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

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Chair: Mr. Robert Morrissey



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• (0820)

[English]

**The Chair (Mr. Robert Morrissey (Egmont, Lib.)):** Good morning, committee members. I call the meeting to order. The clerk has advised that we do have a quorum.

Those appearing virtually have been sound-tested. We still have one minor issue with a witness, but we'll see how it goes.

Welcome to meeting number 105 of the House of Commons Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities.

Today's meeting is taking place in a hybrid format. People are attending in person and virtually using Zoom.

You have the option to speak in the official language of your choice. In the room, interpretation services are available by using the headsets and selecting the language of your choice. If you're appearing virtually, click on the globe icon on the bottom of your Surface, and choose the language of your choice. If there is a breakdown in interpretation services, please get my attention. If you're in the room, raise your hand. If you're appearing virtually, use the "raise hand" function. We will suspend while it is being corrected.

For the protection of our interpreters, I would also like to remind those appearing in the room to please keep earpieces away from the microphones because it does cause popping and can lead to hearing issues for our translators.

Please direct all comments through the chair.

Pursuant to the order of reference of Tuesday, February 27, 2024, the committee will begin its study of Bill C-58, an act to amend the Canada Labour Code and the Canada Industrial Relations Board Regulations, 2012.

Before I recognize the witnesses, I will mention that we have three new members joining us for Bill C-58: Madame Vignola, Mr. Boulerice and Mr. Sheehan.

Welcome to the committee.

On our first panel, we have, from Unifor, Lana Payne, national president; and from the Public Service Alliance of Canada, we have Chris Aylward, national president; Liam McCarthy, director, negotiations and programs branch; and Daniel Fisher, acting director. Appearing virtually, from the Fédération des travailleurs et travailleuses du Québec, we have Mr. Bolduc, general secretary.

We'll begin with five-minute opening statements. Mr. Aylward will be doing it on behalf of the Public Service Alliance of Canada.

We'll begin with Unifor and Lana Payne for five minutes, please.

**Ms. Lana Payne (National President, Unifor):** Thank you very much.

Honourable members of the committee, I'm here today as president of Unifor, representing 315,000 workers across this country, including almost 70,000 in the federally regulated private sector, such as air, road, rail and marine as well as telecommunications and media.

I want to thank you sincerely for the opportunity to speak on Bill C-58 and the urgent need for anti-scab legislation in Canada. I also want to sincerely thank MPs of all political parties in the House of Commons who unanimously voted in favour of the legislation at second reading. Now we need to get the job done.

Peaceful labour relations in Canada, and indeed all over the world, rely on the principles of fair and free collective bargaining. These principles have improved the living and working conditions for Canadian workers over many decades. No country has achieved shared progress and prosperity for working people without strong unions and strong collective bargaining laws. Our ability to bargain in a framework that truly respects the voice and power of working people has historically been the only way to raise standards for all workers, unionized or not.

Our union bargains a collective agreement practically every day of the week in Canada, as do all other unions. The majority of those negotiations are concluded without a labour dispute. In rare cases of labour disputes, many employers engage respectfully in the process, including by refusing to use scabs. Of course, both sides engage in hard bargaining. That is, after all, part of the process. But still we have employers who refuse to respect the rights of workers in Canada and who behave as if workers do not have constitutional rights. This is what brings me to the important need for Bill C-58 to be adopted as law as quickly as possible.

I have a current example to raise with you involving an employer who mostly operates in the federal jurisdiction, but this case involves a small group of workers under a provincial certification. On February 27, the first day of a perfectly legal strike, Autoport, a subsidiary of the very profitable CN Rail, brought replacement workers across the picket line, aggressively undermining the fundamental right to strike of 239 Unifor members in Nova Scotia. The scabs are still doing the jobs of our members today, including 71-year-old Heather Wildsmith, who has worked at Autoport since 2015. She is a mom and a grandmother with five beautiful grandchildren. She works hard every single day and takes great pride in her work.

While at the bargaining table with us and a federal conciliator, CN was hiring and training scabs to do our members' jobs. This is not fair and free collective bargaining.

CN is also a member of FETCO, which has vocally and actively lobbied against not just this legislation but also workers' right to strike in Canada. Suffice it to say that their recommendations, which you will likely hear, would render this legislation, and indeed collective bargaining rights for workers, completely meaningless.

Here I want to be very clear: The path proposed by FETCO leads to chaos, make no mistake about that. It will force working people and their unions to resort to more direct methods to enforce our collective rights, causing major challenges for employers, labour peace, workers and governments alike. It will not lead to the labour peace that they suggest it will. Indeed, it will lead to the exact opposite.

Legislation to ban replacement workers is needed because the use, and the threat of the use, of scab labour during disputes undermines workers' constitutionally protected right to collectively bargain; undermines our constitutional right to strike; prolongs labour disputes six times longer when replacement workers are used; removes the economic pressure that workers have in negotiating with employers; increases conflict and violence on picket lines; jeopardizes workplace safety; destabilizes normalized labour relations; and creates, I would add, poisonous and toxic workplaces after the fact.

It also removes incentives for employers to negotiate and settle fair contracts where they should be settled—at a bargaining table. Voting for Bill C-58 is, in Unifor's opinion, the very least that elected officials can do.

• (0825)

I thank you again for the full support you gave this legislation at second reading. It modernizes Canada's labour relations system to reflect the current social and economic context of our times, where increased corporate power and wealth require an effective counter-balance.

Quebec and British Columbia, as you know, have similar laws, and have had them for many years. Manitoba has just announced that it will be doing so as well.

Bill C-58 must pass and be implemented without delay—not 18 months from now, and not a year from now.

Thank you very much for hearing from me today. I'll be very happy to take any questions you may have.

[*Translation*]

**The Chair:** Thank you, Ms. Payne.

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

[*English*]

**Mr. Chris Aylward (National President, Public Service Alliance of Canada):** Thank you, Mr. Chair.

Good morning, and thank you for the opportunity to address the committee.

The Public Service Alliance of Canada is one of the largest unions in the country, representing over 260,000 workers. Of these members, several thousand work in the federally regulated private sector and will be directly impacted by Bill C-58. These members work at airports, military bases, for courier companies, at ports, harbours, for indigenous governance organizations, and in the three territories.

For example, I've just returned from British Columbia, where our members, who work for IMP Aerospace repairing search and rescue helicopters, and who are governed under the Canada Labour Code, are currently at the bargaining table.

Progressive and effective legislation to ban replacement workers has been a long-standing demand of trade unions across the country. PSAC was pleased to see the introduction of Bill C-58. It's almost there.

We are proposing four simple changes that will make this legislation truly effective in levelling the playing field and ensuring free and collective bargaining for all workers governed in the sector.

First, the use of replacement workers drags out labour disputes and divides communities, pitting workers against each other. PSAC members experienced this recently during the Iqaluit Housing Authority strike. Workers were on the picket line for over four months, while their employer brought in replacement workers to do their jobs, instead of sitting down and negotiating with them at the bargaining table.

This playing field is only levelled if the prohibition on the use of scab labour is complete. Bill C-58, as currently written, leaves many avenues open for employers to bring in others to do the work of striking employees, which is not in keeping with the goals of the legislation. We recommend that the bill be amended to increase the scope of prohibitions on performing struck work.

Second, as written, the legislative changes don't come into effect until well past the next election. This is unacceptable, and it should be possible to bring the maintenance of activities proposals into effect within 90 days of royal assent, and no longer than nine months for the anti-scab provisions.

Third, the language in the bill around the use of dependent contractors is confusing. The legislation must explicitly specify that dependent contractors, who are employees of the bargaining unit, cannot perform struck work.

Finally, the time frame for decision-making regarding essential services is too long. The Supreme Court has clarified that essential services should not hinder or delay a worker's right to strike. The proposed 90-day time limit for the Canada Industrial Relations Board to conduct hearings and render decisions in the event of a dispute between unions and employers over essential services is simply too long.

These are our four proposed changes. Remove the exemptions on who can perform struck work. Shorten the time frame until the act comes into force. Specify that dependent contractors cannot perform struck work. Reduce the time for decision-making by the Canada Industrial Relations Board for essential services agreements.

This will make the Canada Labour Code a robust, fair and future-proof piece of legislation that will bring balance to the workplace.

I would be remiss, however, if I didn't comment that the Canada Labour Code only regulates the working conditions of about a million workers in this country. It is imperative that anti-scab laws be implemented across the entire country. While this body doesn't have the power to make such rules for the provinces, you do have the power—and I do ask you to use it—to amend the Federal Public Service Labour Relations Act, and to ensure that scab labour is not used to subvert bargaining for the 400,000-plus workers employed by the government and its Crown corporations and agencies.

In fact, when I leave this room, I'll be heading directly to a picket line for the staff of our non-public funds. These workers provide critical supports to Canada's armed forces. They've been on strike for more than two months, because their employer—an agency of the federal government—has refused to return to the bargaining table with a wage offer that shows these workers respect and, instead, is spending funds hiring replacement workers to do their jobs. It is a glaring example of why this legislation is needed, and why it needs to be expanded.

Thank you for your time. I'll look forward to your questions.

● (0830)

[*Translation*]

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

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

● (0835)

**Mr. Denis Bolduc (General Secretary, Fédération des travailleurs et travailleuses du Québec):** Good morning, Mr. Chair and hon. committee members.

Thank you for giving the Fédération des travailleurs et travailleuses du Québec, the FTQ, the opportunity to speak to Bill C-58. The FTQ represents 600,000 workers in Quebec across all sectors, including some federally regulated businesses. We have members who work in ports, telecommunications, cable, airports and rail, among others. Currently, we have two groups that are locked out in federally regulated businesses: Videotron employees in Gatineau, very close to here, and the longshoremen at the Port of Quebec, who have been locked out for 18 months.

The FTQ applauds the current government's decision to introduce a bill to prohibit the use of scabs in the event of a dispute, be it a lockout or a strike. For years, and I would even say a few decades, the central labour body has been calling for this kind of legislation. I would also say that it's one thing to introduce a bill, but it's another thing to get it passed. However, we must pass this bill very quickly, because we've been waiting for it for a long time. It must be passed during the current Parliament, and to that end, the FTQ is asking all parliamentarians from all political parties in the House of Commons to lend a hand.

Bill C-58 has been a long time coming for the FTQ. It will improve the collective bargaining process, because scabs are being used far too often. They undermine the settlement of collective agreements by prolonging disputes. That's a proven fact. Bill C-58 restrikes a certain balance of power between workers and employers. I'd say that the bill gives real meaning to the fundamental right of association and strike, which is recognized and has been recognized in recent Supreme Court of Canada decisions.

Yes, we at the FTQ are happy. In December 2022, we submitted a brief as part of the consultation conducted by Employment and Social Development Canada. In it, we addressed our general requests for the introduction of a bill. Now that the bill is being studied, it's most important that Parliament be able to pass it quickly. In that regard, I will propose the amendments that are most important to us.

First, the bill seeks to protect workers in federally regulated industries from the use of scabs during a strike or lockout. We find it hard to understand why employees of the federal public service and employees of Parliament are excluded from the bill in its current form. They should be protected like all other workers. It may have been an oversight or a mistake, but it can easily be corrected.

Second, we're concerned about the proposed new clause 94(5) of the Canada Labour Code. Reading that paragraph, we could conclude that just before starting negotiations, an employer can call on subcontractors and that the employees of that subcontractor can perform the duties of workers who are locked out or on strike, or perform similar tasks. It makes no sense to us. In the text of the bill, it would be a bit like giving an employer planning a lockout a recipe for using scabs without them being considered scabs within the meaning of the act. This clause is of great concern to us. We believe it should simply be removed from the bill.

Third, with respect to the act coming into force, there is an 18-month period between the day it receives royal assent and its effective date. We believe that the new act should come into force as soon as it receives royal assent, since it doesn't require the implementation of a complex organizational structure and, in our view, there's no reason for an 18-month delay.

I'm available to answer your questions.

Thank you again.

● (0840)

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

[*English*]

We will begin with Mrs. Gray for six minutes, please.

**Mrs. Tracy Gray (Kelowna—Lake Country, CPC):** Thank you, Mr. Chair.

Thank you to all of the witnesses for being here today.

My first questions are for Mr. Aylward, please. Thank you for being here and for your comments today.

I want to ask you about replacement workers. We've seen them in a number of different forms in a large number of sectors.

Mr. Aylward, a member of your board of directors, Mark Weber, who is the president of the Customs and Immigration Union, recently appeared at the Standing Committee on Public Accounts. He said, "we believe the goal of the app is to replace officers."

Do you agree with Mr. Weber that the goal of the \$60-million ArriveCAN app was designed to replace officers?

**Mr. Chris Aylward:** I can't comment on that. I don't know. Mr. Weber is certainly in a better position than I am to respond to that.

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

Have you heard from workers about their concerns that outsourced contractors and consultants may be utilized to replace them? Is that something you hear from your workers?

**Mr. Chris Aylward:** Yes, that is a major concern within our membership.

**Mrs. Tracy Gray:** What kind of comments do they bring forth with you on that specifically? Would you please elaborate?

**Mr. Chris Aylward:** For example, the folks I'm going to see right after this meeting who are on strike are non-public funds employees. They work for an agency; they're not part of the federal public service.

The members whom I talked about out in Comox in British Columbia work for IMP Aerospace. Why don't they work for the Government of Canada? Why are they under the thumb of a contractor? They're federal public sector workers. The work needs to be done within the federal public sector, obviously, repairing military aircraft, especially search and rescue helicopters. Why are they under IMP? Why are they not under the Department of National Defence? They work for a contractor. They should be federal public sector workers.

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

Mr. Weber from your board of directors also said at that meeting:

Once the ArriveCAN app came in, members brought concerns forward to the union, which we tried to bring to the employer. Really, there seemed to be no willingness to take our input. Had our members been consulted early on, I think a great deal of what happened would not have happened.

Do you agree with Mr. Weber that the government could have avoided wasting the \$60 million in taxpayer dollars outsourcing contractors and consultants and replacing government workers had it consulted internally with CBSA workers or their IT workers?

**Mr. Chris Aylward:** Absolutely, 100%. Any time the government moves forward with a project and they don't consult the unions, it usually turns into chaos, a disaster.

It's just like the Phoenix pay system. All kinds of promises were made about the savings of the Phoenix pay system. The Phoenix pay system now is costing Canadian taxpayers \$3 billion and growing. The Phoenix pay system is still not fixed.

Little consultation means disaster. Any time you don't consult when union members are involved in that project, it's going to be a disaster, just like ArriveCAN and the Phoenix pay system.

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

There's another major government IT project under way. It's the largest IT project in Canadian history. It's the benefits delivery modernization program. We know right now that it is massively over budget and delayed. We know that there are a lot of outsourced contractors and consultants also being used for that. Would that be a concern of yours?

**Mr. Chris Aylward:** Again, any time you go outside and do any kind of contracting out and you're not consulting with the people performing the duties, then it's going to be a disaster. Studies have shown time after time that contracting out public sector work costs more money, doesn't come in on time and is done more poorly. That's what we advocate for. Keep it in-house. Why are we doing all of this contracting out?

**Mrs. Tracy Gray:** Would you feel that a number of government workers might be feeling undervalued when there seems to be no willingness by the government to take their input or utilize their skills? Do you think that it's demotivating and that they're feeling undervalued?

● (0845)

**Mr. Chris Aylward:** I think anybody would feel demoted or devalued. If I'm sitting here, and it's my job to do these duties, and somebody else has been hired from outside as an external contractor to oversee these duties or do the same duties, that can be very demoralizing. There's no doubt about that.

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

On that note, we've heard through Stats Canada reports as recently as 2023 that over 4.1 million people indicated they're experiencing high or very high levels of work-related stress, representing 21.2% of all employed people. Do you think the workers you represent may be having work-related stress from feeling replaced and unappreciated by the government spending billions on outsourced contractors and consultants?

**Mr. Chris Aylward:** Any time any government contracts out, the anxiety level rises within the employees, and understandably so. It's always, "Am I next?" Yes, any time a government contracts out public service work, the anxiety level definitely increases. There's no doubt about it.

[Translation]

**The Chair:** Thank you, Ms. Gray.

[English]

We'll go to Mr. Collins for six minutes.

**Mr. Chad Collins (Hamilton East—Stoney Creek, Lib.):** Thanks, Mr. Chairman.

Welcome to all of our witnesses here today for this very important issue.

Coming from the city of Hamilton, I've had the honour and the privilege of working with unions for my entire adult life as an elected representative. I'm very well aware of the importance of legislation that protects workers' rights. This one certainly falls into that category.

Ms. Payne, you touched on this in your opening, but five minutes doesn't give you a lot of time to really get into the weeds on it. Can you talk about how the use of replacement workers undermines bargaining rights?

**Ms. Lana Payne:** Absolutely. Thank you very much for that.

Between 2011 and 2022 in the federal jurisdiction, in terms of the number of labour disputes we had during that period, 40% of the time employers used scabs. When they do that, they feel they don't have to sit down and work out a collective agreement at the bargaining table. This circumvents and prevents them from really doing what needs to be done, which is respecting the workers and bargaining with the workers who have a union in that workplace.

Right now, the case of the CN dispute at Autoport is a perfect example. These workers, by the way, off-load luxury vehicles. This is

not exactly something in the national interest that someone gets their Lamborghini very quickly. This is exactly what they do. These are very expensive vehicles, whether it's Porsches or whatever the case may be, and this employer, instead of sitting down and bargaining a fair collective agreement with our members—which, by the way, is also an indication of respect for those workers—chose, on the first day of the dispute, to bring replacement workers in to do that job.

This is going to prolong this dispute. We've already been on a picket line for a month there now. It is demoralizing for workers when they have to experience that. It gives them a sense that the rules don't work for them: I've given up my paycheque to try to put economic pressure on this employer, and they get to counteract by replacing me with people to do my work. Until that is removed, we're not going to have what I would call fully fair and free collective bargaining in this country.

Of course, we have many employers who would never do that. We deal with them every day of the week. We just had auto negotiations, as you all know, last year. We were able to bargain historic collective agreements for our members. That is having a ripple impact on how we lift up other workers throughout this sector, including non-union workers, those at Toyota and Honda who got pay raises because of the work we did at a bargaining table. We had short strikes during that. Not once would those employers consider bringing scabs across the picket line.

So we have some employers who play by the rules, and then these over here who do not.

**Mr. Chad Collins:** I'm sure you're well aware of that bogeyman argument out there that says prolonged strikes lead to higher prices and all kinds of economic disruption in the economy. Can you comment on that in terms of allowing for the process that you just talked about, and how important that is in terms of respecting workers' rights, and also speak to the issue of those who would say that prolonged strikes lead to disruption in the economy and higher prices?

● (0850)

**Ms. Lana Payne:** The problem is the hiring of replacement workers, which prolongs the dispute. Then, you get into a situation where you have more lost days of work as a result of that; whereas, if you're using every incentive possible.... By the way, we have a great team of people in the federal jurisdiction who work as federal conciliators to help parties reach agreements.

The odd time you do get strikes. We had one in the seaway last year. You're all aware of it. It lasted a week, and our union made sure that we got back to the bargaining table. This strike was the first one in 55 years. That should tell you that there is a problem.

When you can bargain collective agreements time and time again, and then all of a sudden you end up with a dispute, which was the first one in 55 years, something builds to that. In this case, it was a very toxic workplace. The only way these workers felt they could get that addressed was to withdraw their labour. By the way, we did get it addressed, and we worked well with the federal government and the federal conciliators to get that dispute resolved.

However, this has also been the problem. Many of these federal employers have always felt that they had two things in their back pockets. They could hire replacement workers, or they felt that the government would intervene on their behalf and would legislate workers back to work and would send it all to binding arbitration. As a result, they never felt that they had to come to the table and bargain fairly.

Now, those things are changing, so you're obviously going to have employers saying that the sky is falling. I would say to you that it is not going to fall. We are going to have a better labour relations system in Canada as a result of this legislation.

**Mr. Chad Collins:** That was very well said.

I think I have about a minute left.

You talked about increased conflicts and violence that come with strikes and the use of replacement workers.

For me, I've seen so many instances in the city of Hamilton in different sectors where the use of replacement workers has led to damage to the relationships among the employer, the unions and the employees, which has lasted over a decade, and probably for decades.

Can you talk about that, in terms of what happens after there is an agreement, in instances where replacement workers have been used, and the relationship, then, on a go-forward basis among those three parties, if you want to call them that?

**The Chair:** Thank you, Mr. Collins and Ms. Payne.

The time has gone by. I have to ensure that everybody gets their time.

[*Translation*]

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

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

Ms. Payne, Mr. Aylward and Mr. Bolduc, thank you very much for being with us today.

Mr. Bolduc, I'm pleased to meet you today. I'm the daughter of a proud member of the United Steelworkers Local 5778 on the North Shore. My father was heavily involved in the union and I fully understand the struggle you're waging. These are the deceased United Steelworkers Local 5778 members who also paved the way for progress on the Act respecting Occupational Health and Safety in Quebec. The work of unions is very important, and we have to recognize that.

You talked about a measure that's provided for in the current bill, the possibility of hiring subcontractors who could do the work during a strike or lockout. I also saw that when I read the new

clause 94(5) that Bill C-58 would add. Can you tell us what consequences the use of subcontractors could have on the duration and resolution of a labour dispute, as well as on the employer's resolve and desire to sit down at the bargaining table?

**Mr. Denis Bolduc:** Thank you, Mrs. Vignola.

After reading the bill, particularly that proposed clause, I used the word "recipe" in my presentation, since this subsection would be tantamount to giving an employer who plans to lock out its employees a recipe to avoid being accused of using replacement workers as defined in the bill. Indeed, an employer who intends to lock out its workers in its contingency plan to force them to accept what they consider unacceptable could decide, based on this clause, to hire one or two subcontractors before sending its notice to bargain. According to the terms of the bill, the employees of that subcontractor would not be considered scabs, even if they performed the tasks assigned to the workers or similar tasks. At least that's our understanding of that clause. Certainly, if an employer applies this provision and uses this trick or recipe, the consequence is that the dispute will last a long time. The employer will be able to prolong the dispute, since there will be people performing the duties of the workers it has locked out.

● (0855)

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

When I gave part of my speech on this subject, I was told it was against the law. So do you think that the clause the bill proposes to add doesn't comply with the letter of the law and that the bill currently contains an aberration?

My question is for the three unions.

**Mr. Denis Bolduc:** I'd say that this paragraph should be removed because it goes against the objective we're seeking to achieve by passing legislation to prevent the use of scabs. They say they're trying to restore the balance of power between workers and their employer, but at the same time they're providing a way around the objective they're trying to achieve. That makes no sense to me.

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

Ms. Payne and Mr. Aylward, do you share that opinion and do you find that proposed clause 94(5) of the bill goes against the spirit of the act?

[*English*]

**Mr. Chris Aylward:** Yes. If it's left in there, then it's a workaround for employers.

[*Translation*]

**Mrs. Julie Vignola:** All three of you mentioned that an 18-month period between royal assent and the act taking effect was unacceptable. What do you fear if the 18-month waiting period is maintained?

I'll start with you, Mr. Aylward.

[English]

**Mr. Chris Aylward:** This legislation was needed yesterday. There's no need to delay this legislation as long as has been suggested in the piece of legislation. As I said in my submission, when you really look at what would be a reasonable time frame—and I understand it can't be done immediately—when you look at it with respect to what really needs to get done to get this implemented, basically it will take nine months. After royal assent, it should take no more than nine months, because, yes, there is maintenance of activities that would have to go in the legislation and that sort of thing, but waiting 18 months and beyond is totally unacceptable.

[Translation]

**The Chair:** Mr. Boulerice, you have the floor for six minutes.

**Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP):** Thank you very much, Mr. Chair.

I'm extremely pleased to be here with you today to study this crucial bill. This is an extremely important bill for the rights of workers in federally regulated businesses.

By way of introduction, I'd like to remind you why we came up with a government bill today that proposes anti-scab measures and that's been long awaited by the labour movement and workers for decades.

After a minority government was elected in 2021, the Liberals and the NDP decided to enter into negotiations and reach a support agreement to ensure that Parliament could function and remain stable. One of the NDP's conditions was that anti-scab legislation be adopted. That would be a first, because the Conservatives and the Liberals had always rejected anti-scab legislation.

So we forced the Liberal minority government to agree to introduce anti-scab legislation. This bill may not be perfect and it needs improvement, but for the first time in the history of federal politics, we have the opportunity to protect workers' right in a labour dispute, be it a strike or a lockout.

We in the NDP are proud to have been able to force the Liberal government's hand and have this discussion today. We're proud to finally have the opportunity to avoid prolonged conflicts, to avoid conflicts with a great deal of tension, to avoid upsetting the balance of power between the union bargaining unit and an employer who, by using replacement workers, is preventing free collective bargaining and acceptable, constitutional pressure by workers.

Mr. Bolduc, we met a few years ago. You were president of the Journal de Québec union during a labour dispute. The situation was under provincial regulation and raised the important issue of remote work. In fact, the Quebec legislation included the concept of “establishment”, which made failing to report to the physical workplace a way to circumvent anti-scab provisions.

I'd like you to tell me how important it is, especially after the pandemic and given how many people work remotely, that this concept of establishment not be included in the current federal bill in order to protect workers who perform their duties remotely, online.

• (0900)

**Mr. Denis Bolduc:** You're so right, Mr. Boulerice. Back then in 2007 and 2008 at Journal de Québec, the employer was using workers outside the establishment, but the wire from their computer was entering the building to let them perform the duties of the locked-out workers, of whom I was one. As a result, we had a 16-month conflict. Had the employer not had that option, I'm convinced that the dispute would have been much shorter and would probably have lasted only a few weeks.

It's therefore important to consider new work realities in 2024 in an effort to properly enforce a law like this one. Just cross the river to Gatineau, where over 200 workers from the Canadian Union of Public Employees, which is affiliated with the Fédération des travailleurs et travailleuses du Québec, are currently locked out. These individuals work mainly in a call centre for Videotron, a subsidiary of Quebecor, the same employer that locked out the Journal de Québec workers. If the concept of “establishment” means a building made of bricks and stones, that employer can use people in Africa, Egypt, Europe or South America to perform the duties of workers who are locked out. So it's crucial that this reality be considered.

In your opening statement, Mr. Boulerice, you talked about the current minority government situation. That's why I emphasized on two or three occasions in my opening remarks how important it is that this bill be passed in the current Parliament.

**Mr. Alexandre Boulerice:** Thank you, Mr. Bolduc. Indeed, the NDP is in as much of a hurry as you are. In any case, this is a bill that should have been introduced 20 or 30 years ago. Quebec passed a bill like this almost 50 years ago, and so did British Columbia. We've seen the impact of that.

You started talking about the current situation. I'll talk to Mr. Aylward about that as well later on. What are the consequences right now of the absence of anti-scab legislation for Videotron workers in Gatineau and for longshoremen at the Port of Quebec, who have been locked out for 18 months?

Their situation is dire. The employer has no incentive to come back to the bargaining table if the labour dispute has no impact on it because it can use workers who do the same job while others are on the street for months. It's quite insulting and difficult for these longshoremen and—

• (0905)

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

[English]

I'll go to Madam Ferreri for five minutes, please.

**Ms. Michelle Ferreri (Peterborough—Kawartha, CPC):** Thank you, Mr. Chair.

Thank you so much to our witnesses here today. I really appreciate the work you do to stand up for our working-class families across this country. It's much appreciated.

Mr. Aylward, I appreciate your testimony today and some of the things you've said. One of the questions I have for you is this: How would you define the difference between a replacement worker and hiring outside consultants?

**Mr. Chris Aylward:** You're not going to hire a replacement worker unless you're on strike. You're going to hire a contractor to do this job 12 months of the year. There is the difference.

A replacement worker is going to be called in to do my job, while I'm out striking on the picket line. Things continue to go, to move. The difference between a replacement worker and a contractor is that with that contractor, I'm never going to get that job back. The strike is over. Hopefully, I'm going to be able to go back to my job, and that replacement worker will be gone. However, if you bring in a contractor to take my job, I'm never getting that job back.

**Ms. Michelle Ferreri:** You would say that a contractor or a consultant is worse than a replacement worker, then.

**Mr. Chris Aylward:** There's nothing worse than a replacement worker—I'll make that very clear. There's nothing worse than a replacement worker going in to do somebody else's job, while they're out on strike trying to make more money and to do better for their family. There's nothing worse than that.

However, a contractor is a very close second.

**Ms. Michelle Ferreri:** I think it's shocking what we've learned. The Liberal government has spent \$21 billion on high-priced consultants, contractors and IT middlemen who do no actual IT work. To hear what you're saying today; it really hits home. When we look at the stats of working-class families accessing food banks, they are people who, to your point, are doing exactly what you're saying: they're just doing the right thing. They're waking up, they're going to work, they're trying to provide, and then it's this slap in the face of, you know what, "We're going to hire someone else, we're going to bring in consultants, we're going to hire IT workers".

Now we know a lot of this is under investigation, which is also shocking.

One of the things I would ask you, and I'll just put this on the record, is about how yesterday the PSPC revealed that three additional IT contractors have scammed taxpayers for at least \$5 million and that this is being investigated by the RCMP. These frauds go back to 2018. The Minister of PSPC said that this is the first wave of cases being turned over to the RCMP.

It begs the question of how much has gone to scammers through fraud and forgery. Do you think it's gotten worse? Do you see this as a progressive problem? Where do you think we're at with this?

**Mr. Chris Aylward:** I think it has gotten worse, as far as contracting out is concerned. I was pleased to see in last year's budget, the 2023 budget, that they're reducing the use of outside contracting. They're going to reduce that. That's good.

I think the announcement made yesterday by Ministers Anand and Duclos is a positive step forward as well in fixing these issues, because obviously there are issues there.

I think all of that combined is a way forward to make sure that this does not get repeated.

**Ms. Michelle Ferreri:** I think I would push back a little against you. I respect your position, but I think that saying that they're doing this doesn't actually align with the facts. I think there is a bit of a discrepancy there between, yes, they've said they're going to do this, and the facts of what's actually happening, obviously in particular "arrive scam", which has taken a lot of attention. There has been a lot of outside contract work.

I think this comes back to the big question, which you touched on earlier, of morale and mental health within the workplace. I don't know if you have the stats on missed work. Does anybody here have those sorts of numbers on what that looks like for the economy on people who aren't able to come to work because of stress?

I think about my friends at USJE in particular. These are correctional officers. They're put in extremely precarious positions. They're dealing with incredibly difficult situations. I think about officers who are dying by suicide. I think about all of these things, and you touched on it in referring to morale and the toxic workplace—which goes to your point, Ms. Payne—that is created when you are always looking over your shoulder to see if you're going to be replaced or if somebody's going to come in and take that work.

My question would be, do you have a number—

• (0910)

**The Chair:** Thank you, Ms. Ferreri, but you're over your five minutes. Thank you.

We now go to Mr. Van Bynen, for five minutes, please.

**Mr. Tony Van Bynen (Newmarket—Aurora, Lib.):** Thank you, Mr. Chair.

I appreciate the witnesses coming forward and giving us some insight into what I feel will be historic changes to labour relations.

Subclause 6(1) of Bill C-58 would require that, within 15 days after notice of bargaining collectively has been given, an employer and the union must enter into a maintenance of activities agreement outlining the activities that need to be maintained during the work stoppage. What would be the advantages and disadvantages of that measure?

I'll direct that to Ms. Payne.

**Ms. Lana Payne:** Thank you. It's a great question.

As you're probably aware, currently under the legislation, there are provisions for maintenance of service agreements. We participate in these all of the time. The way that they work is that we come together with the employer, with the support of the federal conciliation officers and departments, to make sure that we have come to an agreement on essential services that must be carried on in the event of a labour dispute.

That will continue. It's important to do that. While you hear that workers don't care about things, that they just want to go on strike, they actually want to make sure that these workplaces are safe during those periods.

By the way, we engage in what I would call our maintenance of service agreements in every jurisdiction in the country, even when the law doesn't require them to do that. We often do it if we're in negotiations in the forestry sector, where we have to make sure that critical pieces of that business carry on during the dispute. It's in our interest, of course, to do that because a complete shutdown can often mean that it takes many months for these businesses to get back up and running. It's in no one's interest for that to occur.

We work these things out ahead of time to make sure those critical pieces can carry on, even in the event of a labour dispute.

**Mr. Tony Van Bynen:** Thank you.

Mr. Aylward, do you have any additional thoughts?

**Mr. Chris Aylward:** Certainly. Again, we also enter into maintenance of activities agreements, which are basically essential services agreements. I do know that there's some concern about the supply chain and the flow of goods. That's not a concern, because we have these maintenance agreements, these essential services agreements.

I agree with Lana that we're working on those all year-round with employers. We're not just saying, "Okay, we're going on strike. We have to get in the essential services agreement now." We do that all the time.

When we had our federal public strike last spring, we had members who should have been deemed essential on military bases. On one base in particular, it was the heating plant operator who was not deemed essential. The heating plant was not functional on that particular military base. They called and asked what they were going to do. We didn't say, "No, too bad." We said, "Of course. There's a health and safety concern here. We'll go in for now. We'll get the plant up and running. Next time, make sure you deem this person essential."

We work with employers all the time, because we understand as well that there are health and safety concerns, and there are national security concerns. With anything like that, we're always working with the employers.

**Mr. Tony Van Bynen:** I'd like to stay with the public safety or health and safety concerns you've raised.

It would seem to me that replacement workers would be new in their role and that there would be a higher risk of industrial accidents. Are there any statistics that you could provide us that would talk about the higher risk with replacement workers?

**Mr. Chris Aylward:** I don't have a number at my fingertips to give you, but you're absolutely right. When you bring in a replacement worker, are you doing your due diligence to make sure that the person has the qualifications to do the duties being requested? That may be the operation of heavy equipment, so you are not only putting yourself in danger; you're putting other people in danger.

I could talk about the Iqaluit housing authority strike that we had up in Iqaluit just this past winter. Our members were out, as I said, on the picket line for four months. The employer was bringing in replacement workers from down south. They were not checking credentials. They were going around to the housing units in Iqaluit doing plumbing work and electrical work. Were those replacement workers qualified to do that work? We don't know. We asked, but we were never given an answer.

Yes, any time you bring in a replacement worker, there is always risk of a health and safety issue.

• (0915)

**Mr. Tony Van Bynen:** May I have your thoughts as well, Ms. Payne?

**The Chair:** Please give a short answer, Ms. Payne.

**Ms. Lana Payne:** Absolutely. There is a huge health and safety risk. We've known places that have experienced it. There's no doubt in my mind that the regular workforce, our members, would have an intimate knowledge of that workplace, the equipment and how to maintain it, and how to do all of that work. You can't replace that knowledge overnight with replacement workers.

As a result—

**The Chair:** Excuse me, Ms. Payne.

**Ms. Lana Payne:** —you will end up with health and safety issues.

[*Translation*]

**The Chair:** Mrs. Vignola, you have the floor for two and a half minutes.

**Mrs. Julie Vignola:** I will continue with the issue of occupational health and safety hazards.

The Port of Quebec, which is in my riding, has been in a dispute for 18 months. Longshoremen transport equipment and products from ship to shore or from one ship to another. For the past 18 months, untrained and unskilled people have been doing this work. One of the transshipments is nickel. When released into the air, nickel causes respiratory problems. Ammonium nitrate is also shipped through that port.

Mr. Bolduc, what do your employees or your union members at the Port of Quebec fear when they see scabs going by?

**Mr. Denis Bolduc:** They're afraid of accidents. As you said, a port is a place that receives potentially dangerous products.

The residents of your riding, Mrs. Vignola, are concerned about the presence of dust released by some of the products you mentioned. The public is more or less aware that this dispute, which has been going on for 18 months, involves unskilled workers doing the work of the locked-out longshore workers. The health and safety issue does come into play, since these products can endanger the surrounding population.

**Mrs. Julie Vignola:** As you've just said, the lockout is therefore clearly endangering the health and even the lives of the population, but also those of the longshore workers and subcontractors.

Thank you very much.

**Mr. Denis Bolduc:** It is possible, yes.

**The Chair:** Thank you.

Finally, I will yield the floor to Mr. Boulerice for two and a half minutes.

**Mr. Alexandre Boulerice:** Thank you very much, Mr. Chair. Two and a half minutes isn't long. So I'll try to be brief.

Mr. Aylward, you told us about the labour dispute currently affecting your members at the Staff of the Non-Public Funds, in this case employees who work on National Defence military bases. I've been on the picket line twice to support these workers and show solidarity. These workers are mainly women, demanding somewhat fairer wages and conditions.

However, we have heard that currently, they're being replaced by members of the Canadian Armed Forces who are doing their work. What do you think about the fact that the government is introducing anti-scab legislation, but your own members are currently being replaced while in a labour dispute? Isn't that a bit contradictory?

[*English*]

**Mr. Chris Aylward:** Thank you for the question.

Absolutely, yes.

The non-public funds is an agency within the Department of National Defence. We have members who work, technically, for National Defence. They work with the Canadian Forces morale and family services, and they provide support work for military members.

Now we have members of the military doing their struck work at military bases, and of course, CAF members, Canadian Armed Forces members, cannot disobey a direct order. We have members of the Canadian forces doing our members' work, who are currently out on strike. As you said, Mr. Boulerice, it's predominantly women in that particular bargaining unit. They provide support to the families of the military, and now we have the military performing their duties.

I would think that it's a slight contradiction. I would agree with that, yes.

● (0920)

[*Translation*]

**Mr. Alexandre Boulerice:** Thank you very much.

Ms. Payne, you recently demonstrated with unionized employees at Bell Canada in Ottawa. I'd like you to tell us how anti-scab legislation could benefit the rights of your members, particularly in the rail and telecommunications sectors, which are sometimes hard hit by the use of replacement workers.

[*English*]

**Ms. Lana Payne:** I know I have to answer this quickly, so I will. Obviously last year when we were in bargaining with Bell Canada.... By the way, we're in bargaining with Bell Canada all the time. In the telecommunications sector, we represent 20,000 workers in media and telecommunications, most of them employed at Bell.

Bell Canada actually sent a memo to every one of their employees suggesting, as we were getting close to trying to get a fair collective agreement and the clock was ticking out with conciliators, that all of them would cross their own picket line and that Bell would welcome their doing that.

This is what we deal with every day with these major corporations. All we're asking for is that there's fairness in bargaining, and this legislation will help us get there.

**The Chair:** Thank you.

That concludes the first hour of witness testimony on Bill C-58.

Thank you to the witnesses for appearing.

We'll suspend for two minutes while we change over. The minister is up next.

We're suspended.

● (0920) \_\_\_\_\_ (Pause) \_\_\_\_\_

● (0925)

**The Chair:** Thank you, committee. We'll resume the second hour this morning by welcoming Minister O'Regan to the committee to speak to Bill C-58.

Mr. Minister, you have with you Sandra Hassan, deputy minister, and Zia Proulx.

[*Translation*]

Mr. O'Regan, you have the floor for five minutes.

**Hon. Seamus O'Regan (Minister of Labour and Seniors):** Thank you, Mr. Chair.

The labour movement has been telling us for years that replacement workers are bad, a distraction, and prolong labour disputes. We've listened, and now we're going to ban replacement workers.

[English]

I have spent a lot of time around the bargaining table over the last couple of years. It is hard work. It gets tense at times. It can be downright messy—and it works. It works. The federal mediation and conciliation service has resolved 96% of labour disputes within the last year. Four per cent of the time, I'm often seen in the media repeating the same message I always do, which is do the work and focus on the table, where the best deals are made—fair, lasting deals that benefit both the employers and the workers.

Sara Nelson, international president of the Association of Flight Attendants, said it very well:

Collective bargaining is problem-solving. Companies that have to participate in that usually have a better outcome, because they've had to think through things with labour at the table. And you take two groups that, you know, want dramatically different things, but in collective bargaining, they have to come together and there has to be problem-solving. And if we had that kind of thinking more...think about how different our politics would be.

Replacement workers distract from all of that. They prolong disputes and they poison labour relations for years after. With Bill C-58, we will ban the use of replacement workers in federally regulated workplaces during a strike or a lockout. That means no new contractors and no members of the bargaining unit crossing the picket line. The penalty for violating the ban will be up to \$100,000 a day.

Of course, employers could use replacement workers if the health or safety of people or the protection of property or the environment were ever at risk. Bill C-58 is about stability, long-term stability, with strong labour relations that are forged through free and fair collective bargaining—free “and” fair. Right now, one side of the bargaining table is carrying a lot of the risk. You go too far in a negotiation and they lose. Their labour, their bargaining power—that can be replaced. With Bill C-58, both the union and the employer carry the risk. Both are motivated to stay at the table. That is what we want.

Look at the Port of Quebec, where workers have been locked out for 18 months. That's 18 months. Replacement workers have been brought in to do their job for 18 months. What kind of long-term solution is that? What kind of toxic relationship will that employer and that union have to repair for years to come? Collective bargaining is hard work, but right now, one side has a way out. As we say, the best way to settle disputes is at the negotiating table. I am not a believer in shortcuts.

Now, I have been asked what separates this bill from previous private members' bills. Let me just say that it is a liberal bill in the truest sense of the word. It is developed through tripartism to make sure we get the balance right.

We have something called the “maintenance of activities process”. That is an agreement for how employers and unions agree on what work will continue during a strike or lockout. It's a truce. It's a truce that remains intact even in the midst of a dispute. Right now that isn't required, and the system can be gamed.

Both employers and workers asked for improvements to this process during our consultations last year. When Bill C-58 passes, the employer and the union will be required by law to get together and determine what work needs to continue during a strike or a lockout,

if any. We are setting clear timelines on this of 15 days for the parties to come to an agreement. If they cannot come to an agreement, the matter will be referred to the Canada Industrial Relations Board to resolve within 90 days. This is something that both unions and employers asked for. It means more certainty and more predictability in collective bargaining.

We believe in a free and fair collective bargaining process. We believe stability and certainty in our supply chains and services are essential. We believe these are not mutually exclusive concerns. They reinforce each other. This is important. Canada is a reliable trading partner to the world, but that credibility depends on the sustainable operation of our supply chains. It depends on strong, productive labour relations, and on parties staying at the table and reaching a deal.

● (0930)

Thank you. I'm happy to take your questions.

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

We'll begin with the first round of six minutes with Ms. Gray for six minutes please.

**Mrs. Tracy Gray:** Thank you, Mr. Chair, and thank you, Minister, for being here today.

We heard testimony earlier today about concerns of replacing workers with outside consultants and contractors.

This is my first question for you today, Minister. I have a number here from the public accounts for Employment and Social Development Canada, 2022-23, which shows that \$601,511,775 was spent on outside consultants and contractors.

How much of that was spent on outside consultants and contractors at your department of labour and seniors?

● (0935)

**Ms. Sandra Hassan:** I do not have that answer, but I can certainly look into that and respond in couple of days to the committee.

**Mrs. Tracy Gray:** Thank you. If you could table that with or forward it to the committee, we thank you very much for that.

Based on that, we've heard that public sector workers are feeling undervalued with the number of outsourced contractors and consultants who are being used by your government, which is spending billions of dollars. Is this something you're hearing, Minister, within your department? Are you hearing concerns from workers in your department about being replaced by those outside contractors and consultants?

**Ms. Sandra Hassan:** Again, I will answer that question. In regard to ESDC, we do have external contractors coming to assist us, mostly on short-term or specialized contracts. There are a number of contracts that we do have. We closely monitor those contracts, and we'll provide the numbers.

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

To you, Minister, we also heard testimony today about the demotivating factor. We know there is an increase in people with mental health concerns in the country. We did hear testimony today that it does create extra stress and concern for workers, knowing that the government is using outside consultants and contractors extensively. What can you say to that? Is this something you're seeing, or even hearing, or are you very far removed from the workers who you represent?

**Hon. Seamus O'Regan:** Oh, that's loaded.

No, I'm not far removed from the workers that I represent, but I can't say it is something that has been brought to my attention by those workers. I don't know if the deputy might have anything to add.

**Ms. Sandra Hassan:** No, I have nothing to add on this specific question.

**Mrs. Tracy Gray:** We've heard testimony at other committees. For example, there was the president of the Customs and Immigration Union, who recently appeared at the Standing Committee on Public Accounts, who said, "we believe the goal of the [Arrive-CAN] app is to replace officers". That was testimony he gave.

He also said, "Once the ArriveCAN app came in, members brought concerns forward to the union, which we tried to bring to the employer. Really, there seemed to be no willingness to take our input. Had our members been consulted early on, I think a great deal of what happened would not have happened."

This was testimony at that committee.

We do know that the government is using a record number of high-paid consultants and contractors, many of whom are billing out at considerably higher rates than government workers would work at. We also know that many of those consultants didn't actually do any work. For example, on ArriveCAN specifically, we know that 72% of the work that was paid for was not actually done.

**Mr. Tony Van Bynen:** I have a point of order, Mr. Chair.

**The Chair:** We have a point of order that I have to hear.

Please state it.

**Mr. Tony Van Bynen:** The point of order is irrelevance. We're here to talk about Bill C-58.

**The Chair:** I will allow Ms. Gray to continue.

**Mrs. Tracy Gray:** Thank you, Mr. Chair.

Based on that, Minister, with the amount of contractors that the government is using, is this not a concern of yours that you're hearing this concern from the workers themselves within the government?

**Hon. Seamus O'Regan:** If there is a concern amongst workers about anything, then it is a concern of mine. This is the first I've heard of the testimony you're citing. Like anything, I will certainly take that into consideration.

**Mrs. Tracy Gray:** You seem to be a little out of touch with what's going on, but I'll go to another line of questioning here.

You talk a lot about workers, particularly in your province. That's why I thought it was remarkable that your good friend Andrew

Furey, the Liberal Premier of Newfoundland and Labrador, wrote the federal government saying that workers can't afford the Liberal carbon tax. Actually, the first word in his letter is "workers".

We know that the carbon tax is a massive tax on workers. How can your government continue to go forward with increasing the carbon tax?

• (0940)

**Hon. Seamus O'Regan:** Are we going to get to Bill C-58 at any point in time?

**Mrs. Tracy Gray:** We're talking about workers here today, Minister. Would you like to answer the question?

**Hon. Seamus O'Regan:** It's a fairly broad sweep.

**The Chair:** Ms. Gray, the time has concluded.

We are here to review Bill C-58. Please keep relevant to the general tone of the bill.

Mr. Sheehan, you have six minutes.

**Mr. Terry Sheehan (Sault Ste. Marie, Lib.):** Thank you very much, Mr. Chair.

Thank you very much, Minister, and the deputy and Ms. Proulx, for being here.

Minister, in the earlier panel, Lana Payne talked about a 71-year-old grandmother who's been replaced. She has been replaced for about a month right now. She has children and grandchildren. Obviously, that was very concerning.

Minister, can you describe how Bill C-58 will help create some fairness and some balance and help people like that 71-year-old grandmother who is currently being replaced by replacement workers?

**Hon. Seamus O'Regan:** I know that earlier in this process it was inferred that somehow I'm out of touch with workers. I do not believe that to be the case. One thing that has become abundantly clear to me in the now two and a half years that I have been with the labour ministry is how utterly gutting it is for any worker to stand by, under great pain and at great risk to the financial stability and well-being of their family, and see somebody else do their job, their work. It is a scar that is left on that person.

Just think of the pride and dignity that any one of us enjoys in the work we do, as hard as it can be on some days. People usually take pride in their work, no matter what the job. Most do. When they are told that their effort is utterly disposable, and that they are immediately replaceable.... This is done before your eyes, at a time when you are suffering—financially, mentally and perhaps physically in the arduous process of having to go on strike. No worker wants to go on strike. It's just a falsehood: No one wants to go on strike.

When that happens, and when inevitably there is some sort of reconciliation and you are back doing your job, do you think you're going to forget that? Do you think you're going to forget the indignity you suffered because an employer looked at you and said you were utterly replaceable? It poisons the workplace for generations.

We don't need it anymore. We're wiser now. There was a time back in the day when somehow we thought that was okay. We all know better now. That's not how you treat people. Clearly, if you're going to have a level playing field, an even bargaining table, you cannot have one side with the ability to do that and the other side with the inability to do that. You can't.

Stay focused on the table. Stay focused on the table. That's where the deals will be reached. That's where you will see mutual respect. That's where you will see some semblance of trust going forward to make sure that we continue to have agreements and our economy remains stable, certain and growing.

**Mr. Terry Sheehan:** Thank you.

During your testimony, you referred to the tripartisan approach that you've taken in the past. You also talked about how this piece of legislation is different from past PMBs.

Could you expand on the importance of your tripartisan approach to this piece of legislation and how we got here today?

**Hon. Seamus O'Regan:** We had extensive consultations. I attended them all, or at least the two main ones that we had. We even went to the trouble of making sure that we had the seating arrangements rights. I didn't want a big table with labour on one side, employers on the other and government on another. We tried to get more creative about it and had them interspersed so people realized that we were all in this together.

As you know, when one union head was berating employers for past behaviour, those employers were sitting right next to him. It was really important that we arrived at those things together. The draft legislation, the legislation itself, and what we're talking about here with Bill C-58 is a direct result of it.

● (0945)

**Mr. Terry Sheehan:** Thank you for that.

Again, with the past private members' bills that were about banning replacement workers, how is the legislation different? How was the process different for Bill C-58?

Can you also expand on why it is that we need time to get this right and how much time we have proposed to make sure that, when it comes into force, it's done correctly? Could you touch on that, too?

**Hon. Seamus O'Regan:** We're laying a lot on some people who know this job better than anybody I have ever seen. I have been able to witness first hand the ability of our mediators and conciliators and the tremendous abilities of the the CIRB. We are going to be asking a lot of them.

This is a seminal piece of legislation that is before this committee and the House. When we talk about it being a historic piece of legislation for collective bargaining in this country, we are not exaggerating. This Irishman is not exaggerating in this particular case.

What it does mean is that the people who we entrust to make sure that stability and certainty are arrived at, the people who bring people together at the table, have asked us for time. I listen to them very, very carefully. They will be the ones who will be carrying out the work.

[*Translation*]

**The Chair:** Ms. Vignola, you have the floor for six minutes.

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

Mr. O'Regan, Ms. Hassan, Ms. Proulx, welcome.

Previously, we heard from the unions and we had a confidential discussion about my question on their fears regarding this 18-month delay. They told me then that it was too long, that it should be nine months, and that nine months would be enough time to navigate through it all. Their big fear is that it won't be applied until after the next election, with an uncertain outcome, since they're not the ones making the decisions. They fear that, in the end, the bill or its application will be postponed indefinitely.

Why choose 18 months instead of nine?

[*English*]

**Hon. Seamus O'Regan:** We're with 18 months because of the Canada Industrial Relations Board. It is the feeling amongst those people who will do the work to reach agreement that feel that they need 18 months for several reasons.

First, the quantity of work is going to increase, so we need to hire more people.

Second, those who are presently there, who do a tremendous job, need to understand and fully absorb the impacts of this. It does change things, obviously for the better in our opinion; otherwise, we wouldn't be doing this.

It will keep people focused at the table. The power dynamics amongst the parties will change. It will change how they negotiate. It will change in a fundamental and a very detailed sense, that frankly, is sometimes hard for me to grasp. That's why we have a federal mediation and conciliation service with a 96% success rate. Their credibility is very high with unions and with employers. When they say they need 18 months, I listen to them. That's why it's before us, 18 months.

[*Translation*]

**Mrs. Julie Vignola:** I get the impression that it's the employers, rather, who are recommending this 18-month period. Sitting down around a table shouldn't be that complicated.

It was also pointed out that subclause 94(5) of the bill proposes to add to the Canada Labour Code what is literally a recipe for telling employers how to go about hiring scabs, as I pointed out in the House during the debate at second reading of the bill. This paragraph tells employers that they must hire subcontractors or employees of subcontractors before filing bargaining documents. It was therefore suggested that this clause be removed, as it would contravene the very spirit of the law.

What should we do with a legal provision that is against the spirit of the law?

• (0950)

[*English*]

**Hon. Seamus O'Regan:** I wish I had the time for such conspiracy theories to be actual in fact. I can tell you right now—

[*Translation*]

**Mrs. Julie Vignola:** Forgive me, Minister, but these are not conspiracy theories. I'm not a conspiracy theorist. It is the unions, lawyers and law professors who have raised this aspect. I'd ask for a modicum of respect on this point, please.

[*English*]

**Hon. Seamus O'Regan:** Madame, I resent the insinuation that I am listening to anyone other than the very good people at our federal mediation and conciliation service and the CIRB. Theirs are the opinions that count for me.

If FETCO is asking for 18 months, that's fine. I can tell you that the people I worry about and the people who I have more respect for in the public service than anybody are the people at the table who reach those deals. They say they need 18 months. That, therefore, is my priority. That is 18 months.

Also, may I correct you? The negotiating table is terribly complicated, and when an addition of a ban on replacement workers is introduced to what is already a tremendously complicated process, yes, it is complicated. It does take time. This is hard work. I got to witness it myself on many occasions. Eighteen months is what they say they need; 18 months is, right now, standing before you. That's what I am offering.

[*Translation*]

**Mrs. Julie Vignola:** Minister, thank you, but I think we didn't understand each other.

To me, it's easier to sit around a table and talk, even if it means not getting along, than to leave workers like those at the Port of Quebec in the lurch for 18 months—and counting—watching strikebreakers go by. As you yourself pointed out, this undermines negotiations in the very long term. That's what I was talking about. It's much easier to sit around a table than to let things go.

Now, please, does proposed subclause 94(5) in clause 9 of the bill respect the spirit of the law? We don't think it really does.

**Ms. Sandra Hassan:** Thank you for your question, Ms. Vignola.

New subclause 94(5) serves to clarify what a contractor who was hired prior to the notice to bargain can do. It clarifies that this person can only continue to do the work they were doing before negotiations began, and for the same length of time. If this person had

been hired to work half a day a week on a given project, they could, after the start of negotiations, only continue to work for half a day a week on the project they were working on before.

This is an additional clarification to subclause 4.

**Mrs. Julie Vignola:** Do you see the flaw?

**The Chair:** Thank you.

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

**Mr. Alexandre Boulерice:** Thank you very much, Mr. Chair.

I'd just like to say, by way of introduction, that I'm somewhat taken aback by the comments of my Conservative colleagues today on this committee. They suddenly seem to be very concerned about the fate of the federal public service and public service workers. Yet this is not how I remember Mr. Stephen Harper's regime when the Conservatives were in power.

That said, Minister, thank you very much for appearing before us today.

You said in your introduction that this was a purely Liberal bill. I'd just like to add that there is a bit of NDP in there, since it was a condition of the agreement we negotiated with your minority government.

I must also underscore the fact that we had frank and honest discussions on the development of Bill C-58. There's obviously room for improvement, and there are things we're going to want to improve and correct along the way. However, you do have experience, Minister, as you've seen labour disputes in federally regulated sectors over the past few years.

By way of introduction, I'd like you to briefly explain the impact of anti-scab legislation at the bargaining table when it comes to respecting the rights of workers in federally regulated sectors.

• (0955)

[*English*]

**Hon. Seamus O'Regan:** First of all, my apologies to the honourable member. I would happily show him my speaking notes later. The word was “liberal”, not “Liberal”. By that I was inferring the spirit of tripartism. He is quite right that this is incredibly important to the NDP. It's very important in our agreement with them. I'm grateful for the sound advice of Mr. Boulерice, who has been extremely active on this, but also Daniel Blaikie, Matthew Green and others in the NDP caucus. It would not be here, and certainly would not have taken the form that it has, without them. I am grateful for the relationship.

I guess I would colour it by an example that I may or may not have given to this committee before. It really was quite striking. It was something that did not make much news, thankfully. That was the WestJet pilot strike that almost occurred before the May long weekend of last year. In their previous agreement, they had been legislated back to work. Their only experience, really, at the negotiating table was being legislated back to work. I was there when they arrived at an agreement themselves.

I can tell you that I was worried about the May long weekend of last year. They were in very hardened positions. We did not think an agreement was possible. Our mediators and conciliators worked with them through days and nights and days and nights, right up until the last minute, which is how these things go, as we all know. When I went over, once they reached an agreement—I've seen a lot of sour relationships, and their relationship I would definitely characterize as sour—they were opening up bottles of champagne. They were happy to be in each other's company. They said to me that they had just never experienced this before.

I think you have to take it from the point of view of those people who negotiate at the table. I think we've all, in our own lives, been there at some point in time, but when you have the weight of your membership or your constituency on you about reaching that deal, when you're feeling that pressure and you arrive at that deal, you all know that you have to go back and sell it to your constituents. But you're in this together. You have arrived at this together.

I talked about how it can be poisoned for generations. It can also be incredibly affirming and supportive. It means you start to trust one another. You have some semblance of trust or at least of professionalism: I appreciate the fact that you need to reach a deal here too. It's good for our industry, it's good for our workers and it's good for the country. Let's take this leap together.

It just cannot be replaced. Collective bargaining cannot be replaced. You cannot reach any sort of stability or certainty or, I would argue, prosperity unless you have that process work.

[*Translation*]

**Mr. Alexandre Boulerice:** Thank you, Minister.

From our perspective, as New Democrats, the middle class is also a creation of the labour movement. This movement has made it possible, through labour contracts and free bargaining, to improve working conditions, wages and the health and safety of workers in this country. We are extremely proud of this.

To get back to the bill we're looking at, I'd like to mention that some people are concerned about meeting certain deadlines. If there is no agreement between the two parties, the Canada Industrial Relations Board, CIRB, must render a decision within 90 days. Can you assure us that the CIRB will have the financial and human resources needed to make these decisions within the time frames indicated in the bill?

[*English*]

**Hon. Seamus O'Regan:** Indeed. I think the member is absolutely right. The CIRB does an exemplary job. They have an incredible reputation. Sometimes the mere mention of their name or the mere insinuation that they may become involved in some way, shape or form can immediately move mountains at a table.

It is incumbent upon us to make sure that if we give them a volume of work, which we would be in the outcome of this, we also make sure that they are equipped to handle that work in resources, which affects the timeline...and also by resources, more than anything, the expertise that they are so admired for.

Again, this comes back to the amount of time that is needed as well; not just resources but also time. We need to make sure that the people who are there, and the new people who we inevitably, I think, will have to hire, have a clear and full understanding of all the implications of this new legislation.

● (1000)

[*Translation*]

**The Chair:** Thank you.

[*English*]

Madam Ferreri, you have five minutes.

**Ms. Michelle Ferreri:** Thank you, Chair.

Thank you, Minister, for being here.

I want to start out by asking you if you consider GC Strategies a replacement worker?

**Hon. Seamus O'Regan:** I think we're veering into something off-topic.

**Ms. Michelle Ferreri:** It's just a question. Would you consider GC Strategies a replacement worker?

**Hon. Seamus O'Regan:** I think that was an answer. I think we're veering off-topic.

**Ms. Michelle Ferreri:** Okay, so you have no answer to that.

Earlier, we had testimony from Chris Aylward, the national president of PSAC, the Public Service Alliance of Canada. I asked him directly what the difference was between a contractor or a consultant and a replacement worker, and he was pretty adamant that they were both awful, with replacement workers being the worst but consultants being a very close second.

I think there has been a significant demoralizing factor that's happened with workers. In particular, we look at what has happened with GC Strategies and arrive scam, which was supposed to cost taxpayers \$80,000. The reason I'm bringing this up is that we're here to talk about how we're going to help workers, yet the government, the Liberals, are saying one thing but seem to be doing another.

If outside consultants, which... The Auditor General found that the app didn't work and that nobody wanted it. It cost \$60 million, but the government's record was so bad, the AG said it was impossible to determine the real cost of the app. The procurement watchdog found that 76% of subcontractors on ArriveCAN did no actual work, and the two—

**Mr. Tony Van Bynen:** I have a point of order, Mr. Chair.

Could we get back to the relevance, please? We're talking about Bill C-58.

**The Chair:** Thank you, Mr. Van Bynen.

Ms. Ferreri, please keep it to the relevancy of Bill C-58.

**Ms. Michelle Ferreri:** I think it's incredibly relevant, as we heard testimony, prior to the minister, from the national president of PSAC, saying that this is deeply connected to replacement workers. If we know that the government is wasting \$21 billion on outside consultants, which is costing families \$1,400 each, that's significant.

**Mr. Tony Van Bynen:** I have a point of order again, Mr. Chair.

We're just going back to where we started. This is not relevant.

**The Chair:** Thank you, Mr. Van Bynen.

Ms. Ferreri, we're here to discuss Bill C-58.

You may continue.

**Ms. Michelle Ferreri:** Thank you, Mr. Chair.

I appreciate it, because I think we're here to protect working class families. I believe the minister, being from Newfoundland, actually has a deep connection to the people. I believe that. I came from New Brunswick last week, and the Valley Food Bank. Their numbers, in the last year, have tripled. Do you know who the demographic is? It's the working class. It's the people who you're here to fight for in Bill C-58.

The question I would ask you, Minister, is this: as the Minister of Labour, what do you think are the two reasons people go to work?

**Hon. Seamus O'Regan:** If you're narrowing it down to two, I assume you know the answer, so go ahead, please.

**Ms. Michelle Ferreri:** I think they go to work for a paycheque, so they can provide for their families, and I think they go to work for a sense of purpose. We know from previous testimony that they don't feel purpose; they feel demoralized because of these outside contractors.

When we look at the messages we're getting, we see that Canadians are paying 46% of their paycheques in federal taxes. I just want to break this down for you, Minister. I'm sure you know this. People are writing to me, and they don't even have an incentive to go to work or to work overtime.

If you're making \$100,000, which used to be so much money. People have never made more money and been less well off, because we have the worst economic growth, per person, in the G7. This hasn't happened since the Great Depression. Let's say you take on an extra \$30,000 in overtime. I'm going to put this in context for people. If you make \$37,000 in overtime, you're going to pay \$22,000 in federal tax.

Now, you've destroyed their purpose because you've demoralized them by hiring outside consultants, and you're taking away their incentive to go to work for their paycheque.

My other question for you is regarding the headline: the "Plan to use 900 foreign workers at Windsor EV battery plant called an 'insult' to Canadian labourers". How do you reconcile that you care about workers, but you're doing all of this at the same time.

• (1005)

**Hon. Seamus O'Regan:** I'm glad you brought up Windsor because I was going to bring it up, too. I mean, this is—

**Ms. Michelle Ferreri:** I'm sorry. I do apologize. I do want to tie this all in because I do want to move a notice of a motion.

**The Chair:** Thank you, Ms. Ferreri. Your time is up.

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

**Mr. Wayne Long (Saint John—Rothesay, Lib.):** Thank you, Mr. Chair.

Good morning to my colleagues.

Minister O'Regan, thank you for coming.

I have to say that I am virtual, but I am just amazed and dumbfounded when I listen to the Conservative MPs today with this new-found concern for Canadian unions and the working class. It's just amazing. It's a 180° turnaround. They brought forth Bill C-377 and Bill C-525, which were arguably two of the biggest union-busting bills that we've seen in our history, and we reversed them.

Minister, I want to congratulate you for Bill C-58. It's progressive. It's going to move our country forward. It's historic legislation that's going to help Canadian workers get powerful paycheques.

As we've seen in the House and here in this committee—again, disappointingly so—the Conservative MPs do not want to talk about Bill C-58.

We know what the Leader of the Opposition is about, and what he did was support anti-labour bills. We know that he also supports American-style right-to-work legislation.

Minister, I want you to share with me why you think the Conservative MPs today do not want to talk about Bill C-58.

Thank you.

**Hon. Seamus O'Regan:** Let me begin, first of all, with.... Again, this is perhaps one of the most important pieces of legislation affecting collective bargaining in unionized labour within the private sector in Canadian history. The banning of replacement workers is something that union leadership in this country have been asking for since before Canada became a country.

While many of the points that have been brought forward on other matters—issues of the day and larger issues of affordability—are very important to workers, I can tell you that there are an awful lot of them who would resent using this place as a platform for partisan politics rather than talking about the matter at hand. This is a moment for workers. Allow them the moment and the respect and dignity that they are due by taking this legislation seriously and talking about this legislation.

That is what I would say first and foremost. This is that important to them, and they have sat here and told you that. The leadership of unions in this country who have appeared before you and given testimony on the importance of this piece of legislation, on the focus on this piece of legislation, are doing so because their memberships have told them that, too. Over the course of 150-plus years, this is a moment. I would implore you to give them that dignity, to dig into this legislation.

I know that we often use these committees to talk about other things, but I would tell you that this is so important to unions and union membership in this country. Whether you like it or not, please focus on this. This is that important.

**Mr. Wayne Long:** Thank you, Minister.

I want to share the rest of my time with MP Coteau.

Thank you.

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

Thank you very much, Minister, for being here.

This bill is an important piece of legislation. I think it's not only important for workers, but to ensure that we have a functioning working society that really allows people to have the type of dignity and participation necessary to do well in Canada.

I know that this legislation means a lot to me personally. My mother worked in the food-service industry, and they brought in replacement workers when I was about 15 years old. There were three boys in the house, and my mum was a single mother. They brought in replacement workers, and it was very challenging for that workplace at that time. These were not very lucrative jobs, but they paid the bills. When workers' rights are violated in that way, I think it really takes away from the integrity of the workplace and workers in general.

I just want to thank you and your team for getting to this point. I know that you've had a lot of resistance.

Are we done?

Thank you very much, Minister.

• (1010)

[*Translation*]

**The Chair:** Ms. Vignola, you have the floor for two and a half minutes.

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

Earlier, I pointed out aspects of the bill that could be improved, including the implementation delay and the possibility of subcontracting prior to the filing of negotiation documents. However, there is also a major omission in the bill. I understand that it may not be possible to add it, but I want to point it out.

For 18 months, there's been a lockout at the Port of Quebec. It's not just the longshore workers who are going through this, but also the population. Scabs aren't trained to be longshore workers, and there are more incidents of nickel dust in the air—which is a danger to the whole population. What's more, there's ammonium nitrate at the Port of Quebec; if you do your research, I don't think I'll need to give you any more details about what can be caused by mishandling ammonium nitrate.

The issue is that the current bill won't apply to people who are currently locked out, even if the period prior to implementation were shortened to nine months. What do we say to the dock workers? What do we say to the Videotron employees who are currently locked out? What do we say to them as they see strikebreakers passing them on their way to do their job, sometimes in a way that endangers citizens?

**Hon. Seamus O'Regan:** At the Port of Quebec, 81 longshore workers have been locked out for 18 months. When an employer locks out its employees and uses replacement workers, it's not fair.

Last September, workers rallied at the Centennial Flame in Ottawa to demand this legislation. I was proud to join them. Banning replacement workers puts everyone on a level playing field, and encourages the parties to negotiate and reach an agreement.

**Mrs. Julie Vignola:** I'm sorry, Mr. O'Regan, but this bill will not apply to the Port of Quebec longshoremen who are currently locked out.

**The Chair:** Thank you, Ms. Vignola.

[*English*]

The time has gone over.

[Translation]

Mr. Boulerice, you have the floor for two and a half minutes.

**Mr. Alexandre Boulerice:** Thank you very much, Mr. Chair.

A little earlier, I said that this bill was perfectible and that we could make improvements. Obviously, the time frame for its implementation is something that has been highlighted by the unions as problematic, since it might not come into force until after the next election. I hope the committee will do a good job of trying to consider the demands of the labour movement and reduce this implementation delay.

Minister, you just said that when there are replacement workers, it's not fair. I couldn't agree with you more. The president of the Public Service Alliance of Canada spoke about striking workers at the Department of National Defence's Staff of Non-Public Funds, and reported that members of the Canadian Armed Forces are being used as replacement workers for these workers who are in a labour dispute.

If it's not fair to have your job stolen while you're on strike, what can you do to prevent this from happening to this unit that is negotiating as we speak?

• (1015)

[English]

**Hon. Seamus O'Regan:** I thank the honourable member for his question.

I, of course, as he would understand, hesitate to get involved in a particular case, other than to say that....

Actually, before I do that, I was interrupted by the member, earlier, when I spoke about standing with Port of Quebec workers and speaking with them by the flame last year. They know what we are doing. They are incredibly supportive of the work we are doing, knowing full well that this piece of legislation will not affect their current situation.

I think that speaks very much to what they understand to be the long fight. I also think I would not have to argue for too long that the idea of retroactive legislation is something that legislators both at this table and within the House would take very seriously because, in fact, that's what we would be calling for—legislation that

would have an impact upon a critical part of our economy retroactively—and that's not how we operate.

Those workers from the Port of Quebec, whom I met with and stood with when they protested here in Ottawa last year, wished me *bonne chance* and are behind us in our effort to make sure workers in this country are treated with dignity.

[Translation]

**Mr. Alexandre Boulerice:** Back to my question, Minister.

What can you do for those workers who are currently on strike at National Defence and who, it seems, are being replaced by members of the Canadian Armed Forces? If being replaced while in a labour dispute isn't fair, what can you say to these women and men who are currently on the picket lines while they see their work being done by others?

**Ms. Sandra Hassan:** Mr. Boulerice, I would reply that the workers you are talking about are not subject to part I of the Canada Labour Code. However, Bill C-58 aims to amend that part. Unfortunately, these workers are not under our jurisdiction.

[English]

**The Chair:** Thank you.

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

We looked back, and it appears like the points of order that were happening were included in the time for Ms. Ferreri, which is why she was surprised when looking at her own clock. I know you're a very fair chair, and you do time fairly. However, it appears that the points of order—or a large part of them, anyway—were part of that time. I'm wondering if Ms. Ferreri can have her time back, please. It's roughly about 20 or 30 seconds.

Thank you, Mr. Chair.

**The Chair:** Thank you, Mrs. Gray. I was timing it. I allowed it to go over by 16 seconds to accommodate the two points of order. Thank you for that.

We have now concluded the two hours of the meeting. Is it the will of the committee to adjourn?

**Some hon. members:** Agreed.

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







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