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

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**Thursday, December 9, 2004**

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**Chair**

**Ms. Raymonde Folco**

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

Thursday, December 9, 2004

• (1110)

[Translation]

**The Chair (Ms. Raymonde Folco (Laval—Les Îles, Lib.)):** Orders of the day of the Standing Committee on Human Resources, Skills Development, Social Development and the Status of Persons with Disabilities: pursuant to the order of reference of December 7, 2004, the committee is convened to study Bill C-22, An Act to establish the Department of Social Development and to amend and repeal certain related acts, and pursuant to the order of reference of November 23, 2004, to study Bill C-23, An Act to establish the Department of Human Resources and Skills Development and to amend and repeal certain related acts.

We shall be hearing several witnesses. This morning's meeting will be divided into three parts. First of all we will hear Ms. Jennifer Stoddart, Privacy Commissioner of Canada, as well as Ms. Hedy Kirkby, Legal Counsel. After them, we will hear witnesses from the Canadian Labour Congress along with other institutions as listed on today's notice of meeting.

[English]

Before we begin, I would like to remind all members that the purpose of this meeting is to discuss the contents of Bill C-22 and Bill C-23, in terms of the division of the former Department of Human Resources Development into two departments. We are not here to discuss the contents of the programs themselves; we will have ample opportunity to do that at subsequent meetings.

[Translation]

I'd like to welcome Ms. Stoddart and Ms. Kirkby. You will have some time for your presentation after which we will have questions and comments.

Ms. Stoddart.

**Ms. Jennifer Stoddart (Privacy Commissioner of Canada, Office of the Privacy Commissioner of Canada):** Thank you, Madam Chair and thank you to the committee members for inviting us here to present our point of view.

[English]

I think my remarks this morning will be quite brief. We will comment only on the privacy provisions of these two new, virtually identical pieces of legislation. We have one suggested amendment that we'd like to bring to the attention of this committee, Madam Chair.

[Translation]

Thank you then for inviting me to comment on the bills. As I said, my remarks today are focused on my office's support of the amended protection of personal information provisions of both bills that allow the continuation of the sharing of personal information, which existed between programs of the former department.

Although for the most part we are imparting our support, I will also be bringing your attention to some concerns our office has with the clauses of Bill C-23 related to ministerial discretion.

[English]

My office was provided with a draft of the privacy code in advance of the tabling, and improvements were suggested and agreed to by officials of both ministries. I wish to commend the department officials for their receptivity to our suggested revisions.

I believe the changes you see before me greatly improve the privacy protection regime of both departments' privacy codes, and the tabled version of each piece of legislation accurately reflects, according to my point of view, the agreement we reached with both departments.

We're pleased, for example, to see the provision has been amended to provide that information will only be made available to a federal institution prescribed under regulation for a prescribed purpose. This amended provision is consistent with one of the key fair information principles Canadians have become accustomed to in PIPEDA—that's Canada's new Personal Information Protection and Electronic Documents Act—which governs the management of personal information in the private sector.

In the case of HRSDC, the amended privacy code in this legislation would replace the existing provision in the Employment Insurance Act that permits information to be made available to "such other persons as the Minister considers advisable". This open-ended provision is one our office under successive commissioners has long fought against, and from this point of view the amended privacy code is an improvement.

The code also ensures more consistency within the department in administering personal information and provides a degree of transparency by obliging HRSDC to publish in regulations the names of federal institutions with whom it may share information and to identify the purpose for that sharing.

The code also codifies the current administrative practices governing the protection of personal information used for research purposes as developed over the years by the department in consultation with our office. These provisions, to my mind, address concerns raised by my predecessor, Commissioner Bruce Phillips, regarding, as you may recollect, the longitudinal labour force file.

In short, then, I believe the sharing provisions outlined in both Bill C-22 and Bill C-23 are consistent with the Privacy Act and in several respects constitute more exacting standards than those in the Privacy Act, which, as I have expressed before Parliament, requires reform to more adequately protect privacy rights in the public sector.

• (1115)

[*Translation*]

Let me now turn to the issue of the minister's discretion and the disclosing of personal information to provincial and foreign governments.

While my office supports the sharing provisions of the bills, I would like to highlight one outstanding issue under Bill C-23, which we have brought to the attention of HRSDC. This issue relates to clauses 30(1) and 30(2) of Bill C-22 and clauses 36(1) and 36(2) of Bill C-23 dealing with the discretion of the minister to disclose personal information to provincial and foreign governments. A copy of my suggested amendments under these clauses has been provided to the committee.

I would like to recommend, Madam Chairman, that subsections 30(1) and 30(2) of Bill C-22 and subsections 36(1) and (2) of Bill C-23 be amended by replacing the words "if the minister considers it advisable" in each subsection with the words, and I quote: "If the minister is satisfied that the information will be used for a purpose consistent with the purpose for which it was collected (...)"

Although I am pleased that the minister may impose conditions on the release of personal information to provincial or foreign bodies, which renders the exercise more transparent and accountable, I am troubled by the lack of strictures on the exercise of that discretion.

In my view, personal information disclosed to provincial or foreign bodies should be subject to a "consistent use" test, whereby information could only be disclosed to a provincial or foreign body if the use of the information is consistent with the purpose for which it was originally collected. This suggestion has been shared with officials from HRSDC.

In closing, Madam Chair, I would like to thank the committee for the opportunity to address these issues, which I believe are essential to providing a reasoned approach to personal information protection.

With that single suggestion for an amendment to the bill, I conclude my preliminary remarks.

**The Chair:** Thank you, Ms. Stoddart. Once again, it is a short presentation but it goes right to the heart of the matter. I'll now begin question period. The first round will be seven minutes.

Mr. Forseth.

[*English*]

**Mr. Paul Forseth (New Westminster—Coquitlam, CPC):** Thank you very much, and thank you for coming today.

Yes, we'll go specifically to those concerns. I will first ask a rather generic question.

Seeing that the bills do deal specifically with privacy, I'm wondering, because it was decided that these changes required further delineation in statute, what that really does say about the larger core law. The average person would say, well, you have some enabling legislation here to split the department, but don't we have privacy legislation in this country? Why doesn't it just automatically cover this? Why do we need to further delineate a whole bunch of provisions in these two bills? And if so, then maybe that says there's something really lacking elsewhere.

So you get my question. I think you alluded to that a little bit. Maybe you can just address that with respect to the kind of question I get from citizens saying, well, why are we going further into privacy here? Don't we have privacy laws in Canada?

• (1120)

**Ms. Jennifer Stoddart:** Thank you for your question, honourable member.

Perhaps I can remind the committee that the operations of this department around these programs was the subject of a major comment by my predecessor, Commissioner Phillips, in the 2000 annual report, I think. He noted that the privacy practices in the department were not at that time up to the standard of the Privacy Act and that citizens' information was thus not protected even according to the standard of the Privacy Act. In the time since then we have worked with the department to change their practices, and I've reported on that in my annual report.

What this code does is go even beyond the standard of the current Canadian Privacy Act, which is a piece of legislation that was adopted in 1983 and has been superseded by the more modern private sector legislation on several fronts. In short, honourable member, this adds a new level of privacy protection to a very sensitive area that had been the subject of some misadministration.

**Mr. Paul Forseth:** Then let's drill down a little bit more specifically. I have citizens who are very concerned that a private contractor is going to load information onto a mainframe server outside our country. Once it is there, how do we ever get it back, or whatever? We can have a contractor make all kinds of promises, but then eventually our material is elsewhere. Does this bill prohibit all this personal information from going outside the country on a computer server?

**Ms. Jennifer Stoddart:** I think the bill addresses the sharing of information by these ministries with other government institutions, with provinces, and with foreign governments, so it does contemplate sharing of the information outside Canada. I think it's "foreign states and bodies".

In fact, the suggestion we're bringing to you today is an attempt to limit how this information would be used in the specific case where it was shared outside Canada and to add the requirement that the minister be satisfied that the information will be used for a purpose consistent with the purpose for which it was collected. So we are attempting to make a suggestion that will address that issue.

**Mr. Paul Forseth:** This is a political issue in British Columbia, because the British Columbia government is now contracting with an American agency for all its social service data concerning its medical plan and all the rest of it. If this federal data goes to British Columbia, then it will go to the United States.

You know about the additional security concerns about the Patriot Act. That's the kind of call I get. I say we have new legislation.

Is it protecting from that eventual scenario? I ask that very simple question, and obviously you may not be able to respond fully today, but perhaps I could give notice of this and you could do some investigation and undertake discussion about it and come back with a better answer.

That is the larger political question I have to ask. You're passing a bill and you're clearly aware of what the community concern is. What are you doing about it? Have you checked this out? I am putting it to you today that this is a concern of residents in my riding, and that particular problem has been in the popular press in British Columbia.

• (1125)

**Ms. Jennifer Stoddart:** Yes, honourable member, we are very active on this issue. We made a submission to Commissioner Loukidelis's inquiry. We concurred with many of Commissioner Loukidelis's suggestions. We have met with the minister of the Treasury Board on implementing some of these suggestions, and in fact the spirit in which we are making these two suggestions to add to Bill C-22 and Bill C-23 today is because we are aware of these concerns.

**Mr. Paul Forseth:** I am wondering if your suggestions go far enough. This suggestion protects intent and all the rest of it, but it doesn't specifically prohibit Canadian data going out of the country.

**Ms. Jennifer Stoddart:** No, it does not. That is an issue that is being examined. We have raised the question of what the best way to approach this is. One of the initial problems is we don't have a clear picture....

**Mr. Paul Forseth:** The case in point was that I went to Bellingham, Washington, a few years ago wanting to buy a computer at a special time. They had a wonderful sale, if you spread out the purchases. "Well, who are you?" I said my name is Paul Forseth. We were going to enter this contract. "What's your social insurance number?" They didn't want anything else. They wanted my social insurance number because that gave them instant access to my total credit data and the history of who I was. That was in Bellingham, Washington. I said no. "Oh, that gives us a problem then," and they had to take a long way around, with my address and all the rest of it.

That's the history. That's why British Columbians are very concerned about this.

**The Chair:** With all due respect, Mr. Forseth, this is an extremely important question you have raised, but I think it is a little bit outside the discussion today. However, it is an extremely important question, I agree with you.

I wonder whether this might not be the subject, now that you've raised it, of a further discussion with the commissioner, possibly suggesting to the commissioner that this is something she might want to pursue outside of this particular meeting in a wider context, because it's in the purview of all that touches the private lives of all Canadians.

I agree with you, but I don't see the point of pursuing it at this particular time. You won't get an answer, in any case. This is something the commissioner seems to be very well aware of. You've raised it again, and we would expect the commissioner at some point in time to look into it much further, not to report to this committee—that's not the point—but perhaps for some personal conversation we might want to have with her at some later time.

**Mr. Paul Forseth:** Okay, I will conclude with this.

I used that as a case example of great intentions and promises that don't turn out to be fact. We have the same pattern here. The commissioner is appropriately giving advice to stiffen the legislation, but still it doesn't prohibit absolutely. So we have a dynamic and a history there; I just use that example.

**The Chair:** Absolutely.

Thank you very much, Mr. Forseth.

Madame Gagnon.

[*Translation*]

**Ms. Christiane Gagnon (Québec, BQ):** Good morning, Commissioner. We are very happy to have you here with us this morning because we do have some serious concerns about the minister's discretionary power relating to the use of certain information.

You tell us that if certain amendments are to be made to subsections 30(1) and 30(2) as well as to subsections 36(1) and 36(2) relating to the disclosure of information, they should be made within a certain context and they should also be compatible with the objectives for which they were intended.

Can you perhaps clarify your remarks? In what context would it be possible, for example, to allow the disclosure of personal information to other institutions, whether they be provincial or international?

• (1130)

**Ms. Jennifer Stoddart:** I think that at the present time, the departments are able to share or do share information with the provinces and, in one case that we know of, with the United States, as part of the administration of programs related to employment or studies on manpower trends with implications beyond different borders.

In the context raised by the member who spoke previously, what we were attempting to do is to reinforce the precautions taken by the minister before providing such information to another entity, either a province or a foreign entity, in order to see to it that the understanding governing this transfer of information ensure that such information would be used by the recipient for the purposes for which it was collected by the minister. Is that clear? In other words, the information in the possession of these federal entities should not be used for other purposes outside Canada or in another province. The minister would be required to ensure that such use is consistent with the original purpose.

**Ms. Christiane Gagnon:** What type of information is likely to be of interest? Is it confidential information or information that would make it possible to investigate more closely the private life of citizens? That is the problem. We are talking about the protection of information and people's right to privacy.

For example, we know that the Department of Social Development will be responsible for administering the social insurance number. That means that there will be many new departments that will have to possess such information. It creates the impression that people's private information is being taken from them.

In your opinion, doesn't the increase in the number of departments wishing to obtain such information in order to carry out their mandate jeopardize the protection of privacy?

**Ms. Jennifer Stoddart:** I do not think that the splitting of a large department into two entities creates a greater danger because at the same time, and this is the thrust of our intervention here today, it is accompanied by a fairly radical change in the practices relating to the protection of private information, something that was rather chancy before 2000, as was rightly noted by my predecessor, Commissioner Phillips. In my annual report tabled last month, I note that not only have the actual practices changed but the entities resulting from the split in the department, have been careful to adopt a far more demanding code for the protection of personal information than the previous one. So I think that there has been distinct progress.

**Ms. Christiane Gagnon:** For example, have there already been complaints to the Department of Human Resources? What type of complaints have been received relating to the protection of privacy?

**Ms. Jennifer Stoddart:** I don't have the required documents to answer your question.

**Ms. Christiane Gagnon:** But were there, to your recollection...?

**Ms. Jennifer Stoddart:** There certainly were complaints, yes.

**Ms. Christiane Gagnon:** Could you say if it was a very small number, or give us some idea, without getting into the total number of complaints? Were there very few privacy complaints made regarding the Human Resources Department? Do you know?

**Ms. Jennifer Stoddart:** It would be difficult for me to give you a specific answer. I don't think our commission is currently concerned about a trend. Many complaints may be filed against a department because many people have dealings with it or because they are unhappy about not receiving benefits. The fact that there are unhappy complaints shouldn't be seen as an indicator of anything.

**Ms. Christiane Gagnon:** However when we are dealing with the protection of privacy and personal information, which is the subject of our meeting this morning, I would have appreciated...

•(1135)

**Ms. Jennifer Stoddart:** I would have to do some research and get back to you shortly regarding complaints filed against this department over the last few years.

**Ms. Christiane Gagnon:** If, for instance, the government were not to make the two important amendments regarding the minister's discretionary power under the bill, do you think it would be better to vote against it?

**Ms. Jennifer Stoddart:** I cannot give you advice as to how to vote, Ms. Gagnon.

**Ms. Christiane Gagnon:** Wouldn't it be dangerous to give explicit guidelines for the protection of privacy?

**Ms. Jennifer Stoddart:** We are certainly very attached to these principles. Given the current context, it would be wise to think of including them. However, you have admirably attempted to codify the protection of personal information into two bills, without this addition. As was stated by the honourable member who spoke before you, you're also dealing with the entire policy on exchange of personal information within the Government of Canada and outside government. So, if the Government of Canada were to adopt a clear policy concerning all of these types of information, this policy would certainly apply to all legislation and all departments.

**The Chair:** Ms. Stoddart, I would ask that you give this information to the clerk, who will make sure to distribute it to all committee members.

**Ms. Jennifer Stoddart:** All right, Madam Chair.

**The Chair:** Mr. Martin.

**Ms. Christiane Gagnon:** With respect to complaints, it would be interesting for us to have information regarding people whose complaints were successful. That is what's important.

**Ms. Jennifer Stoddart:** Yes, it's in our annual report, but I didn't bring it with me today.

**The Chair:** Mr. Martin.

[English]

**Mr. Tony Martin (Sault Ste. Marie, NDP):** Thank you very much, Chair. Sorry for being late this morning.

I have a couple of questions in regard to your amendments. I'm concerned for a number of reasons.

On the recent situation in Ontario, information was released with cheques that went out because of a glitch in the computer system that was brought in by the government to contract out some work to Anderson Consulting. Anderson Consulting became Accenture, and they put a computer system in place. A ton of information recently went out to the wrong people, and all of a sudden people had other people's personal information.

We're beginning to see activity, certainly in my own community, that this new ministry of HRSD is now talking about contracting out services, training, etc. They're already doing it, but they're talking about doing it even more. We're not sure about SDC, but we'll find out. In some instances it would be indirectly through the provinces.

Is there a concern there? Will what you're proposing by way of amendment deal with that concern, given what has recently happened in Ontario?

**Ms. Jennifer Stoddart:** Yes, generally there's a concern there. I think the whole situation of the conditions under which the federal government contracts out, from a security and a confidentiality point of view, has to be reinforced. I'm really concerned that there don't seem to be any permanent guidelines in place.

There's a draft Treasury Board guideline of 1998 that was never adopted. I brought this to the attention of the honourable minister of the Treasury Board, the Honourable Reg Alcock. I believe the Treasury Board is currently coordinating the efforts of all ministries on that. It's an ongoing concern. I think the Government of Canada has to have applicable, adequate confidentiality and security standards for all the personal information it contracts out.

To continue with your second question, I don't think our suggestions today address that, but they address a more focused problem that we've identified. We think this legislation should be tightened up in the context of sharing with other governments, either provincial governments or governments outside Canada.

• (1140)

**Mr. Tony Martin:** You're suggesting then, if I heard you correctly, that there is a draft guideline with Treasury Board now that would give you some comfort and ultimately give us some comfort, because in the contracting out of services by government there would be more control.

**Ms. Jennifer Stoddart:** It's a draft guideline that, as I remember, addresses particularly security issues but doesn't address confidentiality of personal information completely. It addresses it partially but not completely. It was never adopted fully, as I understand it. This is a matter of concern to me, that we don't have operating guidelines both on security and confidentiality of personal information, where and how and under what conditions it can be contracted out.

**Mr. Tony Martin:** Do you share the anxiety that I have, particularly in the case of HRSD, as we see the government moving forward with more and more contracting out of services, that we may end up with a big problem?

**Ms. Jennifer Stoddart:** I think we already have a problem that needs to be looked into, that is being looked into. The Secretary of the Treasury Board has asked all ministries and agencies to inventory their contracting practices, I understand. I think this is something that needs the urgent attention of the Government of Canada in the present context.

**Mr. Tony Martin:** Could we have this draft guideline from Treasury Board brought to the committee? I think it's important, as we move forward and approve the development of this new ministry, that we understand what the government is doing to do whatever is necessary. This is an opportunity right now to do this right. Let's get it right from the very beginning so there are no gaps in terms of opportunity for problems to occur and private information to be released.

We can see that even the Province of Ontario found itself in a very embarrassing situation in the last week or two with information, and I guess they're looking it into it now to find out what exactly happened there. That could happen here even more, because we're

not talking a government agency now, we're talking all kinds of agencies. I mean, there are two or three agencies in my own community that deliver services on behalf of HRSD and it concerns me. Could we have that guideline to look at so that we are comfortable and satisfied?

**The Chair:** Mr. Martin, I understood the commissioner to say that a letter had gone out from the President of the Treasury Board to ask for an inventory from each one of the departments. Am I correct in this?

**Ms. Jennifer Stoddart:** Yes.

**The Chair:** Is this what you are asking for, this letter, Mr. Martin? Or are you asking for something more basic than that?

**Mr. Tony Martin:** I'm asking for a status report on that work.

**The Chair:** From?

**Mr. Tony Martin:** From the Treasury Board.

**The Chair:** A status report on the inventory of the departments.

**Mr. Tony Martin:** Where it concerns HRSD and, I guess, SDC, because that's what we're to look at.

**The Chair:** On these two particular departments.

**Mr. Tony Martin:** That's right, so that we can be comfortable.

I would like to know too, perhaps from our witnesses here, what they're hearing about that work and how quickly it's progressing. Perhaps you already told me this, but when did all of this start, the request for a draft guideline from Treasury board to cover this concern you've raised?

**Ms. Jennifer Stoddart:** I don't remember the exact date, honourable member. Perhaps you should address Treasury Board.

What I can tell you is that in the course of preparing a submission for the inquiry led by Commissioner David Loukidelis in British Columbia on the implications of the U.S.A Patriot Act, the fact that there were draft guidelines that had never been implemented—draft guidelines of 1998—came to our attention. We raised this with the President of the Treasury Board as something that should merit Treasury Board's attention in terms of devising permanent guidelines that deal with confidentiality and security issues concerning the personal information of Canadians that is contracted out. I believe Treasury Board is currently conducting that exercise.

• (1145)

**Mr. Tony Martin:** The draft guideline was brought forward in 1998 but has never been implemented.

**Ms. Jennifer Stoddart:** That's my understanding, yes. And we're suggesting that Treasury Board look at this with a view to adopting a permanent policy that would apply to all Canadian federal government organizations that are contracting out personal information. They are conducting that exercise, but exactly where it is, how and so on, I'm not involved in conducting the exercise.

**Mr. Tony Martin:** So if we could have a status report on that piece—

**The Chair:** From Treasury Board on these two departments.

**Mr. Tony Martin:** Yes, I think that would be helpful; it certainly would be to me in terms of understanding where we're going with this.

Have you anything further to say in terms of this Ontario experience that might relate to the work we're doing here?

**Ms. Jennifer Stoddart:** I don't really know much, honourable member, about the Ontario experience, except what I read in the newspaper.

Certainly, it and other incidents that are public—some of which we're investigating—point to the need for renewed concern about security and confidentiality in large organizations. It seems very easy to have personal information go astray. This would suggest that some of these things are not taken as seriously as they should be.

**Mr. Tony Martin:** Is that heightened when you have a relationship based on a contract out, as opposed to being in-house?

**Ms. Jennifer Stoddart:** I can't say that, necessarily. With contractors, if you say, "These are the standards for security and these are the standards for the protection and confidentiality of personal information", and if they adhere to them, I think you could have an excellent service.

You can also have government entities.... I think many provincial governments across Canada as well as the federal government have had, from time to time, glitches, mishaps, and errors in the handling of personal information.

So I think it's not the domain of one type of organization or the other.

**Mr. Tony Martin:** Okay.

Do I have some more time?

**The Chair:** One minute, Mr. Martin.

**Mr. Tony Martin:** As the Privacy Commissioner of Canada, how many complaints have you received under the Privacy Act against Human Resources and Skills Development Canada and/or Social Development Canada in the last year?

**Ms. Jennifer Stoddart:** I didn't bring a copy of the annual report so I would hesitate to venture to answer that. The previous honourable member asked that question. I can send that information to you quite rapidly because it's in our annual report and statistics. So I'm sending it to Madam Chair of the committee.

**Mr. Tony Martin:** Thank you.

**The Chair:** Actually, send it to the clerk.

Thank you.

Mr. Adams.

**Hon. Peter Adams (Peterborough, Lib.):** Madam Chair, I know we have other witnesses waiting. I think I can be quite brief, unless my colleagues have other questions.

Commissioner, we appreciate your being here. We appreciate your comments on cooperation between you and the department. It's our

understanding that the privacy regime proposed for these two departments is a combination of several privacy regimes that existed in the departments that were combined into HRDC years ago. We're told that the very combining of several mixed regimes into one department is itself a step forward.

**Ms. Jennifer Stoddart:** Yes, I tried to say in my prepared remarks that we view this development very, very positively. I'm not sure of the provenance of all of the different dispositions. I think it's fairly new as an approach. It goes beyond the Privacy Act and therefore is more stringent than the existing Privacy Act, which does have problems.

So we think this is a very positive measure. We urge you to adopt it.

**Hon. Peter Adams:** My next question was in fact going to have you repeat what you just said, that it does go beyond the Privacy Act in its present form.

We are interested in your amendments. We are certainly going to look at them. You can tell that our colleagues here are very interested in them.

If I could follow up on Christiane Gagnon's request, we would be interested in the number and nature of any complaints you've received from these two departments. I would not include the longitudinal study, but I would quite interested in going back a fair way. The nature of them is important, I think, and also any action that your office has taken; that would be of great interest to us. So I'd be grateful if you would follow through and make this report as detailed as you possibly can.

• (1150)

**Ms. Jennifer Stoddart:** Okay.

We can certainly give you statistics fairly quickly, but to go into each of the files and talk about action and so on might take a certain time. So I just want to be clear about what the committee would like. Would you like it as it's ready, the different types of information that we can prepare?

**Hon. Peter Adams:** Well, Commissioner, that is up to the Bloc member who initially asked for it.

From our point of view, what we would be interested in is how your office views these two departments with respect to privacy, and the entity that was there before them. So it's simply: has there been particular concern about these two departments? I don't know what Christiane was actually looking for, but if the statistics could reflect these questions, they are the sort of thing we would be interested in. Have there been particular problems compared with other departments, perhaps? Are they large numbers? Are they of a particular type of complaint, and so on?

I think that would be useful to us.

Is that the sort of thing, Christiane?

**Ms. Christiane Gagnon:** Oui.



**Ms. Jennifer Stoddart:** In our last annual report, which came out about a month ago, we have a paragraph in which we report on the review activities we did with HRSDC. We did some 20 reviews of submissions made by them on the privacy implications of some of their administrative practices.

Perhaps I will quote from our annual report. I have the page that deals with it here. This is page 50 of the English version.

Over the course of the last several years we have witnessed a marked improvement in the completeness and quality of the submissions we have received. This is evidence of the seriousness with which HRSDC regards its data linkage activities, and its dedication to ensuring that such linkages are undertaken in accordance with privacy best practice principles.

**Hon. Peter Adams:** Madam Chair, I am going to finish.

Like Christiane Gagnon, if you could provide the committee chair with some examples, some background information that is behind the sentences you've just read, we would be delighted.

Thank you, Madam Chair.

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

Madam Stoddart, I don't think I can get you a time limit on this, obviously, but we would really appreciate it if you could have something for us sometime during the month of January, the end of January. We reconvene at the beginning of February. Perhaps you could have it by then, if you think that would be possible.

**Ms. Jennifer Stoddart:** Do you mean the information on this department?

**The Chair:** Yes.

**Ms. Jennifer Stoddart:** For the end of January.

**The Chair:** For when we reconvene in February, at the latest.

**Ms. Jennifer Stoddart:** Yes, certainly.

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

We have now done the first turn. In fact, we've come to the end of the privacy commissioner's presentation. We could go to the second turn of two minutes each if anyone wants to ask further questions. Is there anyone from the Conservative party?

Monsieur Komarnicki, please.

**Mr. Ed Komarnicki (Souris—Moose Mountain, CPC):** I have a question with respect to clauses 31 and 32. It seems that the clause is worded in such a way that it leaves a discretion to the minister that's sort of unfettered. It says "if the Minister is of the opinion" in each clause. You attempted to change that somewhat in your amendment by saying, "if the Minister is satisfied" that the information would be used for a purpose consistent with the purpose for which it's collected.

It still leaves a lot of discretion to the minister. I noted that in clause 32, when you're dealing with research issues, you have a number of guiding principles within the legislation. One of the concerns I see as obvious—and perhaps what you might have struggled with—is that if you leave it simply "of the opinion" without any restriction, there could be abuses. I see that you have guiding principles in some cases, but you don't have in the clause 31 situation, although you did put the general item—

**The Chair:** I would suggest that you make your question very short, because the answer is going to be even shorter.

• (1155)

**Mr. Ed Komarnicki:** Okay, my question is, have you covered it sufficiently, and shouldn't you be putting in some guiding principles as to how the discretion might be utilized?

**Ms. Jennifer Stoddart:** I think the guiding principles as to the use of the minister's discretion are addressed in other paragraphs of the same bill. It has to be with prescribed institutions and for a purpose that is covered by a federal law or a program that is under a federal law. The minister's discretion is largely guided by this new privacy code in the legislation, and we think that's a marked improvement from the previous regime.

**Mr. Ed Komarnicki:** It's still pretty wide, though.

**Ms. Jennifer Stoddart:** Yes. There's a certain discretion, but it's not for sharing information with everyone. It has to be a prescribed institution. It has to be for a legally recognized purpose. That linkage has to be made quite specifically.

**Mr. Ed Komarnicki:** Thank you.

[Translation]

**The Chair:** Mr. Lessard, you have two minutes.

**Mr. Yves Lessard (Chambly—Borduas, BQ):** Earlier on, you were speaking in general terms. There were some concerns to that effect. Because there is a Privacy Act, do you not believe that given the fact that each department wants to add specific provisions to the bill, it would be better to depend strictly on this act, in order to fulfil our responsibilities in terms of managing the information held by each department?

**Ms. Jennifer Stoddart:** Perhaps that is what we would like in an ideal world where our federal Privacy Act would be up to date. In reality, this act is from another era. It has even been surpassed, in terms of concepts, by the most recent legislation adopted by the federal government regarding the private sector.

As it stands, we can either comply with the standards under our general legislation or try to set up a specific code by adopting a bill dealing with extremely sensitive activities. Indeed, these two agencies hold a great deal of personal information. Given that context, I believe that introducing a specific code to strengthen the current Privacy Act would be an appropriate approach.

**Mr. Yves Lessard:** Are you or others involved in updating this legislation?

**Ms. Jennifer Stoddart:** My predecessor, Commissioner Phillips, submitted a book of suggestions regarding the updating of this legislation in 2000. I tabled it before the House of Commons Standing Committee on Access to Information, Privacy and Ethics, about 10 days ago. We discussed the timeliness of this endeavour with the minister, and the way in which we can update this legislation. We are working on this. We hope to be able to discuss it with the department.

**The Chair:** Thank you, Madam Commissioner.

Are there no other questions from the Liberals?

Mr. Martin, you have two minutes.

[English]

**Mr. Tony Martin:** I'd like to follow up on this contracting out business, which I have some real difficulty with. You brought in an amendment to limit the minister where sharing information with other governments and foreign bodies is concerned. Why didn't you consider an amendment where contracting out is concerned, given that we're still waiting from 1998 to have a draft guideline put in place that would deal with an issue you obviously think is a concern?

**Ms. Jennifer Stoddart:** As I understand the whole issue of contracting out and the conditions in which the federal government contracts out, the processing of Canadians' personal information is actually under review, and presumably you'd have to have the same standard between government departments. Whatever policy will eventually be adopted would apply to all government departments, including this one. So I think it's appropriate to wait until the end of that exercise.

**Mr. Tony Martin:** Would your concern be such that perhaps we should be making some indication through this bill that no contracting out be done until we have that review done and we know what the problems are and what could be put in place to deal with them?

• (1200)

**Ms. Jennifer Stoddart:** I don't know that you can through this bill process, honourable member. I have to study the feasibility of that. I don't know if that can be done. I think this can go ahead, because this is a marked improvement over what was there before. We would urge you to consider our suggestions for amendment, and if possible, to adopt them.

What is important on another level is that the government finishes its review of practices, of contracting out personal information, and adopts an appropriate policy and standards that would apply to all departments, all activities, under any legislation that the departments or the agencies might administer.

**Mr. Tony Martin:** Thank you.

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

Once again, Madame Stoddart, I'd like to thank you and Madame Kirkby for coming here this morning. As you can see, the whole concept of privacy is a concept that we all think is extremely important, and we are very glad to hear your comments on these two particular bills. Thank you once again for having come today.

And I will give one minute for the next team to come on.

• \_\_\_\_\_ (Pause) \_\_\_\_\_

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• (1205)

[Translation]

**The Chair:** The clerk circulated copies of the amendments suggested by the commissioner. There are two of them, one to Bill C-23 and one to Bill C-22. I assume everyone has received a copy. Otherwise advise the clerk: she will send you one. I think everyone received them.

[English]

We're now continuing our meeting. We have with us this morning from the Canadian Labour Congress, Mr. Kevin Hayes, senior economist; and Mr. Hassan Yussuff, secretary treasurer; and from the Northern College of Applied Arts and Technology community employment services, Madame Lisette Ouellette, who unfortunately is not here yet.

**The Clerk of the Committee:** She is right here, and I've been talking with her because she's not sure that at this point...[*Technical difficulty—Editor*]

**The Chair:** What we'll do, Madame Ouellette, is this. You will talk to the clerk, and then if you decide to appear, we'll put you on at the desk. Thank you so much.

And from the Canadian Construction Association, we have Monsieur Dennis Ryan, director, industry, human resources. From the Canadian Council on Social Development, with us is Monsieur Marcel Lauzière, president.

We have also as a witness on video conference from the Study Committee on Seasonal Work, Monsieur Normand Carrier, president, from Edmundston, New Brunswick. Welcome, Mr. Carrier.

[Translation]

Welcome.

[English]

Yes, Mr. Martin.

**Mr. Tony Martin:** I have a point of order about the Northern College presentation and Ms. Ouellette. I would hope that as a committee we would have a chance to at least hear her, and then we can all decide whether what she's presenting is in order or not. I would not like to have that decision.... This person drove all the way from Timmins to present here this morning. It's a very short window of opportunity that she has, and I would hate to have us determine without first hearing at least some of what she's presenting—

**An hon. member:** It was her, not us.

**The Chair:** Excuse me.

Mr. Martin, we are not the ones who are going to decide. I will not be the one who decides whether she wishes to appear as a witness. She will decide whether what she has to say is pertinent to what we are discussing here together. It is her decision, Mr. Martin, not ours.

**Mr. Tony Martin:** But her decision has been pushed by a comment you made, I believe, at the beginning, where you're going to be very severe and strict in terms of what people can present and how it applies or doesn't apply to the actual bill. That's probably why she is now questioning whether in fact—

**The Chair:** This is something you don't know, Mr. Martin. It's a hypothesis on your part.

**Mr. Tony Martin:** All right, but that's what I'm told by one of my staff who is here, that this was the comment you made, and I—

**The Chair:** No, but you don't know why Madame Ouellette has decided....

**A voice:** She's going to present.

**The Chair:** Then that's the end of the discussion. That's good. That's a lot easier on every one of us.

[*Translation*]

Ms. Ouellette, welcome to the committee.

[*English*]

Yes.

**Hon. Eleni Bakopanos (Ahuntsic, Lib.):** This isn't an issue, but I would like to raise a point of order.

I was looking through the documents, and that's no judgment on the witnesses—

**The Chair:** Which document are you referring to?

**Hon. Eleni Bakopanos:** No, in general, the witnesses before us today.

**The Chair:** Yes.

**Hon. Eleni Bakopanos:** I'm questioning relevance to a certain extent in terms of the two bills. I don't want to make this a big issue, because you've come out of your way and you've been here. I apologize, but I want to know whether the steering committee in fact had an opportunity.... It's at this point that normally we go through the briefs and the witnesses who are coming before the committee, and I'm questioning the pertinence of the present witnesses in terms of what we are studying as a committee. I apologize to the witnesses for that.

**The Chair:** I did think about this and I have discussed it with the clerk, Madame Bakopanos, and certainly that is a possibility. I made a statement at the very beginning of this meeting saying that I reminded members that the purpose of this meeting is to discuss the contents of Bill C-22 and Bill C-23 as regards the division of the former HRDC department.

We're not discussing the programs, so I would ask both the members and the witnesses to respect that particular statement. If you do not, it is the prerogative of any member here present to—and that includes me as chair—on a point of order, tell you that you are not on the subject. That includes every one of the elected members of this committee.

Mr. D'Amours.

• (1210)

[*Translation*]

**Mr. Jean-Claude D'Amours (Madawaska—Restigouche, Lib.):** Madam Chair, I would like to make a comment along the same lines. In looking at some of the presentations which were made and distributed, I realize there is an overlap with what is being discussed currently before the Subcommittee on the Employment Insurance Funds. I haven't looked at everything, but I would hope that the discussions we will be having this morning will deal strictly with the issue of the severing of the department.

In the presentations which will be made, I see information which does not relate to the splitting in two of the larger department and has to do with situations which are before the subcommittee, as requested by our committee.

**The Chair:** I will get back to you.

Mr. Van Loan.

[*English*]

**Mr. Peter Van Loan (York—Simcoe, CPC):** I was really just going to say that in my view virtually anything is on the table because the government decides to proceed in this fashion. It's not an act to divide the department; it's an act to establish the Department of Social Development and amend and repeal certain related acts. It's an act to establish the Department of Human Resources and Skills Development. Everything that's in those acts, everything that's on there, is fair game. Whether I want to hear it or not, whether I like to hear it or not, the fact is that the government has decided to proceed in this fashion and create these departments, divide the responsibilities and make amendments, and when you're doing that, everything that's covered by those acts is on the table.

**The Chair:** Thank you.

Mr. Martin.

**Mr. Tony Martin:** I agree with that comment and would suggest that the chair allow some latitude in the sense that we are establishing two new ministries here, and I think we need to look at whether in fact the ministry should have underlying them contextually a mission statement: where is it they want to go, why is it they're doing this, how is this going to improve the situation for programs such as the one at Northern College, and what is the new Department of Social Development going to do in terms of improving the situation for ordinary Canadians out there?

With that in mind, I agree that everything should be on the table and we should be willing to hear from people who have some concern. From discussions I've had with some Bloc members, I know they're not convinced that this is a good way to go and are considering perhaps voting against these bills. I have to tell you that I'm listening as well to what's being said here so that I can decide myself whether this in fact is an improvement on what we have now. So that's why I want to hear from the witnesses who are in front of us.

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

[*Translation*]

Mr. Lessard.

**Mr. Yves Lessard:** Briefly, Madam Chair, I agree with my colleagues from the NDP and the Conservative Party in this respect. I think that everything is on the table. We should not be confusing the issue with respect to the responsibility or the mandate the subcommittee was entrusted with, that is completely separate.

We haven't had to study the creation of new departments as such. I'll give you an example. For instance, the minister came to tell us in person, with respect to the establishment of the commission, that what is proposed under the bill on the establishment of the Department of Human Resources and Skills Development should remain. However, we, and others, including the organizations which will be appearing before us—I know—do not share that opinion. That's an example.

This is why I believe that we should allow them to freely get into this debate without concern for its scope.

•(1215)

**The Chair:** Ms. Bakopanos.

**Hon. Eleni Bakopanos:** Once again, I would not want to prejudice our witnesses who have come from very far to hear us. I quickly read the two documents which were distributed. There's no mention made of the two bills. None. So once again I raise the issue of relevance. If they can make that link throughout their presentations, we will listen to them, but there is no mention made of these two bills.

I have Bill C-22 before me. We can say that this is an open discussion, as is the case every time someone appears before the committee. However, the committee has limited time. Even if, for political reasons, the other political parties are not willing to accept what the government has decided to do, this isn't a free-for-all. We have to be serious.

There is a specific committee that can discuss all of the issues relating to employment insurance. In terms of what is before us, if you want us to remain here until after Christmas to consider all the small details, all right. However, once again I ask the question, quite seriously. What is the relevance of this presentation with respect to the bills the committee is considering?

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

Mr. Forseth.

[*English*]

**Mr. Paul Forseth:** Thank you.

I am somewhat of both minds. I think this discussion should be helpful to the witnesses, because what I am looking for... I do understand that once something is on the table, in some respects, everything is game, yet on the other hand, we do have two bills that we have to do clause-by-clause and vote on. If the witnesses complain, then I would like to hear some specific clause-by-clause improvements to the bill, or such as what the NDP did with Bill C-5. They outlined arguments for the general concept that the whole bill should be scrapped, but at least it was focused on the bill, and they made arguments as to why the bill should not be proceeded with at all.

So you might have that kind of argument, or there are some specific clauses that should be deleted, or added, or whatever, but we still have a task to do. So that's what I want to hear. You might allude to some other things that maybe we could hear at some other time.

I just hope that's helpful to the witnesses.

**The Chair:** I would add to this that....

[*Translation*]

Mr. Lessard, go ahead. I'll add something later on.

**Mr. Yves Lessard:** I'll be brief, Madam Chair.

I would like to remind my honourable colleague that the objective of our meeting is not, as she states, to take a position on the division of the department. As we see, points 1 and 2 are separate, one has to do with the establishment of the Department of Social Development, and the other one the establishment of the Department of Human Resources and Skills Development. We're not looking at the division

of one department, but rather the establishment of two new ones, Madam Chair. This is why everything must be addressed.

**The Chair:** I would strongly tend to agree with what was suggested by my colleague Paul Forseth.

[*English*]

What I would suggest to the witnesses is that on the one hand, if there is material that you've already presented before our subcommittee on employment insurance, this subcommittee reports to us, to this full committee, and will be doing so in a very few days. We will then have knowledge of your presentation to the subcommittee.

So in all fairness, I think you should take the time to talk about Bill C-22 and Bill C-23, rather than actually spending time on things you have already said to a subcommittee that will be reporting to us in any case. That's one point.

On the second point, in a conceptual manner, I do agree that there is a larger context within which you may want to address your remarks, but I would ask you to refer as much as you can to Bill C-22 and Bill C-23. I am sure we will have many other occasions to hear you on other parts of programs that will be cropping up during the year. This is not the first time you're appearing as witnesses here, and I'm sure it'll be far from the last time in which we will have the pleasure of hearing from you.

I will begin as of now. I would invite Mr. Hayes.

Mr. Hayes, you are the gentleman who's going to...? Mr. Yussuff is going to do the presentation.

Mr. Yussuff, you have a few minutes to present. Then I will go through each one, and when each person has done a presentation, we'll then go on to questions and comments.

Mr. Yussuff.

•(1220)

**Mr. Paul Forseth:** Are we including our video guy?

**The Chair:** Of course we're including our gentleman from Edmundston. Absolutely.

**Mr. Paul Forseth:** Is that later, or...?

**The Chair:** I'm sorry, were you not here? Mr. Forseth, I have read the list of all the people who are going to be partaking of this. That, of course, includes Mr. Carrier, who's waiting for us in Edmundston.

**Mr. Paul Forseth:** Did we say hi to him yet?

**The Chair:** We have, and I've even welcomed Mr. Carrier.

Mr. Carrier, how's the snow out in Edmundston?

**Mr. Normand Carrier (President, Study Committee on Seasonal Work):** There's a lot of it, ma'am. There's lots of snow.

**The Chair:** All right. So he's had a chance to say a word. You can hear us all right?

**Mr. Normand Carrier:** Yes, I can. Thank you very much.

**The Chair:** We certainly hear you very well. Thank you.

Mr. Yussuff.

**Mr. Hassan Yussuff (Secretary Treasurer, Canadian Labour Congress):** Thank you, Madam Chair.

First of all, I want to thank the committee for the opportunity to present. While it was interesting listening to some of the committee members comment about what we are likely to say, we think what we have to say is relevant to the current legislation that you're struggling with. You may disagree at the end of the day, but again, that may be a subjective or objective opinion. I'm not sure.

We do believe that in regard to this hearing, we have essentially tried to bring some of the concerns that speak specifically to the skills development department and how it will be reconstituted, and some issues that we think you should consider in your deliberations.

We have submitted a very comprehensive brief. I don't intend to cover all of it here, but I do intend to cover some of the key elements that may have been raised in other proceedings at other committees. They may be repeated here today.

First, on behalf of the three million members of the Canadian Labour Congress, we want to thank the committee for inviting us to present. Again, we look forward to your deliberations and recommendations.

Let me begin by saying that we welcome the focus on skills development. Our brief focuses on three specific concerns: the relationship between the EI Commission and government; the urgent need to make training a regular EI benefit for both employers and unemployed workers, to increase employer investment in the skills development of their own workforce; and strengthening the role of the social partners, the collaboration between government, employers, and unions. This is a key to skills strategy in most EU countries.

Let me first deal with our recommendation for an independent EI commission that would oversee what we hope would be an insurance trust fund, where workers' and employers' premiums could be used only for payment of insurance claims to workers.

The bill establishing the department, like the EI Act, is full of references to the Canada Employment Insurance Commission, but it is very difficult to disentangle where the respective roles of the commission and the department, HRSDC, begin and end. Our submission repeats what we have said many times before: the commission lacks the necessary independence in its governance and ought to be an insurance trust fund.

The bill does not increase the autonomy, authority, or accountability of the commission. It does give greater independence and powers of oversight of what ought to be an insurance trust fund. It is our view, the commission should continue to be a tripartite body representing workers, employers, and government. An arm's-length commission must have the resources necessary for oversight and comprehensive reporting. It must have access to a range of expertise and resources needed to evaluate the full scope of programs, such as setting premiums and making recommendations to cabinet on some hundred or more regulations, including regulations on benefits and eligibility. We want EI to be publicly administered and delivered by HRSDC.

Until 1994, workers' insurance money was managed as a trust fund. It is time to reconstitute the EI account as an employment

insurance trust fund and make it illegal to use the premium money for non-insurance use by government.

Turning to investing in skills development, we welcome the emphasis in this bill on skills development. Canada has neither a culture of lifelong learning nor a culture of workplace-based learning. Canada's adult training system is not only less developed than that of most countries in the European Union; it is even less developed than that in the U.S. Fewer than 30% of Canada's employed adult workforce receive employer-provided training, about 10 percentage points lower than in the U.S. Canada's employers invest on average 0.5% of payroll on training, well below the 1.3% of all OECD countries. Investment in workers' training in conjunction with changes in workplace organization, which takes advantage of higher skills, has been found to increase productivity and profitability. Studies by OECD and other agencies show that education and skills are the major determinants of new investment, not taxes or deregulated economies.

Most employers' training dollars are spent on managers and professionals, who already are educationally advantaged. The growing ranks of workers in precarious and contingent work, made up largely of women and recent immigrants, are largely excluded. It is time to make training a regular insurance entitlement under the employment insurance program for both employed and unemployed workers. The earnings of workers should be insured in the same way as we cover wage loss for unemployment, pregnancy, parental leave, sickness, and compassionate care.

For a skilled worker, keeping skills current is intrinsic to both employment security and income security. There are no good reasons why regular EI benefits cannot be expanded to all employed workers for workplace-based training, as it has been available to apprentices for decades. The minimum labour force attachment for EI training should be the same as for job loss, pregnancy, parental leave, sickness, and compassionate family care.

We are urging the current complex level of EI qualifying requirements, which varies by benefit and regional unemployment rates, be scrapped and replaced by a single qualifying requirement of 360 hours. This, along with using workers' best 12 weeks of earnings in the last 12 months, would go a long way to ending needless complexities and the unfair treatment of workers, particularly women.

The employment insurance system has enough scope to reward employers for investing in training and meeting minimum investment targets, such as employers providing 40 hours a year of training to each employee, a joint workplace training committee, recognition of prior learning, and hiring completion targets for apprentices.

• (1225)

**The Chair:** Excuse me, Mr. Yussuff, I wonder if you could cut your presentation a little.

**Mr. Hassan Yussuff:** I will conclude, Madame. I only have a few more comments.

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

**Mr. Hassan Yussuff:** Because EI is an area of federal exclusive jurisdiction that reaches more than 80% of workers now unemployed, EI training insurance is particularly appropriate for a workplace skills strategy. EI training insurance fits well with the key responsibilities of the provinces for employment standards and education. The EI benefit for apprentices does not interfere with the provincial regulation of trades; it provides for higher standards and accountability. Access to training opportunities for employed workers is the key to lifelong learning, higher living standards, quality of life, and social inclusion and citizen engagement.

Unions are interested in working with employers in both workplace sectors to promote a genuine training culture. Training insurance and EI programs are practical and could move Canada's society forward in a significant way. Investment in education and training is about more than the labour market. It's about the essential ingredients in human development.

We also have some comments in respect to some of the points that were made earlier by the Privacy Commissioner, of course on the privacy aspect of the current legislation. We look forward to any questions you may have.

**The Chair:** Thank you, Mr. Yussuff. I apologize for interrupting, but I want to give everyone the possibility to ask questions addressing your comments.

[*Translation*]

I'll now hand over the floor to Ms. Lisette Ouellette, of the Northern College of Applied Arts and Technology.

Ms. Ouellette.

[*English*]

**Mrs. Lisette Ouellette (Employment Consultant, Northern College of Applied Arts and Technology, Community Employment Services):** This is going to be very short and sweet, because I've been blown out of the water. I apologize.

Again, I think the concern we're going to have as college employees in college programs is not knowing what the future direction of HRSD is going to be and how it will impact us in northern communities. Our programs are geared to youth and youth out-migration. With a program like GAP—and I'm not going to get into the details; I've been told not to—we have met with such success in the last five years that we feel, with the new changes, our program has been taken away and we are not being respected for the work we do. We are achieving great results, and when these big changes come on we get a little nervous in the northern

communities. Where is this going to go? What are we going to be doing for these young people?

We would like to see this new department develop an overall mission statement to make sure we can have some confidence that a program like GAP will continue if it's successful.

That's it, short and sweet.

• (1230)

**The Chair:** Madame Ouellette, I would like to say on behalf of all the members of this committee how much we appreciate your having come all this way. This committee does study the kinds of problems you have presented to us. If in the next few months of this session we have the opportunity, you can be sure we will be asking you to come back to talk directly on the subjects that are of concern to you.

There may be questions and comments addressed to you, nonetheless.

Thank you.

I will now go to the Canadian Construction Association, and Mr. Dennis Ryan.

**Mr. Dennis Ryan (Director, Industry, Human Resources, Canadian Construction Association):** Madam Chair, my comments will come halfway between those of both my colleagues here. I will try to respect the committee's wishes to not delve into the program side of it. I'm looking more at the value of the establishment of the whole department, which I see as really a transfer of the duties of the current Department of Human Resources Development.

Madam Chair and committee members, the Canadian Construction Association appreciates the opportunity to offer its views to the House of Commons Standing Committee on Human Resources as it prepares recommendations to the Minister of Human Resources and Skills Development respecting Bill C-23, the legislation that will give life to the new Department of Human Resources and Skills Development.

The Canadian Construction Association is the national voice of the non-residential construction industry, representing some 20,000 individual firms located in every region of Canada. Ninety-five per cent of those firms are small businesses. Although a majority of these employers could not participate in formal, individual, firm-based training programs as an industry, we are a success story in terms of a multi-employer approach to providing solutions to challenges that face our industry.

There are numerous programs in the area of training and education that have been undertaken and are currently ongoing under the partnership programs we share with the current Department of Human Resources Development. The total construction industry in Canada, including the residential sector, directly employs more than one million Canadians. Our industry is therefore a major contributor to and beneficiary of the human resources and skills development culture encouraged under the department's programs and services.

Construction has been experiencing unprecedented broad-based growth in recent years in Canada. A growing industry requires a continuous supply of skilled labour, and construction is certainly no exception. I am proud to say our industry has done an exceptional job of developing human resources and skills development programs that are a model of small business cooperation.

By way of example, we at the Canadian Construction Association oversee a construction management excellence program that offers national recognition and certification of the skills of construction managers. Known as the gold seal certification program, it is a national standard that was recently included as a requirement of the successful bidder in tendering documents on a major Department of National Defence project. Interestingly enough, gold seal is a program that started 12 years ago in cooperation with HRDC and continues today, funded entirely by certification revenues.

We are committed to continue working with the Minister of Human Resources and Skills Development to address human resource issues on an industry-wide basis and, as demonstrated through our strong participation, to support the Canadian Apprenticeship Forum and the Construction Sector Council.

At the trades level, we encourage continued strong support for the red seal program and expansion of the red seal program to include many more trades. Red seal is a program that is also a nationally recognized standard for trades. It is a mechanism by which recognition is given to the skills and competencies of the individual regardless of where they underwent their training in Canada. We believe those who are trained as carpenters in Newfoundland should be capable of meeting the requirements of the trade in all jurisdictions in Canada. Therefore, we encourage the federal government to continue its support for national training standards and the red seal program.

We note in the legislation that although the powers, duties, and responsibilities of the minister and the Minister of Labour have not changed significantly under the new Bill C-23, the objectives they are to pursue that will guide their exercising of the powers, duties, and functions have changed somewhat.

• (1235)

We note that with respect to the Minister of Labour, the powers, duties, and functions are to be exercised with the objective of promoting safe, healthy, fair, stable, cooperative, and productive workplaces. We would encourage that the minister do a review of the existing fair wage schedules in terms of how they would stand up to the test of these stated objectives. We believe also these directives of the act stand as a clear direction for the minister of HRSDC in carrying out the powers, duties, and functions in his role as the minister of the new department.

I say new department, yet I see so much that is not new at all. For example, there are no changes proposed in the Canada Employment Insurance Commission. Is this a signal that the many voices calling for EI reform are going unheard?

We again encourage the minister to hear the employer community's call for EI reform. Where was the transparency in the recent premium-setting process? Where was the opportunity for employer input? In the event that we were not heard, let me once again echo, there is a need for reform. We remind you, without going into detail of what those are, of the recommendations that have been submitted on EI reform in a number of instances.

I'd like to jump briefly to the issue of mobility with respect to skills and human resource development.

It would really be an injustice to discuss human resource and skills development policy and not touch on the important role of mobility, especially in the construction industry. There's no question that an adequate supply of skilled workers is critical to a smoothly functioning construction industry. While there are many regions in the country that are enjoying a significant construction boom, there are also areas where unemployment in the industry is at elevated levels.

A recent article in *The Globe and Mail* suggested that Imperial Oil is considering scrapping a multi-billion-dollar upgrader to support its developments in northern Alberta's oil patch. Cost overrun is the main reason cited for Imperial's need to rethink its investment in this area, and a shortage of skilled labour is the first reason cited respecting cost overruns.

Neither the industry nor Canada can afford to let investment of this magnitude and the thousands of jobs it would create slip through our fingers and head to the U.S. gulf region. Mobility of labour in Canada could provide an immediate relief for some of the potential and perceived shortages in this industry.

One concern for the construction industry centres on how to bring the unemployed workforce and unfilled jobs together. Labour mobility is a key factor in matching jobs and people in Canada's construction industry. Labour mobility, however, involves financial costs to both the worker and the employer. I would suggest the committee seriously consider our recommendations on mobility, which are to reconsider the temporary mobility program. When the new department is established, we'd be encouraged to participate in developing with them appropriate measures to address the issues of labour shortages in Canada.

Thank you very much.

**The Vice-Chair (Mr. Paul Forseth):** Thank you.

We'll now go to the Canadian Council on Social Development, and Mr. Marcel Lauzière.

[*Translation*]

**Mr. Marcel Lauzière (President, Canadian Council on Social Development):** Thank you, Mr. Vice-Chair.

I would like to address both the establishment of the new Department of Social Development and the splitting of the former department. So I will address both of these issues briefly.

[*English*]

We've talked mostly about Bill C-23. I'd like to say a few words about Bill C-22. I hope they will have relevance for both the creation and division. I'll limit myself to five minutes.

[*Translation*]

The Canadian Council on Social Development is a Canada-wide, independent, not-for-profit organization founded in 1920. It is essentially a social policy research organization, which promotes social development throughout the country.

[*English*]

With regard again, then, to Bill C-22, when the Prime Minister announced the creation of the new department, or last December when he first announced his cabinet, the Canadian Council on Social Development applauded that decision. We applauded it because we saw it at that point as a strong commitment to a sound visionary social development agenda for the country.

Given the challenges and the new risks Canada is facing as we enter this new millennium, the announcement of this new department was very well received by the social development community, I think, across the country. It was perceived as a strategic move to better position ourselves for the years ahead. One year later, we still believe that's important, but we have some recommendations in terms of how it needs to happen that are linked to the bill.

• (1240)

The first thing I think this new department must do is provide some real leadership and vision at the federal level. This leadership at the federal level I see as happening through a whole-of-government approach. I think one of the great opportunities of this new ministry is to enable government to develop and actually obtain buy-in to a long-term social development agenda. While there are a number of departments—we've heard this morning a lot about Bill C-23 and HRSD; there's Health; there's Canadian Heritage; there's Justice; all of these ministries play a significant role in social development—there's only, in our view, one department, this new department, that actually can play the leadership role of bringing people together so that we have an articulated and well-thought-out social development policy for the country, which we haven't had recently.

I think this needs to be done. It can only be done by Social Development Canada, and it would be nice to see this clearly expressed in Bill C-22. Given that the current government has had the foresight to create Social Development Canada, I think it must now also make sure it has the tools and the mandate to actually do the work effectively. That's the first point.

The second point is more in terms of illustration. While Social Development Canada has to play a leadership role at the federal level, it has a shared leadership role to play across the country in working in a new way with the provinces around social development issues. It needs to work in partnership to strengthen our social foundations. There are two examples that come to mind, which I'll go through very quickly.

As you all know around the table, we now have, since April 1, two separate transfers that go from the federal to the provincial governments. We have the health transfer and we now have the social transfer, essentially for post-secondary education and for social services. While we've talked a lot about the health transfer and about health care, there has been only a resounding silence about the social transfer, and I think that needs to be addressed.

To give you an example, we talk a lot about line-ups at emergency wards; we talk very little about line-ups at food banks. We talk a lot about waiting lists for surgery, but we talk very little about waiting lists for social housing, and this despite the challenges that are faced by our country. In our last census, Statistics Canada came out with numbers just recently, and what we're seeing is our growing inequality and our inability to address it—persistent poverty issues, and worsening situations for recent immigrants.

We absolutely need to do this. It's a way of preparing Canada for the competitive and globalized world in which we're working.

As part of the mandate, Social Development Canada, in my view, should be taking a real leadership role in helping to ignite a national dialogue and bring the players together to start talking about the future of our social programs. Recently, we had Roy Romanow come to a session at the Canadian Council of Social Development for a public talk, where he talked about the need to do for the social transfer what we've done for the health transfer. I think that's clearly linked to the new ministry of social development.

We proposed—in fact, CCSD is pushing it—that we need to look at accountability and transparency of the funding; we need to look at adequacy and predictability of funding; we need to look at shared goals and objectives; and we need to look at measurement of outcomes and engagement of Canadians. In all of this, Social Development Canada needs to be playing a key role.



A second example—and I'll stop there—is child care. This is an area where Social Development Canada has taken a real leadership role. There's \$5 billion on the table right now for a new child care system. That's not enough money, but it's certainly a significant downpayment. They have moved forward in adopting key principles and now need to work with the provinces, I think. That leadership has to happen. The department has to find a new way of working in partnership with the provinces so that the funding for child care is maximized and invested in a way that will allow Canada to begin to develop a really strong, sustainable child care system similar to what we have in Quebec.

That means moving away from a mishmash of services and programs across the country that are not serving Canadians well. The provinces must buy into this new system, and I think there's a role for Social Development Canada to play in bringing people together. I was quite pleased, in fact, to see that the Minister of Social Development was at a conference we organized a few weeks ago and spent a lot of time there, as did Mr. Martin, who is here also from the NDP. There's a real interest there, and I think that's really quite important.

In closing, I know this exercise in looking at the bill very much looks like an exercise to create new departments or separate two of them, but it needs to be much more than a housekeeping exercise and needs to be much more than machinery of government. Through this new Department of Social Development, there's a real opportunity for Canada to make progress and focus on developing a sound and ambitious and effective social development vision for the next 25 years. I really applaud the creation of this new department. I just hope we don't miss the opportunity of actually moving forward.

Merci.

• (1245)

[*Translation*]

**The Chair:** Thank you very much, Mr. Lauzière.

I'll hand the floor directly over to Mr. Carrier, in Edmunston.

Welcome, Mr. Carrier.

**Mr. Normand Carrier:** Thank you, Madam Chair.

Madam Chair, members of the committee, the Government of Canada's decision to split the Department of Human Resources Development Canada in two, to establish the Department of Social Development and the Department of Human Resources and Skills Development Canada, bears witness to the importance the government attributes to training for Canadian workers, and to its desire to see Canadians become the best trained and best qualified workers in the world.

The challenges of the 21st century are well known. Canadian companies are already addressing the human resources challenges of the 21st century. Certain studies demonstrate that despite a relatively high unemployment rate, there is a labour shortage and workers are underqualified. As an example, I'd like to point to the aging population. Everyone is aware of it, but we are only now starting to get concerned about it.

The average age of baby boomers is now more or less 56. In and of itself, that is not a tragedy, but for the fact that the birth rate has

been free-falling over already several years now. Precisely because of this significant decrease in the birth rate over the last several years, there is a shortage of qualified labour. It must be said that due to globalization, the picture when it comes to unemployment is a completely different one from 15 or 20 years ago.

In the past, the economy could be stimulated and jobs could be created by investing and increasing consumer buying power. If you had a million unemployed, you could fire up the economy and artificially create a million new jobs. However, in the current economic context, this is not necessarily true. That is why traditional methods to curb unemployment do not yield good results.

Perhaps we shouldn't say that we have an unemployment problem, but rather an employment problem, and the problem is the underqualification of Canadian workers. This is why the north-eastern New Brunswick study committee on seasonal workers agrees with the government initiative aimed at splitting HRDC in two.

That being said, I would have a few comments to make and some questions regarding two clauses in Bill C-23, if time permits and if you so wish.

**The Chair:** Go ahead, Mr. Carrier, we're listening.

**Mr. Normand Carrier:** I'd like to refer you to a clause in Bill C-23. I'll read the first sentence, concerning the appointment of the Minister of Labour:

18.(1) A Minister of Labour may be appointed by a commission under the great seal to hold office during pleasure.

According to our committee, the words “may be appointed” allow for some discretion as to whether it is a good idea to appoint a labour minister or not. We believe that the wording should be more forceful. In our opinion, there must be a full-time Minister of Labour.

• (1250)

**The Chair:** Mr. Carrier, do you have any other comments?

**Mr. Normand Carrier:** I'd now like to go to clause 27(2), which deals specifically with the appointment of commissioners to the Canada Employment Insurance Commission. And I quote:

27.(2) Each commissioner shall reside in the National Capital Region [...] or within reasonable commuting distance of the region or place.

I would like to term “reasonable” to be defined in this context. Given the means of communication now available in 2004, I'm wondering if the word “reasonable” will evolve.

Those are all my comments.

**The Chair:** Thank you, Mr. Carrier. Stay with us, because there may be questions or comments for you.

[*English*]

Ladies and gentlemen, we are very short of time given all the discussions we've had, but we have a panel here that we want to address our questions to. In the first round, I will go with three-minute turns so that everybody gets a chance to ask at least one question. If there's any time left, I'll come back for a second turn, but we'll go straight ahead with the three-minute turns.

[Translation]

I'd like to hand over the floor to the Conservative member Mr. Komarnicki.

[English]

**Mr. Ed Komarnicki:** Yes, I would like to address my remarks to Marcel.

In speaking about the division of the two departments, I assume it's to provide a stronger focus to their respective mandates, or along those lines. At the same time, I understand there are now service agreements between the two departments to provide for a sharing of corporate human resources, financial and administrative services, and systems support services. It seems like you divide the department into two and then you try to enter into service agreements to bring certain things back together.

Might there not end up being additional administrative costs and duplication that would otherwise be unnecessary? You're dealing with the same people, the same superstructure, the same administrative structures. Don't you see a problem with that?

[Translation]

**The Chair:** Mr. Lauzière.

[English]

**Mr. Marcel Lauzière:** That's not my particular area of expertise, but I think this is certainly doable. The emphasis I would like to put on this is that having a separate ministry for social development allows the government to bring social development out where it was invisible in the past, and to make it a very public department with a very public and very visionary mandate. I think that's the first element. Then how it is done administratively in the types of services that happen between the two ministries—that's not my particular expertise; but I certainly wouldn't see that as an obstacle.

I really think it is the first part I talked about that is the most important.

I don't know if that answers your question.

**Mr. Ed Komarnicki:** That's the essence of what this is about, then? You don't think that having the other adds any extra cost to it?

**Mr. Marcel Lauzière:** Again, it's not my area of expertise, but I think it has been looked at.

More important is the fact that there be a separate ministry for social development.

**The Chair:** We do have additional time. You have one minute.

**Mr. Paul Forseth:** Thank you.

I'd just like to ask Lisette Ouellette a question. She talked about program funding. During this division, I take it she had a contact person, and she probably has a scenario like this: they tell her, well, there's restructuring going on, we haven't received any budget mandate, and we don't know if we'll be able to give you any money or not or whether you'll be approved.

I just want to hear from your perspective about the life of your program and if this redivision is causing you some concerns or uncertainty at your level about continued funding.

**The Chair:** Madame Ouellette.

**Mrs. Lisette Ouellette:** Actually, the program is no longer; at the end of October, we could not continue. The funding was for a two-year project. Mind you, this was our fifth year doing the program, but we had a two-year contract with HRDC.

The only information we received from HRDC was that they were restructuring programs and were going to change the focus of the programs. They asked us to make another proposal to take the program on, but it was with very minimal funding, so we could not go forward with it. We would have been stepping back 10 years as far as we were concerned, so it was just a matter that GAP was gone.

We did not get a lot of advance warning.

• (1255)

**Mr. Paul Forseth:** When did the shutdown happen?

**The Chair:** I'm sorry, but I have to cut you off.

Monsieur Lessard.

[Translation]

**Mr. Yves Lessard:** I'd like to thank the witnesses for their presence here today in this context when we are so pressed for time.

My question is in two parts and is directed to the Canadian Labour Congress.

First, I would like to hear what you have to say regarding the relevance of the division as such. There isn't much in that regard within your report. According to you, will the services that have to be provided be affected?

Second, I would like to hear more regarding the role of the Canada Employment Insurance Commission. You are referring to a relationship between the commission and the minister. I would like to hear more in this regard, how this arm's length relationship will be created.

[English]

**Mr. Hassan Yussuff:** We'll probably share in the response.

I think the idea of having a separate department that deals with skills development could—and I say, “could”—be of extreme importance to the challenges we face, if the department's responsibility is clearly defined. That'll be the detail that has to be sorted out in the context of the legislation. Right now we think it's very ambiguous, and that's for the committee to resolve.

In regard to the commission, we were very explicit about the role we think the EI commissioners can and should play in regard to their specific responsibility in carrying out their function as it is intended by the legislation. We have laid out to a large extent what we see as the deficiencies and how they can be corrected, and the role and responsibility of understanding how premiums are set, and what assistance they may need in determining that kind of information... and I think to a large extent, recognizing that if the commissioners are to perform their responsibilities in ways that are useful to inform cabinet and the government, they have to have some ability to gather that information in an integral way with some independence and be able to provide that. The government could choose to ignore it or respond to it.

Ultimately, we don't think those powers are currently exercised by the commission, because the government, to a large extent, essentially makes that decision through cabinet right now. So we think there's an incredible contradiction right now in the role of the commission and what responsibilities should be carried out.

**The Chair:** You have a very short time, Mr. Hayes.

**Mr. Kevin Hayes (Senior Economist, Canadian Labour Congress):** Very quickly, because the commission is a prominent part of the organization of this department, we've found it necessary to reiterate what we've already said many times about the importance of having that separation and clear lines between what is the department's responsibility and what is the commission's responsibility. It's still very mixed and very muddled.

In terms of specific amendments, what we are really saying is that if the bill can be amended, please make the distinctions very clear between the role of the commission and the role of the department.

**The Chair:** Mr. Martin, do you have a question?

**Mr. Tony Martin:** Thank you very much.

I appreciate the input. It certainly indicates that these new ministries have some work to do, but more importantly, that they need to have an understanding of where they want to go, the longer vision, and what they are about.

You talk about connecting unemployed workers with employment opportunities. How do we do that? The successful college program in Timmins no longer fits the criteria. How do we make sure that doesn't happen?

I agree with the need for a discussion out there on social development. We talk about economic development so often in communities, but we don't get into the social development piece of it, which needs to be married to it.

My question, though, is for the CLC, as I want to take you up on your offer to comment further on the issue of contracting out and privacy concerns. This was raised by the Privacy Commissioner before. I'm still trying to get my head around what happened in Ontario, so I think we should have our antennae up here on what we need to do.

•(1300)

**Mr. Kevin Hayes:** Back in 1996 when the EI Act was going through, we met with the department several times and expressed our concerns, particularly about part 2 of the EI Act and the provisions

about devolution and the subsequent contracting out under devolution.

Our concern goes beyond even what the Privacy Commissioner expressed here; it's not just about misuse of data by a subcontractor. As you know, under the EI Act, particularly in part 2, where you're allowed to subcontract, you have to be able to access the records of individual Canadians to properly administer the part 2 program. That means you have access to literally everything, going back entire histories, because the EI Act brought in provisions that reach back to your entire working history.

The probation board could do well to look at how the EI Act reaches into people's histories. We have very grave concerns about turning over to a third party information that should essentially be private between the government and that individual. That's our concern. It goes beyond, as I say, the possible accidents that may happen. We question whether a subcontractor, a private for-profit company, or even a non-profit organization, should have access to information that's given to the human resources department for the purposes of administering the Employment Insurance Act.

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

I'm afraid I can't give you any more time, Mr. Martin.

Madam Bakopanos.

**Hon. Eleni Bakopanos:** Thank you, Madame Chair.

Since we have very little time left, I want to pick up on something that was said by Monsieur Lessard to the Canadian Labour Congress.

I would like to have seen what your concerns were exactly in terms of the nomination of the commission; I think that was the purpose of being here today.

Do you object to the fact, for example, that the Deputy Minister of Human Resources and Skills Development is a member of the commission? Should it be a non-public servant who is a member of the commission? I'd like your thoughts around those areas. If we're going to look at amendments, I think we have to have some guidance, especially as you raised the issue—at least as far as it's pertinent to the bill.

[*Translation*]

Mr. Lauzière, we had the pleasure of working together. You said that you wanted to see something in the legislation on social development regarding cooperation with the provinces. There is a clause in this bill which is quite clear on the fact that there must be cooperation with the provinces.

Can you elaborate on this point?

[*English*]

**Mr. Hassan Yussuff:** We have clearly said the commission ought to be a tripartite body and the government should have the responsibility of appointment. I think it's a fine line to have the deputy minister, as opposed to other people, because there is the department's perspective and the need to have other people there in a more independent capacity on behalf of the government, recognizing the commission's authority and responsibility.

**Hon. Eleni Bakopanos:** Who would you recommend in terms of a government representative? I'm being very precise in asking you.

**Mr. Hassan Yussuff:** I would assume that the government, rather than nominating the deputy minister, would nominate competent people who have the capacity to work as individuals as part of a tripartite body, other than simply the deputy minister. The deputy minister is not the only person who is qualified to give advice and direction on behalf of the government.

[*Translation*]

**The Chair:** Mr. Lauzière, do you have something to add?

**Mr. Marcel Lauzière:** Yes, briefly, Madam Chair.

I fully agree, Ms. Bakopanos, that this aspect of the bill that deals with cooperation is a positive one. It may be difficult to get more evolved wording, but you have to think in terms of a new way of doing business with the provinces. Social policy will make strides if we find a new way of doing things, a new type of leadership. That's what I'd like to see. But you're perfectly right, it is in the bill. It's one of the important elements of the bill.

**Hon. Eleni Bakopanos:** Could you elaborate a bit on the social development mission?

**Mr. Marcel Lauzière:** What I haven't been able to find in the bill is the leadership role to be played by the department in coming up with new ways of thinking and developing a real mission for social development over the next 25 years. It doesn't have to be described in these terms but this is not something I was able to find in the bill. I read that social development is the priority of the department but I didn't read anything about the role of the department. As I said, social development is an activity of various departments in the federal government. The leadership role to be played by this department should be a new way of thinking in terms of social development.

• (1305)

**The Chair:** Thank you.

First of all I'd like to thank all the persons present here and in New Brunswick for helping us during today's conference.

First of all, Mr. Carrier, thank you very much for your patience in Edmundston. We appreciated your presentation.

Mr. Lauzière, Mr. Ryan, Ms. Ouellette, I hope we will have the pleasure of meeting you again.

Mr. Yussuff, Mr. Hayes, thank you.

[*English*]

Thank you very much to all.

I would ask the members to remain for another five minutes. I do have some important business to discuss with you.

Once again, thank you to our witnesses.

I will continue with the business of this committee. There are a number of rumours going around Parliament Hill suggesting that the House may rise before next Friday, December 17. I am trying to organize a schedule between now and next Tuesday in case this rumour is true and the House rises, possibly the next Tuesday night or next Wednesday afternoon. I just don't know which.

Looking at our schedule, it seems to me the priority of the business at hand must be given to the report of the subcommittee on employment insurance. I would ask whether the three members of the subcommittee present today think they will be ready to present this report to the full committee this coming Tuesday.

Monsieur D'Amours.

[*Translation*]

**Mr. Jean-Claude D'Amours:** A few words about the progress we have achieved. Next Monday, we will be meeting for the last time to discuss and finalize recommendations concerning certain clauses.

[*English*]

At the end, the thing is that we are to finish our committee on Monday, so we will be ready to discuss it if we don't have any new things in the agenda.

**The Chair:** I take it for granted that on Tuesday we will be able to get the copies, in French and English, of the subcommittee's report. If that is so and it is ongoing in the way that has been suggested by Mr. D'Amours, I suggest we study the report of the subcommittee next Tuesday. I would ask the committee that next Tuesday's meeting, on December 14, go on until 2 o'clock in the afternoon. We would serve lunch. That would allow us to study the recommendations of the subcommittee. We would possibly be able to accept or refuse them, and the committee would be able to table the report of the subcommittee to the House of Commons before the House rises, possibly on Tuesday at the end of the day. That's what I'm aiming for. If we have an additional day, that's great. If we don't, at least we'll be ready.

Do the opposition parties think at this time they will want to have a dissenting report?

For the Conservatives, Mr. Van Loan.

**Mr. Peter Van Loan:** I'm in a very perplexing position. I heard the parliamentary secretary give an address in the House of Commons yesterday that was largely inconsistent with the position taken by the Liberal member on the subcommittee. So I have no idea how the government is going to respond to what is coming out of the subcommittee at this time.

Whether we will wish to produce a dissenting report or not will depend in large degree on what the other members of the committee are going to do. I've seen two very different perspectives presented by members of the government thus far.

• (1310)

[*Translation*]

**The Chair:** Ms. Gagnon.

**Ms. Christiane Gagnon:** Since we are talking about procedure, I'd like to know, once we have a chance to look at the recommendations, whether a report will be tabled, should it have not received the unanimous support of the main committee.

**The Chair:** First of all there will be a vote, Ms. Gagnon. If there is a majority, and each member will be voting according to his or her conscience, of course, then the parties that are against the result will be able to present a dissenting report.

**Ms. Christiane Gagnon:** So they will have at the most one or two hours to do so before the end of the afternoon.

**The Chair:** That's why I am talking about it now.

I'll go to Mr. Martin before I—

**Ms. Christiane Gagnon:** In any case, it's rather concise. I believe it's two pages.

**The Chair:** I was going to suggest a maximum of five pages but I don't want to skip any stages. I will first of all ask for Mr. Martin's opinion.

Mr. Martin.

[*English*]

**Mr. Tony Martin:** I'm led to believe by our member on the committee that things are going well, that he's pretty pleased with the way it's unfolding, and that we'll be okay with it.

[*Translation*]

**The Chair:** Mr. Adams.

[*English*]

**Hon. Peter Adams:** Madam Chair, I just seek some guidance. I thought the length of any dissenting report was guided by the length of the report itself, rather than a number of pages.

**The Chair:** That is true, and I understand that the report will be around 30 pages long. I just want to get an idea in the first place of whether we'll get any dissenting reports. That's a possibility, from what I understand.

**Hon. Peter Adams:** On the same point, we don't want to hurry this thing, but we would be glad to consider this matter at a meeting next Thursday and the Tuesday afterwards, if members opposite are agreeable.

**The Chair:** Would this be after the House rises?

**Hon. Peter Adams:** I didn't know that the House was going to rise, Madam Chair.

**The Chair:** I'm discussing the possibility of such a thing happening, Mr. Adams.

If I can just add further on this, I am suggesting to the members that if after discussion with your members on the subcommittee you want to do a dissenting report, you should get to it straight away. We'll discuss the parameters of that in a second.

I'm aiming for Tuesday afternoon. If we have more than Tuesday afternoon, great, but if we don't, that will mean we can still table the main report and the dissenting report before the House rises. I think we all agree with this. Are there any questions on that?

Mr. Martin.

**Mr. Tony Martin:** It's on another matter. Go ahead.

**The Chair:** Okay.

On the length of the dissenting report, I understand that the main report will be about 30 pages. Given the time that will be allotted to anyone who wishes to draw up a dissenting report, I suggest it be two or three pages at the very maximum, because you want to hit only the parts that you are dissenting on.

**Mr. Peter Van Loan:** I thought it was going to be one-third of the length. That's what I was told before by the clerk.

**The Chair:** Don't forget that I have to table all this.

Monsieur Lessard.

[*Translation*]

**Mr. Yves Lessard:** With your permission, Madam Chair, I'd like to add two things.

I think that everyone realizes—

[*English*]

**The Chair:** Please go on, Monsieur Lessard.

Order, please.

[*Translation*]

**Mr. Yves Lessard:** I think everyone is aware of the importance and the magnitude of the work entrusted to this committee. I must say I was impressed by the willingness to work and the constructive contribution made by each of the members of the subcommittee, knowing that there are fundamental differences in our positions. I mention this because this is how I saw the participation of each of the committee members. I hope that all the members of the committee will take the same open-minded approach.

I do not presume to know what the position of the Liberal Party will be. I wish to say this immediately because I know that based on the policies established so far—I also have heard a number of things, like my Conservative colleague Mr. Adam— we will be taking a very constructive look at this report. I'm not making any distinction between the work of the subcommittee and the position expressed by Mr. Adam yesterday. I think that these distinctions must be made and I am willing to do so.

Secondly, Mr. Kerr did an extraordinary job. It is a thankless task because it is very demanding. I wanted to know from him whether we would have the report early enough. Depending on its content, we shall attempt, insofar as possible, to have unanimity on the various points. Depending on its content, that could help us be better prepared.

To answer your question, yes, we want to be able to take a position, as of Monday, and note where we disagree, if there are any disagreements. In order to be able to do so, we would have to obtain the report earlier. Even though it may not be the absolute definitive version, when do you think that you will be able to provide this report to members of the subcommittee for examination?

• (1315)

[*English*]

**The Chair:** Mr. Kerr.

**Mr. Kevin Kerr (Committee Researcher):** We're fairly confident that members of the subcommittee will see a final version, as of yesterday's meeting, by tomorrow afternoon.

**The Chair:** That will be Friday afternoon.

[*Translation*]

**Mr. Yves Lessard:** Tomorrow afternoon. Thank you.

**The Chair:** Mr. Lessard, I have discussed this with the people next to me and everyone is indeed anxious to have the report made available as quickly as possible, not only to you but to all the members of the committee so that everyone can be aware of the report as quickly as possible and so that we can make some progress.

That is why I wanted to take some time this afternoon to tell you that if you did have a dissenting report to make, then you should start on it as quickly as possible and have it translated so that it can be tabled at the latest on Tuesday before the adjournment.

[*English*]

**Mr. Kevin Kerr:** They should try to get it translated as well.

[*Translation*]

**The Chair:** It will also be necessary to have it translated so it is available in both official languages because, as you know, I am unable to table a report in a single language.

Are there any comments or questions?

Thank you.

[*English*]

Mr. Martin, I beg your pardon. I didn't see your hand.

**Mr. Tony Martin:** There's one other issue. We had agreed to have the OECD come before us to make a presentation and answer questions on the report on child care. How will we go about doing that?

**The Chair:** I think this is obviously going to be in the new session, Mr. Martin, so I suggest you bring it up at our first meeting of the new session so we can discuss it. Right now, don't forget, we still have Bill C-22 and Bill C-23 to look after. That will be the next thing immediately when we come back in early February.

**Mr. Tony Martin:** So that's the process, then.

**The Chair:** I should think so. We've heard the witnesses. We definitely have to go to clause-by-clause on the two bills. That shouldn't take all that long, since the two bills are very comparable. Then we can move to whatever the executive committee decides on.

We also have to hear from the minister on Bill C-22, of course. But this has been moved back, obviously. We gave ourselves a date of December 17 for the tabling of the report of the subcommittee on EI, so that's what I'm aiming for.

**Mr. Tony Martin:** I know that. I just want to make sure we're doing everything we need to do to prepare for having those folks come before us.

**The Chair:** I'm working right now on Bill C-22 and Bill C-23. I suggest you send a note to the clerk to remind her that this is a step you want to take further. Then we'll take it from there.

Merci beaucoup, thank you very much.

The meeting is adjourned.

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