to read it into the record:

Given that 900,000 small businesses in Canada risk closing because of the government's unwillingness to extend the CEBA repayment deadline, that the committee report the following to the House, within the first 5 sitting days following the adoption of this motion:

That it is the opinion of the committee that the government should extend the loan repayment period, including the deadline for accessing partial loan forgiveness, for at least another year to ensure small businesses can continue supporting local economies and good-paying local jobs.

Mr. Chair, could I speak to the motion now?

**The Chair:** Yes. Go ahead.

I've started a speaking list.

Go ahead.

**Mr. Gord Johns:** Okay. Thank you.

First, the deadline is today. We know there are 200,000 businesses that the CFIB has identified that just can't repay the loan and won't be able to meet the deadline today. These are businesses that closed their doors to protect public health.

You've heard me at committee, citing that the PBO costed out what the one-year extension would cost. It's roughly a 4.2% decrease of outsourcing costs to the highly paid consulting firms that are getting contracts with the government. This is outsourcing that doubled under the Conservative government when they were in power and has gone up fourfold under the Liberal government.

A 4.2% decrease in outsourcing would cover the cost of the extension. Small businesses and their workers are the backbone of the Canadian economy. They provide good-paying jobs. They're jobs with flexibility and familiarity that aren't possible in many corporate settings and jobs in rural and remote places, where other work just isn't available. They aren't giant businesses full of corporate headquarters in Courtenay or Bowser.

Many of my constituents are employed by small and medium-sized businesses. They hold up the local economy, provide essential goods and services, and give locals much greater commerce options. In every community in Canada, small and medium-sized businesses are essential to the culture and community. They sell local goods. They provide community centre services. They offer

meeting places and celebration spots. They offer artists a chance to share their work and fund their passion.

During the pandemic, like I said, small businesses around the country stepped up. They closed their doors to protect public health. They lost income for long periods to save Canadian lives. They took on losses to keep their workers employed.

It's not just COVID. They've faced so many hardships in the last few years, from supply chain issues to climate emergencies like the fires in my riding of Courtenay—Alberni. Many of these small businesses were already operating on razor-thin margins. With so much lost revenue over the last few years, they need help catching up.

They closed their doors to protect public health. Many of them took on losses to keep their workers employed. Communities, especially rural ones, depend on local business, and so do the people employed by them. The CEBA program has been an absolute lifeline for these businesses, and we need to make sure that it doesn't turn into an even worse hardship for them.

Data from the CFIB, like I said, found that losing the forgivable portion puts the future of up to 200,000 small businesses in jeopardy. It found that only one-third of the businesses say they have the money to repay their loans for today's deadline. One-third say they don't have the money and they plan to borrow, which is extremely costly to them. One-third say they don't have the money and can't secure a loan. Extending the deadline would give these businesses one more year to keep reducing their principal without being burdened by ever-increasing....

If the Liberals keep refusing to extend the deadline with the forgivable portion intact, these businesses will have to find even more money to spend on interest. That will force them to make hard choices that could put their workers' jobs at risk.

The Liberals have been outright refusing this extension and the Conservatives have been absolutely silent. It seems like they both don't want to admit the truth out loud. They don't want to support small businesses right now, but they have no problem helping rich corporations live high on the hog.

Instead, the deadline needs to be extended to allow them to spend the money they need on scaling up, keeping their workers employed and making investments that benefit their local economies. We can't fully calculate the economic and social benefits of these businesses remaining open and putting that money into their businesses and communities, instead of interest payments, but we know it's huge.

I'm asking the committee to support this motion in support of small business people in their riding and doing the right thing. If they go to any restaurant in their riding, they're going to find it's having challenges recovering from COVID-19. Many businesses in the hospitality industry have not even made a dent in repaying their loans. They're just finding their feet now.

I'm urging the committee to support this motion.

• (1500)

**The Chair:** Thanks, Mr. Johns.

The motion has been distributed in both official languages.

Mr. Sousa, go ahead.

**Mr. Charles Sousa:** Thank you, Mr. Chair.

I appreciate the NDP putting forward a motion that reaffirms and describes the CEBA program—and its importance—which was brought forth to help hundreds of thousands of businesses keep afloat during a time of tremendous uncertainty during the pandemic. I have a few amendments that I have already discussed with Mr. Johns, and I would like to submit them to the clerk. I will submit them in both English and French. I would prefer to move them in a block, but I'm prepared to move them separately as well.

My first amendment is to note that businesses are still recovering from the aftermath of COVID and to note that the government has previously extended the CEBA deadline twice. I would add the words “in Canada risk closing”, and then remove “that” and add “due to the economic aftershocks of the COVID pandemic”. I would add the word “deadline” and the words “for a third time”. I can elaborate further when I read it in full.

My second amendment would be to add the language of reaffirming the value of CEBA and calling for a government response to report to the House. It would add at the end of the motion “and reaffirms the value of these programs to small business owners, and Canadians across the country, and that the committee call for a government response to its report.”

My third amendment acknowledges the actions of Conservatives over the course of the pandemic and the continued scapegoating of pandemic programs as drivers of inflation. It would add “for a third time, given the fact that we've extended it twice before, and given the Conservative leadership's description of pandemic supports like CEBA as 'big fat government programs' and numerous occasions on which the Conservative Party of Canada voted against pandemic support programs that supported Canadians and Canadian businesses”.

I would be happy to move these amendments as a block for the sake of time, but I'm also prepared to do them separately, Mr. Chair.

• (1505)

**The Chair:** Thanks, Mr. Sousa.

Mr. Genuis.

**Mr. Garnett Genuis:** Thank you, Mr. Chair.

I'd like to address a couple of things that are happening.

First, we have this kind of manufactured disagreement between two coalition partners. If these issues around small business were priorities for the NDP they could have or should have put these things forward as part of their coalition deal. It would be a welcome change if this government started paying attention to the concerns of small businesses. We know that small businesses have been treated brutally under this government.

The disdain this government has shown goes back to calling small businesses tax cheats. The Prime Minister's own words, in fact, suggest that many small businesses are simply, in many cases, wealthy Canadians trying to avoid taxes. He knows a thing or two about wealthy Canadians trying to avoid taxes normally, but in this case he's dead wrong, of course. Small businesses are the lifeblood of our economy, and small businesses, taxpayers and Canadians of all backgrounds have experienced the pain associated with the radical economic agenda of the NDP-Liberal government.

Of course I have a great deal to say on that subject. I would also add that the proposal from Mr. Sousa to require a government response to this report is not about actually getting a government response. It's about inserting a 120-day delay before this issue can be considered by the House in a concurrence motion, which Mr. Sousa or whoever made this recommendation to him knows.

The idea that there's some urgency for us to pass this today, that this committee needs to vote on this motion today is not going to impact the timeline, because if the government were going to extend it, the government would need to extend it. The government has, by all indications, chosen not to do it. This is not a government that listens to small business. The best we could hope for through this process would be that this would be reported to the House. It wouldn't be reported to the House substantially after the deadline. Certainly, if Mr. Sousa were successful with his amendment, the earliest time the House could pronounce itself on this matter would be months and months from now.

This is being done at a time when, unfortunately, our ability to ask critical questions to very senior public servants who are under a cloud of significant suspicion has been limited. I'm happy to debate this government's economic agenda and how poorly they've treated small businesses, but we have an urgent matter related to the ArriveCAN situation. It's an urgent matter that follows not only \$54 million spent on an app but also the RCMP investigating some of the related contractors, with middlemen receiving large amounts of money for no work. It's also senior public servants accusing each other of lying and apparent retaliation for testimony given at parliamentary committees.

In that vein, Mr. Chair, I want to identify not just that I think it is time as part of these hearings that we hear from ministers. I know I can't move a motion and I don't think you need a motion for that, but significant questions have been raised in this discussion among public servants that need to be answered by ministers. I hope you would choose at some point soon to invite the Minister of Public Safety, the Minister of the Treasury Board, and the Minister of Public Services and Procurement to appear before the committee and help us unravel some of the contradictions we've heard among senior public servants. Also, we'd like to find out to what extent they have been privy to the conversations around ArriveCAN and some of the retaliatory actions taken against public servants.

I also hope at some point we will be able to hear from the minister at the time, Mr. Mendicino.

Mr. Chair, over the course of this hearing I have been reflecting on things related to the issues around retaliation against public servants.

• (1510)

I would like to raise a question of privilege. You can advise me on the appropriate procedure around this, Mr. Chair. My view is that it is a critical privilege of committees and of parliamentarians to be able to call witnesses and hear from witnesses, and for those witnesses to be able to present their information without being subject to retaliation and intimidation. When witnesses are subject to retaliation and intimidation, it limits the rights and privileges of committees because it constrains our ability to actually hear and receive accurate and truthful testimony.

It's clear to me from the series of events we have seen, if not direct, intentional retaliation, certainly a strong appearance of retaliation, which will cast a chill on the ability of this committee to hear from public servants. We want to be able to have public servants come before the committee and simply tell us what they're hearing. I think now that is going to be constrained as a result of the fact that senior public servants have retaliated against those who have given direct and frank testimony. I think this is a matter that does touch on the privilege of members of Parliament, so I want to put that on the record as well.

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

Mr. Johns, be really quick, please.

**Mr. Gord Johns:** If Mr. Genuis is fine, then I'm fine.

**The Chair:** Thanks.

Mr. Genuis has raised a question of privilege. Privilege issues have to take precedence, and unfortunately it does adjourn the debate. We will take up this motion on Mr. Sousa's amendment at our next meeting, but privilege issues have to take precedence.

**Mr. Garnett Genuis:** Mr. Chair, I just have a point of order.

If the matter of privilege is dealt with, then we go back to it.

**The Chair:** We'll resume debate on Mr. Sousa's amendment after we have dealt with the issue of privilege.

Mr. Genuis has raised a question of privilege. The *House of Commons Procedure and Practice*, third edition, page 1060, de-

scribes my role as chair of the committee in entertaining a question of privilege.

The Chair of a committee does not have the power to rule on questions of privilege; only the Speaker has that power. If a member wishes to raise a question of privilege during a committee meeting, or an incident arises in connection with the committee's proceedings that may constitute a breach of privilege, the committee Chair allows the member to explain the situation.

I will do that in a moment.

The Chair then determines whether the question raised in fact relates to parliamentary privilege. If the Chair determines that the question does relate to parliamentary privilege, the committee may then consider presenting a report on the question to the House.

Mr. Genuis has referred to allegations that the campaign of retaliation and intimidation against the two individuals who have appeared as witnesses at our committee, Mr. MacDonald and Mr. Utano, is in connection with the evidence they have given to committee. Bosc and Gagnon, on page 115, explains that.

Just as prima facie cases of privilege have been found for the intimidation of Members and their staff, the intimidation of a committee witness has also been found to be a prima facie breach of privilege.

I'm satisfied that Mr. Genuis has raised a matter that relates to parliamentary privilege. Accordingly, I invite him to move the motion and speak on it. However, before I do, I will suggest that we dismiss our witnesses, Ms. O'Gorman and Mr. Ossowski, so that we can attend to this privilege issue.

Witnesses, thank you for joining us again.

Mr. Genuis, please go ahead.

**Mr. Garnett Genuis:** Thank you, Mr. Chair.

Just out of respect for the discussion that was going on previously, I hope we can deal with this issue quickly, but it is a very serious one. I hope we can get some consensus. I would simply propose that we ask the chair to prepare a report that lays out the simple facts of the case and to report it to the House.

**Mr. Gord Johns:** Mr. Chair, I rise on a point of order. The CE-BA loan extension deadline is today. The member talked about urgency, but he's not talking about small businesses and the urgency they have. They're sweating it out. I had a constituent of mine call me crying yesterday about the deadline and the impact that it's having on his mental, financial and physical relationships and health. It's a matter of urgency. I know the Conservatives do not support small businesses—

• (1515)

**The Chair:** Mr. Johns, I'm sorry to interrupt you. I understand what you're saying. We will get back to the motion immediately, hopefully, if we can dispose of the question of privilege.

Unfortunately for this case, under our rules, the question of privilege and the issue around the intimidation of a witness have to take precedence, but the rules do state that as soon as we can deal with this as a very simple motion from Mr. Genuis, we will return immediately, and, hopefully, today—because we do have resources and we can continue for a bit longer on Mr. Sousa's amendment—to your very important motion, and I do take note of the date of January 18.

We have Mr. Sousa on the question of privilege.



**Mr. Charles Sousa:** We had Ms. O’Gorman come forward requesting an in camera opportunity to discuss these matters a bit more openly, and now we have a situation where we’ve just sent her away. It’s interesting that we want privilege when in fact it was broken when she was prepared to appear to discuss this matter.

I’m a bit concerned now that we are in fact manipulating and prejudicing the integrity of the investigation. I think it’s unfortunate that these procedures are taking place. We have motions before the House. The fact that something is taking precedence over the other is I think a bit confusing for all who are watching and trying to understand, because of some of the urgency that’s being brought forward. I need clarity as to what is taking place here. Why did we let go of someone who is appearing before us at the request of the committee and we didn’t finish off that discussion? Why are now putting forward something that may provide the way that may very well hurt the integrity of the investigation and jeopardize the procedure?

Why we aren’t giving Mr. Johns the respect he’s requesting in respect to his amendment that he put forth prior to Mr. Genuis and the amendment that I put forward as well, Mr. Chair?

**The Chair:** Thanks, Mr. Sousa.

Go ahead, Mr. Johns.

**Mr. Gord Johns:** We just spent an hour and 57 minutes asking questions of witnesses here today at this committee at an emergency meeting on a constituency week. It’s not like we’re not giving this issue a priority. We are giving it a priority. We met yesterday, another day where meetings weren’t scheduled in a constituency week. I have 31 communities in my riding. I’m missing events all over my riding because this issue is an emergency.

I bring forward another emergency with a deadline of today that impacts 200,000 businesses across this country and the Conservatives want to play games. That’s exactly what’s going on here. I would move that we call a vote on the question of privilege.

**The Chair:** We can get to that after we finish our speaking list.

Mr. Genuis.

**Mr. Garnett Genuis:** Just very briefly, Mr. Johns, I agree with part of what you said. Let’s proceed to complete this matter, and then we’ll immediately return to your issue.

If I believe there is a breach of privilege, I am required procedurally to bring it forward immediately. I didn’t make the rule that it takes precedence, but we’ll complete this and then we’ll go to the next. It’s an important issue. I’m done. Let’s proceed to a vote if necessary or simply adopt it and move on.

**The Chair:** It’s back to you, Mr. Johns.

**Mr. Gord Johns:** I absolutely want to come back to this. Mr. Chair, if he felt his privilege was being breached, why didn’t he bring it up before? Why did he have to wait until there was going to be a discussion and a vote on extending the CEBA loans and a call from this committee on the government to do such a thing with a deadline? Why did he have to wait until this motion was brought forward?

**The Chair:** Seeing as we do not have any more on the speakers list, we will go to a vote.

Before we do so, can I get you, Mr. Genuis, just to reiterate the motion?

**Mr. Garnett Genuis:** I move that we ask the chair to prepare a report that lays out the simple facts of the case and report it to the House.

• (1520)

**The Chair:** We’ll proceed to the vote.

**Mr. Majid Jowhari:** I’d like a recorded vote, please.

(Motion negated: nays 6; yeas 4)

**The Chair:** We are returning to Mr. Johns’ motion with Mr. Sousa’s amendment.

Mr. Johns, I see your hand. We’ll start a speaking list.

We probably have resources for about another 15 minutes.

**Mr. Garnett Genuis:** Mr. Chair, I have a point of order.

Can you advise me on the procedural aspect of this? We’ve raised a question of privilege, and the committee has defeated the privilege motion. Does that effectively kill consideration of the privilege issue, or does that open the door for an alternative privilege motion to be raised?

I’m a bit perplexed by this in that we clearly have an issue where the privileges of members are under threat. We would have easily moved on to the other item if we had been able to adopt a privilege motion of some sort. The defeat of it leaves me wondering whether we have any alternative remedy available to us, or if it’s simply inferred to be the will of the two parties that voted against it to essentially shut down this issue.

**The Chair:** Let’s suspend for a few seconds.

I will confer with our clerk, and I will advise you.

• (1520)

(Pause)

• (1520)

**The Chair:** Thanks for your patience, colleagues.

The advice I am given is that it’s treated like a regular motion. Another question of privilege can be brought forward, but it would have to be substantively different from the first one.

**Mr. Garnett Genuis:** I have a point of order to clarify that.

Is it that the motion would have to be substantively different, or the question of privilege would have to be?

**The Chair:** The question of privilege is treated similar to a motion—

**Mr. Garnett Genuis:** Okay, so we have the NDP-Liberal coalition killing the privilege issue for the time being.

• (1525)

**The Chair:** Yes, that would be correct.

Do you have a point of order, Ms. Vignola, or do you want to be added to the speaking list for the debate on Mr. Sousa's amendment?

**Mr. Garnett Genuis:** I have another point of order, Mr. Chair.

[*Translation*]

**Mrs. Julie Vignola:** I would like to have the amendment in writing, in French and English, so I can read it and understand it properly, because I'm visual and better at reading.

[*English*]

**The Chair:** I'm sorry. Is that on Mr. Sousa's amendment?

[*Translation*]

**Mrs. Julie Vignola:** Yes.

[*English*]

**The Chair:** Mr. Johns, is it a point of order, or is it to continue the debate on Mr. Sousa's amendment?

**Mr. Gord Johns:** I would like to speak to that, but I think we should suspend while Ms. Vignola gets a chance to look at the motion.

**The Chair:** Okay, but that's not a point of order.

Mr. Sousa, do you have it in writing in both official languages so that you can forward it to the clerk?

**Mr. Charles Sousa:** I do and I will forward it to you now.

**The Chair:** It's coming out now, so why don't we move on to Mr. Genuis?

Did you have a point of order, Mr. Genuis?

**Mr. Garnett Genuis:** It's okay. Add me to the speaking list, please.

I wanted to see the amendment in writing, but I understand that's....

**The Chair:** We'll suspend for a couple of seconds to get the amendment out in writing to everyone. Then we'll have Mr. Johns speaking on the amendment, Mr. Genuis and perhaps Ms. Vignola.

• (1525)

(Pause)

• (1525)

**The Chair:** The amendments have been circulated.

I have a speaking list. I have Mr. Johns and then Mr. Genuis.

Go ahead, Mr. Johns.

• (1530)

**Mr. Gord Johns:** First, I want the opportunity to respond to Mr. Genuis about the fact that today at OGGO, we're having an emergency meeting about studying an urgent matter. As I said, we've spent an hour and 57 minutes discussing this matter. We met specifically today and yesterday, on constituency weeks, because it's so urgent. This is an urgent matter for those 200,000 businesses facing this deadline today. This could cost hundreds of thousands of jobs.

I know the Conservatives don't support CEBA. They should just come out and say it. On merchant fees, they fought hard. They did not stand up for lowering merchant fees for small businesses. They sat idle on that. They lowered corporate taxes by 5% for large corporations, but only 1% for small businesses. I know this. I was a small business owner and I ran a chamber of commerce. They should come clean on this.

I hope they will support this amendment and this motion, and that we can support small businesses.

I'd like to move to call the vote on the amendment right now.

**The Chair:** We cannot go to a vote while we still have a speakers list.

We'll go to Mr. Genuis and then to Mrs. Vignola.

**Mr. Garnett Genuis:** Thank you, Mr. Chair.

This has been really disappointing, I have to say. I was very clear.

I'm sorry; I'll just stand back here. I've been away for four weeks, and I've missed committees so much. Now I'm excited.

We had an opportunity today to do two things at once: to recognize the important issues raised by my privilege motion and also to deal with Mr. Johns' motion.

I put forward a privilege motion because I believe that the privileges of members of Parliament are now under threat. They are under threat because we have a situation in which people came before our committee and provided frank and candid testimony in which they were critical of other public servants and, indirectly, a minister. They did so in response to questions that were asked. They weren't particularly critical in their opening statements, as I recall, but they gave frank answers in response to frank questions.

Immediately after that, those individuals were subject to severe retaliation: the extremely rare situation of public servants' being suspended without pay. This is what happened to Mr. MacDonald and Mr. Utano. We're concerned about what this does for them, but this particularly raises significant questions about the integrity of our democratic processes.

We have been trying to get to the bottom of what happened in the ArriveCAN scandal. We have had people, public servants and consultants repeatedly lying and accusing each other of lying before this committee. Creating an environment in which witnesses can appear and can speak the truth and be protected while they speak the truth is going to be our only way of getting to the bottom of what happened. As such, I raised a privilege question, which, according to the rules—which I did not make up—takes precedence over the motion that was on the floor. I intended to do that in my final round of questions. However, Mr. Johns moved a motion beforehand.

Mr. Johns says that he wants his motion on CEBA dealt with. Well, if we had gone to the vote and had passed the motion related to recognizing the abuse of privilege that took place, then we would have immediately returned to Mr. Johns' motion. I certainly would have been favourably disposed to wanting to work collaboratively on that.

Mr. Johns chose to throw in his lot with the increasingly evidently corrupt Liberal government in choosing to bury that question of privilege. Liberals and New Democrats voted together to kill that question of privilege, which means that we will not be able to proceed, at least on that particular question of privilege, and address this issue moving forward. It is gravely concerning to me that we have Liberals and New Democrats trying to bury this issue of retaliation against public servants who speak out. It suggests to me that Liberals and New Democrats don't want to get to the bottom of what happened with ArriveCAN. They don't want public servants to feel comfortable telling the truth. Instead, they want public servants to feel intimidated, to worry for their jobs, and to, therefore, come here and toe the party line.

That's not what I want. What I want is public servants feeling that they can be frank and honest and that, when they're frank and honest before a committee, they will be protected. It was clear to me today from the testimony that we received—from the witnesses that were before us—that they could provide no explanation for why witnesses, immediately after they appeared before this committee, received letters telling them that they were under a cloud of investigation. Subsequently, they had support for their legal fees pulled. Now they are on leave without pay.

We have retaliation against public servants who come before committee and try to provide frank answers to clear questions. What is the government trying to hide and bury on this?

• (1535)

**Mr. Gord Johns:** I have a point of order, Mr. Chair.

Is there relevance? I'm speaking of relevance here in terms of the CEBA loan deadline today for 200,000 small businesses that are sweating it out. What is the relevance?

**Mr. Garnett Genuis:** I have the floor, Mr. Chair.

It's not a point of order.

**The Chair:** Mr. Johns, go ahead.

**Mr. Gord Johns:** Is it my turn to speak, or are we—

**The Chair:** Well, no, it's—

**Mr. Garnett Genuis:** It's not your turn to speak. It was a point of order.

**The Chair:** Mr. Genuis, please.

Mr. Johns, are you finished with your point of order? I'm sorry. There's been a bit of conflicting—

**Mr. Gord Johns:** Yes.

**The Chair:** Thanks. I appreciate your point of order. We always allow wide latitude for relevance.

Mr. Genuis, continue.

**Mr. Garnett Genuis:** Thank you, Chair.

If this were about a sincere attempt to address both issues, we could have addressed both issues. I would have been happy to work with Mr. Johns to adopt an agreeable privilege motion, and then to work on a motion that addresses the very serious issues he's raised with respect to CEBA. Instead, we have before us this nonsense Liberal amendment designed at inserting explicit political attacks into the text of a committee motion. This is obviously ridiculous. Liberals would no doubt much rather be throwing nonsense attacks at the Conservative leader than doing the hard work of governing the country or helping us get to the bottom of what happened in the ArriveCAN scam. Unfortunately, Mr. Johns is playing into their hands here.

I would prefer that we adopt the privilege motion and kill these silly amendments from Mr. Sousa. Then we can—

**Mr. Gord Johns:** I have a point of order, Mr. Chair.

The Conservatives went for the throat with Mr. Utano and Mr. MacDonald, and today they're saying they're here to protect Mr. Utano and Mr. MacDonald.

**The Chair:** What's your point of order, Mr. Johns?

**Mr. Garnett Genuis:** It's debate.

**Mr. Gord Johns:** He's talking about a question of privilege, but seriously, you can't make this stuff up.

Anyway, that's my point of order.

**The Chair:** That's not a point of order, but I appreciate your comments.

Continue, Mr. Genuis.

**Mr. Garnett Genuis:** Chair, although it wasn't a point of order, I will respond to what Mr. Johns said.

Conservatives on this committee are committed to getting to the truth and to establishing the conditions in which witnesses can come and deliver frank testimony, in which hopefully they deliver honest testimony, in which, yes, they can be asked hard and tough questions. I think Conservatives have asked tough questions of every witness who has appeared before this committee. We've pressed Mr. MacDonald on his claims. We pressed Mr. Doan on his claims. We pressed Mr. Firth, and so on and so forth.

It's not about being for or against one witness or another witness. We believe, though, that every witness should be protected in their ability to come before this committee, to receive appropriate support in the process and to not be subject to retaliation after that. If a witness comes here under conditions such that they worry about employment consequences for telling the truth, then we have a grave problem for the health of our democracy.

I think what ArriveCAN revealed is that we do have a grave problem for the health of our democracy.

We have Liberals and New Democrats working together, prepared to prevent questions of privilege of parliamentarians from being considered and going forward. The idea that this was about getting to CEBA.... We were already on the vote. Whatever happened at the vote, it was going to be done after that anyway. Mr. Johns still chose to vote against the privilege motion, so he has to be held accountable for being part of this cover-up, part of failing to support our motion to actually allow this issue to be properly considered.

Further to that, we have these amendments.

Mr. Sousa was a finance minister in Ontario at one time, and I'd certainly be happy to discuss the record of the Wynne government when it came to negative impacts on small business. I wonder if some of my Ontario colleagues will have things to add to that. He has put in this motion and tried to make it partisan by adding obvious nonsense, political-attack language.

It's clear that the Liberals would rather be purveying these kinds of attacks than allowing the committee to continue to do the important work it has been doing on ArriveCAN or doing the necessary work towards achieving consensus around this issue.

Just to reiterate, in terms of the timelines on CEBA, extending the CEBA loan deadline is a decision that would have to be taken by the Government of Canada. The executive would have to take that decision. Nothing this committee could do would prevent the government from making that decision one way or the other. Small businesses that are concerned about any aspect of the agenda of this government, including the CEBA extension, need to know that it is the Liberal government that is responsible for setting and maintaining this deadline. It is the Liberal government, supported through a coalition agreement with the NDP.

Mr. Johns wants to be up on a high horse and say that we need things for small business. The Liberals are ignoring small business.

He needs to go talk to his leader, his House leader, and he needs to ask them why they continue to give the Liberals a blank cheque

Why is the NDP so terrified of facing voters that they will give Liberals a blank cheque? That's what this really comes down to. Mr. Johns can say all he wants about motions at committee, but it is a decision of the executive whether or not it will grant this extension. It depends only on the House insofar as the House decides whether or not it has confidence in the executive.

Our position is clear as it relates to confidence. We do not have confidence in this government. We have voted non-confidence, I think, more or less, at every opportunity we've had. We did it hundreds of times in the fall, and the opposition is clear: We do not have confidence in this government. We think Canada needs a new government.

The NDP members have a different position. The NDP members have confidence in the government and they repeatedly vote confidence in the government in spite of their crocodile tears over the impacts of this government's policies on small businesses.

● (1540)

I would challenge the NDP members that if they are serious about wanting to do something for small business, they should join us in expressing non-confidence in the worst government small businesses have ever had to deal with.

Again, anybody who is concerned about the impact of this government's policies on small business should join us in voting non-confidence in a government that has been the worst for small business of any government in Canadian history. The NDP members will not do that but will instead try to cover for their failures.

**The Chair:** Mr. Genuis, I'm going to interrupt. Unfortunately we are past our time and we are out of resources.

I am adjourning.







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