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Chair

Mr. Merv Tweed

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• (1105)

[English]

The Chair (Mr. Merv Tweed (Brandon—Souris, CPC)): Good morning, everyone. Welcome to the Standing Committee on Transport, Infrastructure and Communities, meeting number 53.

Our orders of the day, pursuant to Standing Order 108(2), are to study issues related to the Air Canada Public Participation Act, ACPPA.

Joining us today, on behalf of the International Association of Machinists and Aerospace Workers, Local lodge 1751, is Marcel St-Jean, president; Jean Poirier, vice-president; Richard Guay, recording secretary; and Serge Gélinas, secretary-treasurer. Welcome to our meeting here today.

I know that you know the order and the process, so I would ask you to begin. When you're done, we will move to questions by the committee members.

Thank you.

[Translation]

Mr. Jean Poirier (Vice-President, International Association of Machinists and Aerospace Workers - Local lodge 1751): Good morning, Mr. Chair and members of the committee.

Thank you for this opportunity to explain how Air Canada failed in its duty to comply with the Air Canada Public Participation Act by selling its overhaul centres to Aveos.

Let us look back in time to explain why the Conservative federal government of the day included another measure in section 6(1)(d) which reads as follows:

6.(1) The articles of continuance of the Corporation shall contain

(d) Provisions requiring the Corporation to maintain operational and overhaul centres in the City of Winnipeg, the Montreal Urban Community and the City of Mississauga;

To protect and reinforce that clause, the government added section 7a) and b), which read as follows:

7. The Corporation and its shareholders and directors shall not

(a) apply for continuance of the Corporation in another jurisdiction; or

(b) make any articles or by-laws that are inconsistent with the provisions included in its articles of continuance pursuant to subsection 6(1).

As another guarantee, section 2(3) states:

2. (1) In this Act,

(3) In the event of any inconsistency between this Act and the Canada Business Corporations Act, or anything issued, made or established under that Act, this Act prevails to the extent of the inconsistency.

To better understand the meaning of the Act, we must return to April 12, 1988, when Don Mazankowski, Conservative Deputy Prime Minister and former Transportation Minister, introduced Bill C-129 in the House of Commons. At that time, the Deputy Prime Minister stated that the operational and overhaul centres in Montreal, Winnipeg and Toronto were fundamental to the success of Air Canada, that the company fleet maintenance would continue to be done at those locations, and that for any change in the location of Air Canada maintenance activities the act would have to be amended.

This says a lot about the meaning and the spirit of the Act.

Liberal and NDP MPs of the day, John Turner, Brian Tobin, Ed Broadbent and David Orlikow, were not at all convinced by the Conservative government's guarantees to employees that they would keep their jobs at Air Canada's operational and overhaul centres. The MPs argued that the Conservative government was trying to deceive the residents of Winnipeg, as the federal elections were held shortly after the act was introduced. In order to convince MPs and voters about the guarantees included in the act, the Conservatives worked with senior government officials and experts to clearly define both the intent and the spirit of the act in order to eliminate any ambiguity and prevent any authority from circumventing the act.

Janet Smith, then Deputy Minister of Privatization and Regulatory Affairs, along with Doug Lewis, general counsel, appeared before the legislative committee to explain the spirit and essence of the act. They stated that what is enshrined in law is as tight as you can get it and if they are in sections of continuance, it requires two-thirds of the shareholders to change that.

[English]

The Chair: Monsieur Poirier, we have a point of order from Mr. Jean.

Mr. Brian Jean (Fort McMurray—Athabasca, CPC): I apologize, but because you're very loud it's very difficult to hear you in one ear in French and the other in English. If you could just talk in a normal voice into the microphone, it would be much easier for all of us.

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Particularly when you discuss with your neighbour, too, it's difficult to understand.

Mr. Brian Jean: I agree. It's difficult with any communication, even with the phones ringing.

[Translation]

The Chair: Thank you.

Mr. Jean Poirier: Right, I will lower my voice.

They also said:

The things you are referring to, such as the operational centres, are not only enshrined in law but are required by statute. They cannot be changed unless the Act is amended. You cannot get any more of a guarantee than that.

The Conservative MP for Winnipeg, George Minaker, asked for clarification:

Is it my understanding that section 7 will prevent any future Boards of Directors of the new company from manipulating the requirements in sections 6(1)(a), (b), (c) and (d), in particular regarding the overhaul centres being located in Winnipeg, Toronto and Montreal, and that this section restricts any fooling around at some future date? I also think they cannot do it by normal two-thirds vote ...

Ms. Smith, the senior official who is an expert in these matters, replied: "That is right. The only way they can do it is if somebody amends the Act."

I will now yield the floor to my colleague Serge G  linas.

• (1110)

Mr. Serge G  linas (Secretary-Treasurer , International Association of Machinists and Aerospace Workers - Local lodge 1751): Two other expert witnesses, Professor Fred Lazar, a well-known and respected economist at York University, and economist Arthur Donner appeared before the legislative committee in 1988. They stated:

The new company's private shareholders will have no other choice than to take legal action against the government to amend the section referring to the overhaul centres. Maintaining the overhaul centres is public policy, as is the Official Languages Act. These are public policy decisions that I regard as part of the public policy role.

The final experts invited by the legislative committee in 1988 were Air Canada President Pierre Jeaniot and Claude Taylor, Chairman of the Board. Here are a few questions they were asked:

"Could Air Canada consider getting rid of its maintenance centres, even if this does not appear in the Act?"

Mr. Jeaniot replied: "No."

"What would be your definition of an overhaul centre?"

Mr. Jeaniot replied: "You can just about strip an airplane completely and rebuild it. The physical centres that have that kind of capability are referred to as overhaul centres."

When Michel Bissonnette, Senior Director, Engines and Airframe Maintenance, appeared before the Transport Committee, he confirmed Mr. Jeaniot's position regarding the definition of an overhaul centre. He stated: "The overhaul centres perform what I would call major repairs. They look after long-term maintenance of engines, cells and components."

This lent credibility to the Conservative politicians of the day.

Conservative MP George Minaker stated in response to the unions, including the International Association of Machinists, that the Act protects us and the employees from any attempt by Air Canada to get rid of or to sell its operational and overhaul centres. The Parliamentary Secretary to the Deputy Prime Minister and President of the Privy Council, Jim Hawkes, added that employees' workplace, their benefits, their future, all of that is guaranteed.

In hindsight, we must thank the opposition parties for asking many experts to appear and for having questioned the Conservative

Party which, in view of the upcoming election, had to be clear on the question of the overhaul centres. If the government of the day had not provided iron-clad protection, thousands of workers at the overhaul centres would be out of work and Air Canada would be operating like low-end companies that award maintenance contracts to countries such as El Salvador and Costa Rica, which do not have the same quality and safety standards.

If the government does not enforce the Act, the concerns raised by Liberal MPs Grondin and MacLellan would be justified. The MPs said:

With privatization, Canadians will be stuck with the bill once again. The services offered as well as passenger safety will decrease since profit will be the company's only goal. What will happen if the company subcontracts outside Canada?

In enacting legislation that guaranteed the preservation of the operational and overhaul centres, the government of the day guaranteed flawless maintenance service to ensure passenger safety. This safety is due to our conscientious, professional and experienced mechanics, who ensure that Air Canada passengers have a safe trip. If maintenance is no longer performed by Air Canada at its overhaul centres, but by subcontractors such as Aeroman in El Salvador, the safety level will obviously decrease.

• (1115)

If the Act is not enforced and upheld, you could one day have to answer to Canadian taxpayers, the media, the people closest to you and, ultimately, yourself. Why did you play with the safety of your fellow citizens? You can imagine the worst scenario. One day, you could be the victim.

Mr. Jean Poirier: Here are our recommendations:

1. That Air Canada comply with the Act by reverting to ownership of its overhaul centres.

2. That the Canada Industrial Relations Board's decision concerning the transition of Air Canada employees to the subcontractor Aveos be set aside until the government takes a position on the Act.

3. That the transfer of Air Canada employees to Alfred Nobel Boulevard in Ville St-Laurent, that is planned by Aveos and not by Air Canada, be suspended until the government takes a position on the Act.

[English]

The Chair: Thank you.

Mr. Lamoureux.

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

Hon. Gerry Byrne (Humber—St. Barbe—Baie Verte, Lib.): Thank you.

In relation to our discussions on the Air Canada Public Participation Act, when officials from Air Canada, in particular the legal counsel for Air Canada, appeared before our committee, I repeatedly asked them if an arrangement had been made with their subcontractor, Aveos, to ensure that there would be a continuous presence.

What I actually asked was whether there was a clause in the contract between Air Canada and Aveos to ensure that Aveos would continue to operate out of the three principal overhaul locations noted in the Air Canada Public Participation Act. Legal counsel for Air Canada said that they were not prepared to respond at that time, and that they were concerned about potential legal implications with their partner, Aveos, as to what they could disclose or could not disclose.

I was under the impression that Air Canada's legal representative said that they would get back to the committee on that question of whether or not there was any provision in the contract between Air Canada and Aveos for guarantees that Aveos would continue to operate out of Montreal, Mississauga, and Winnipeg. Can I ask the clerk through you if Air Canada has bothered to respond to this committee, or are they in contempt of this committee?

The Chair: I'm not certain if they have. I do know that there was a document circulated this morning. I haven't had a chance to review it, but I suspect members of the Air Canada staff are listening to this debate, and if we don't have an answer or a response, I will send a letter directly from the committee asking for that response.

Hon. Gerry Byrne: Thank you, Mr. Chair.

If there are representatives of Air Canada in the room, and they don't want to render to this committee what was promised to us in recorded testimony, they should know that a motion of contempt may be coming their way.

The Chair: I wouldn't want to jump to that conclusion until I've read the document—

Hon. Gerry Byrne: I think they've had enough time to respond.

The Chair: —but we will certainly ask them.

Mr. Lamoureux.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Thank you, Mr. Chair.

I agree wholeheartedly with Brian's concerns with regard to Air Canada. I don't appreciate the games that are being played. I think that Air Canada has a duty to respect the laws of Parliament. Based on the law and what it states, and some of the discussions that led up to the passage of the law at the time, Air Canada officials and the board have to review whether they're actually abiding by the law. I am of the personal opinion that they are not.

I know I've had opportunity to have discussions within our caucus, and I appreciate that Ms. Neville is with us this afternoon as we try to gain more information. This is an issue that is important, not only to me and Ms. Neville, but to a great deal of people.

I appreciate the presentation. Jean gave a very emotional presentation, and justifiably so. We're talking about thousands of jobs in Winnipeg, Montreal, and Mississauga, and to a certain extent in Vancouver also.

Recently I had the opportunity to meet with a number of Air Canada employees in Winnipeg. They showed up outside in minus 25 degree weather in large numbers—80 to 100 workers.

The concern I have, and I will pose the question to the presenters, is that in the discussions I had with these workers they were fairly

clear in their thinking that Air Canada is in violation of the law. From their perspective, Air Canada is not abiding.... And what they are really wanting to see is that their members of Parliament in Ottawa hold Air Canada accountable to the Air Canada Public Participation Act.

Is that a fair assessment? Is that the general sense you get as union representatives, not only from Winnipeg employees, but employees in Mississauga and Montreal?

• (1120)

[*Translation*]

Mr. Serge Gélinas: In 1988, we studied the essence and spirit of the act, which clearly said that Air Canada has an obligation to maintain its operational and overhaul centres in the three cities named: Montreal, Mississauga and Winnipeg. Considering what has been read to you, it is clear and plain that Air Canada is not complying with the act at present. Because it is not complying with the act, we are afraid that over 3,000 jobs are in danger of being transferred to El Salvador and that layoffs in excess of that number will continue. That is what we are afraid of at present.

I want to tell you what protections we have and why we are afraid of this.

At present, Air Canada provides three protections for our jobs, and for the aviation industry in Canada which is found in all provinces—Manitoba, Alberta, British Columbia, Quebec. First, there is the Air Canada Public Participation Act, which guarantees that the centres where Air Canada planes are maintained and overhauled, and the jobs in those centres, will be preserved. Second, Air Canada has planes that need maintenance. Third, there is a contracting-out clause in our collective agreement, so that if Air Canada wants to send planes outside Canada for maintenance, there must first be a discussion with the union. The company has to agree with the union if it wants the work to be done outside Canada.

Now let's talk about what we're afraid of. First, if the Conservative government in power did not enforce the law, the jobs would end up at Aveos and would ultimately be moved to El Salvador. The three protections we have with Air Canada would not apply, since the Air Canada Public Participation Act applies solely to Air Canada. It does not apply to Aveos. Aveos would have no obligation to preserve the three operational and overhaul centres. Second, Aveos does not own any planes and so does not need repair services. It works by contract. That protection would also be eliminated. Third, the contracting-out clause applies because Air Canada has planes. Aveos has no planes, however, and that means the third protection would disappear. That is why we are afraid that the jobs would be moved to El Salvador.

As well, Calin Rovinsecu, who is currently the President of Air Canada, put on what we call a road show. He explained that starting in 2013, Air Canada employees, who will then be at Aveos, will have to compete with the employees working in El Salvador in terms of wages. Workers in El Salvador earn 15% of our wages. It is impossible to compete with them. Given that Air Canada's and Aveos' ultimate goal is to make maximum profits in minimum time, we can be sure that starting in 2013 the aviation industry, and more specifically maintenance, will be relocated to El Salvador.

•(1125)

Mr. Jean Poirier: When Ms. Sénécal and Mr. Bissonnette came here to testify, they put on an excellent show for you and told you not to worry, Aveos was going to continue to build planes, for a long time yet. Excuse me, but the contract between Aveos and Air Canada ends in June 2013. I have a copy right here. As well, I have two certifications from the Department of Transport signed with Aveos where there are provisions concerning all Canadian planes.

I would remind you that the only Canadian planes that Aveos repairs belong to National Defence, the government, and Air Canada. The company does not repair other Canadian planes. At present, the Department of Transport is agreeing to those planes being repaired in El Salvador and Costa Rica. I am putting myself somewhat in the shoes of the people who have a difficult choice to make because April 15 is the deadline for employees to decide whether they will join Aveos or retire or resign. They have to make an ultimate choice. Those workers know they will not have a job in two years. There has not been compliance with the act. That is where we stand today and this is very important. Our meeting with you today is very important and we are expecting support from all parties.

The Chair: Thank you, Mr. Poirier.

Mr. Guimond, you have seven minutes.

Mr. Michel Guimond: Thank you, Mr. Chair.

To interpret a statute, and I don't want to waste all my time explaining the process of statutory construction, we are guided by two factors: the wording of the statute, that is, the text of the statute, and the spirit of the statute. There is also a principle that Parliament does not speak in vain. When the 1988 Conservative Parliament decided what Air Canada's obligations would be, it was precisely to avoid the concerns people have today. The first obligation is to comply with the Official Languages Act, to be sure that a company like Electrolux, whose head office is in Sweden, doesn't write to its unilingual French-speaking employees in l'Assomption exclusively in English. That is one example. It is also to make sure that in the event that Air Canada, the new privatized Air Canada, were sold to the Dutch, the Official Languages Act did not cease to apply. The second obligation was that a head office would be maintained in the Montreal Urban Community, and the third was that the operational and overhaul centres would be maintained in three cities: Mississauga, Winnipeg and the Montreal Urban Community.

Do you think—and any of the four of you can answer—that Air Canada still has general overhaul centres at present?

M. Richard Guay (secrétaire archiviste, Association internationale des machinistes et des travailleurs et travailleuses de l'aérospatiale - Section locale 1751): Mr. Guimond, members of the committee...

Mr. Michel Guimond: Answer quickly, please.

Mr. Richard Guay: If you had asked me that question in October 2007 or just before that, I would have said yes. But in 2007, Air Canada sold all its operational centres and all its technical overhaul centres to a conglomerate composed of KKR and Sageview Capital LLC, financed by Lehman Brothers. The loans were guaranteed by Air Canada.

Today, I would answer that Air Canada no longer has operational and technical overhaul centres in Canada. There are none left. If we refer to Air Canada's 2010 Management's Discussion and Analysis, we read: "Air Canada has various related party transactions with ACE and Aveos. As a result of the Aveos Restructuring Plan, Air Canada and Aveos are no longer related parties." That is in the financial report. They are no longer related parties. As well, in ACE's 2010 financial report, it says: "...on January 22, 2010, ACE entered into a Restructuring and Lockup Agreement with Aveos, Aero Technical Support & Services Holdings sarl ("ACTS Aero"), lenders and other shareholders. The restructuring was completed on March 12, 2010. Under the terms of the restructuring, ACE transferred its shares ... for nil consideration." That is, it transferred its shares for nothing. ACE transferred \$36 million to Aveos to divest itself of its shares in ACTS Aero and have no further connection with the new company that was formed.

•(1130)

Mr. Michel Guimond: I don't know whether you were present during Ms. Sénécal's testimony or whether you have the committee "blues". Ms. Sénécal, who is legal counsel, and I am not questioning her competence here, but I think she tried to pull a fast one on us in her answer, said that Air Canada did not need employees in its overhaul centres to comply with the act. Do you agree with that statement?

In other words, someone could be twiddling their thumbs in Winnipeg and Mississauga and Montreal, and they would say we don't need employees in our overhaul centres. What do you think of Ms. Sénécal's answer?

Mr. Serge Gélinas: We flatly disagree with the answer Ms. Sénécal gave. What she said is false.

Let's go back to 1988. I will quote two statements by people who were involved in drafting the act. First, Jim Hawkes said that "the employees' work environment, their benefits, their future, all of that is guaranteed".

So that is the first job guarantee.

Next, I will quote Mr. Mazankowski on the question of job guarantees. He said:

Some have suggested there should be further guarantees as to the level of employment at these Centres. May I simply remind the Committee that there are no such guarantees now, nor are there any existing guarantees concerning the existence of these major Centres in today's Air Canada Act. So in effect, this legislation provides guarantees that did not exist before.

In 1988, those people told us that the jobs are guaranteed today.

As well, on the question of jobs, you have to understand that we don't have minimum employment levels, like in Montreal or other cities, but a guaranteed employment level. That means that if Air Canada is going well, the company buys more planes. If more planes are bought, more maintenance will be done, so the company needs more mechanics to do the maintenance. But if Air Canada is not going so well, the company buys fewer planes and so it needs fewer mechanics. That is why we talk about a level and not a minimum. The act is clear on that point, however. It is Air Canada employees that must do repairs on Air Canada planes, not employees in El Salvador. The repairs have to be done by Air Canada employees in Canada.

Mr. Michel Guimond: In response to a question I asked, Ms. Sénécal told me that Air Canada had no intention of doing business with Aeroman. I asked her why and she answered: "Because I'm telling you." It was as if she were saying: "If I tell you, it's the truth." I don't want to call her a liar. The reason she gave is that Aeroman doesn't have certification to do maintenance for large carriers. We MPs don't know anything about this, because we come from different worlds. But you are experts.

Was she right about Aeroman? Is the company in fact not competent? How much time might it take for it to become competent at this?

Mr. Marcel St-Jean (President, International Association of Machinists and Aerospace Workers - Local lodge 1751): Saying that Aeroman doesn't do maintenance for large carriers is false, and we have the proof. On Aeroman's Internet site, in El Salvador, it says that the company maintains Boeing 737, 757s and 767s, and Airbus A320s. The company works for large carriers.

Mr. Michel Guimond: Are these planes that you handle?

Mr. Marcel St-Jean: Yes, exactly.

[English]

The Chair: I'll ask you to finish your answer, and then we have to go to Mr. Bevington.

[Translation]

Mr. Marcel St-Jean: At this time, TACA in El Salvador could do 87% of the maintenance on Air Canada planes. That company has the capacity to do it. And it is continuing to build new hangers, day by day.

At present, Air Canada and Aeroman are already doing business. At this time, parts are already being sent to El Salvador from Air Canada for maintenance there. They are "heat exchangers". It isn't going to be done in the future, it's the fact now. That is the proof that Ms. Sénécal lied to us. In El Salvador, Aeroman is already maintaining Boeing 767s.

When Mr. Bolouri took over Aveos in 2007, he was very clear about the major maintenance of the planes. He did not intend to do it here in Canada. Now, where will that maintenance be done? If he owns about 80% of Aeroman, in El Salvador, we are practically certain that our jobs will be lost and go to El Salvador. These are Quebecers and Canadians who will be losing their jobs. Why? For the simple reason that our government doesn't want to enforce a law that it is relatively simple to enforce. The act is clear and plain: Air Canada must have its maintenance centres in Canada. However, Air Canada. But Air Canada no longer has maintenance centres in Canada. The proof is that the Canada Industrial Relations Board has said that the company had no connection with Aveos, which explains that Air Canada is allowing the transition that will be happening in the near future. We are therefore asking the government to intervene.

•(1135)

[English]

The Chair: Merci, Monsieur St-Jean.

I will advise the committee that the letter we spoke of this morning has been sent to everyone's mailbox. I asked that they print

it in both English and French and distribute it before the end of the meeting today.

Hon. Gerry Byrne: Mr. Chair, that was sent, I understand.

The Chair: It just came from the clerk's office.

Hon. Gerry Byrne: Could we get printed copies before our witnesses depart the room?

The Chair: That's what I just said, yes.

We'll go to Mr. Bevington.

Mr. Dennis Bevington (Western Arctic, NDP): Thanks, Mr. Chair.

I want to thank the witnesses for coming here today and for really clarifying a lot of the testimony we heard previously from Air Canada. I think it's incumbent upon this committee to make sure that the testimony we're dealing with is accurate and that they answer the questions, but in a fashion that gives us information that's of value to us. Certainly a key part of that testimony was from Madam Gravitis-Beck. It was with regard to the shareholders' responsibility for the sale of the overhaul centres.

Have these centres been sold? Are they in some kind of lease arrangement? Can you give me some details on that as well?

[Translation]

Mr. Jean Poirier: Could I first talk to you a bit about Ms. Gravitis-Beck, to give you part of the context?

Ms. Gravitis-Beck, who is a senior official at the Department of Transport, is supposed to tell the truth to the government and to know more than we do. We are often called "wrench monkeys". She is the one who is supposed to know the law. In 2006, the structure of Air Canada changed. Air Canada Technical Services, ACTS, was now part of ACE Aviation.

I would like to know why Ms. Gravitis-Beck said in her 2010 testimony that the following companies, Air Canada Ground Handling Services, Air Canada Technical Services, which is now Aveos, and Air Canada Cargo, came under the government's jurisdiction. When she came here to testify, she told the government that the Official Languages Act was a direct obligation, that maintaining the overhaul centres was not under the government's responsibility, and so the government did not have to get involved. I would like to know why Ms. Gravitis-Beck changed her tune in 2010. What she said in 2006 reflected what was said by Janet Smith in 1988. At that point, everything meshed.

In 2010, it was all sold, and the CIRB made a decision. For information, those people then said that the CIRB was not the appropriate authority to consider the Air Canada Act. So they agreed to split certification, without regard for the act.

Does that answer your question about Ms. Gravitis-Beck a little, Mr. Bevington?

•(1140)

[English]

Mr. Dennis Bevington: It certainly suggests to me that we need to bring these people back in front of this committee. We have some conflicting testimony here. I've very glad you've laid it out in the fashion you have so that we can see quite clearly what's going on here. There are justifications being given for actions that are inconsistent with previous statements that were made and certainly with the testimony given at the beginning, when the act was created.

You have another one here from Ms. Sénécal, Air Canada's legal advisor, who at our meeting stated that Air Canada did not need employees at its overhaul centres to comply with the act. In other words, she said that as long as we have an empty building, we have an overhaul centre. Clearly, that was not what was intended by the legislation in the beginning. The fact that perhaps there's some kind of lease arrangement or some kind of holding of ownership of centres that are actually being used by others is not enough to satisfy what was the original spirit of the act.

Are you following me?

[Translation]

Mr. Jean Poirier: What we're saying isn't based on hearsay, it's based on the legislation. That is also the case for our study. Fred Lazar and Arthur Donner, two well-known economists who I hope are going to testify today, clearly said that they only way to sell the overhaul centres or have employees from other companies working there would be to bring an action against the government or tell it to amend the act.

I wonder whether Air Canada has brought an action to allow it to circumvent the act. Otherwise, is the government going to ask Air Canada to comply with the act, or it will bring an action against the company? That is what the experts have said. I will give you the two experts' names again: Professor Fred Lazar, a well-known and respected York University economist, and Arthur Donner, also an economist. They testified in 1988 and explained these facts very clearly.

[English]

Mr. Dennis Bevington: I'll give the rest of my time to Mr. Maloway.

Mr. Jim Maloway (Elmwood—Transcona, NDP): Thank you.

I see several misrepresentations in the December 14 committee meeting, particularly with regard to what can be done by Aeroman in San Salvador.

I have a 65-page memorandum by J.P. Morgan from February 2007 in which they laid out the business case for enticing private sector investors. Of course they didn't talk about the Air Canada Act; it was simply a business case for attracting investors. They indicated that El Salvador was a place where they'd want to be doing maintenance. I believe the cost per hour is \$90 in Canada and it's only \$40 in El Salvador.

They talk about the increase in the bays. Page 8 of that confidential memorandum of February 2007 talked about a substantial expansion of the Aeroman's subsidiary in San Salvador

from four bays to sixteen. Could you tell me at this point how many bays they have?

[Translation]

Mr. Serge Gélinas: I think that Aeroman in El Salvador now has six hangars for airplane maintenance. Given the size of the land it owns, the company could have 16 hangars. If that were the case, it would amply cover all the maintenance done in Canada for Air Canada and other potential customers.

[English]

The Chair: Thank you.

I have to go to Mr. Jean.

Mr. Brian Jean: Thank you for coming today. I appreciate your lowering your voice. It's difficult with everything going on.

First of all, I am a Conservative. I've never heard conservative so much by a union in my life, so I appreciate your coming here and blowing the trumpet. I'm proud to be from Fort McMurray, the city in Canada with the most union members per capita. I was in a union at one time myself. I want you to know that I understand that.

I'm curious about who you're representing. You're here for the International Association of Machinists and Aerospace Workers, Local lodge 1751. So you're here for the local lodge, is that correct?

•(1145)

[Translation]

Mr. Jean Poirier: I could say yes, not because you now have before you the national district vice-president who represents all Air Canada employees throughout Canada. The local lodge and the national level are represented.

[English]

Mr. Brian Jean: So that's my question.

Do you have something to add, Mr. Gélinas?

[Translation]

Mr. Serge Gélinas: I just want to tell you who we represent. If I'm mistaken, tell me.

There was a meeting where we explained to our district members the political efforts that are underway. Everyone from everywhere in Canada had a meeting. There was the district and the Canadian Grand Lodge. They support us, politically, in our efforts to save tens of thousands of jobs.

[English]

Mr. Brian Jean: That's my question. I want to make sure that you received a motion from the national organization and were told to come here today to represent all the members of the union. Is that correct? You received a motion and authority to come here and represent all members of the union.

I just want to make sure, because it says here "local lodge", and a local lodge is a lot different from the union as a whole. How many members are there in your local lodge, for instance?

[Translation]

Mr. Marcel St-Jean: We have about 3,500 members. We aren't here under a motion from our national union. We are supported by our national and regional union, the district and the Grand Lodge. We represent machinists in Quebec and Canada.

[English]

Mr. Brian Jean: Just to be clear, then, are you speaking here today on behalf of a national organization?

[Translation]

Mr. Marcel St-Jean: Yes, we are speaking on behalf of all of Air Canada's unionized mechanics.

[English]

Mr. Brian Jean: And you have their authority to come here to speak on their behalf. I'm just trying to make sure. Are you here on their authority and have you been given direction to speak and say what you have said?

[Translation]

Mr. Marcel St-Jean: Yes, we have their authority.

[English]

Mr. Brian Jean: Thank you.

If you disagree with anything I say—I'd appreciate it if you'd do that. We don't have a lot of time to ask questions, unfortunately.

My understanding from Air Canada is that all maintenance services performed by Aveos for Air Canada are performed in Canada. In fact, there's a contractual obligation to perform them in Canada unless they receive authority from Air Canada to move them to some other place. Is that correct or not correct, as far as you're aware?

[Translation]

Mr. Jean Poirier: You are almost right, but I could read you the memorandum of understanding...

[English]

Mr. Brian Jean: No, no—

Mr. Jean Poirier: *Non, c'est—*

Mr. Brian Jean: —I don't have a lot of time to ask questions. That's my difficulty.

Mr. Jean Poirier: *Okay, c'est beau. Présentement—*

Mr. Brian Jean: And I do want to get that on record.

[Translation]

Mr. Jean Poirier: The current contract between Aveos and Air Canada, not with the employees, is valid to June 30, 2013. The planes have to be built...

[English]

Mr. Brian Jean: Okay, that's perfect. So right now I'm correct, one hundred percent.

[Translation]

Mr. Jean Poirier: But that decision can be changed.

[English]

Mr. Brian Jean: I understand that. But right now that's the case.

You understand, of course, the shareholders own Air Canada, 75% of whom, I understand, are Canadians. It's one of the most successful Canadian companies. It's actually one of the most successful airlines in the world, and in fact one of the safest airlines, if not the safest airline in the world. And congratulations for the work that you and your members have done in relation to keeping it that way. I appreciate that, and I know all Canadians do.

It has a tremendous amount of outstanding shares too. I see that the share price, unfortunately, has gone down since the December 10 meeting. But it's still \$2.50, whereas a year ago, in April of 2010, it was \$1.30—almost double even in that period of time. So Air Canada seems to be doing very well.

I'm just curious. Have any employees received layoff notices that you're aware of, from Aveos in relation to the CIRB decision?

[Translation]

Mr. Jean Poirier: Yes, there are going to be layoff notices. We anticipate 272 layoffs next year. As far as whether that is because of the transition, I couldn't tell you.

[English]

Mr. Brian Jean: Those are the seasonal layoffs. So none so far.

Have any salaries, benefits, or pensions been affected by the recent decision of the CIRB as well? Have you seen any changes in benefits, pensions, or wages as a result of that decision?

[Translation]

Mr. Jean Poirier: The CIRB split the union certification under the Canada Labour Code, but did not take the Air Canada Act into account.

Does that answer your question?

● (1150)

[English]

Mr. Brian Jean: Not really. Maybe you could repeat it.

[Translation]

Mr. Jean Poirier: When there is a split certification, the two collective agreements follow. If the company is sold to ExelTech tomorrow morning and the name changes, the collective agreement follows. It will be the same agreement. There were objections and the Air Canada Act was not considered when the certification was split. That is why we are here today.

[English]

Mr. Brian Jean: I'm curious about the union's vision of the airline industry today. We're in a global economy. I fly a lot. I fly around the world a lot. I see a lot of things. And I try a lot of different airlines. What is your vision—I'm interested in that—of Air Canada's place in the world? First of all, as far as being competitive with the rest of the airline industry, which is obviously very important, because everybody wants to fly in and out of Canada, I'm very curious about that, if you could answer that, please.

[Translation]

Mr. Serge G linas: You say things are going well for the shares. In reality, Air Canada shareholders have lost a lot of money.

[English]

Mr. Brian Jean: No, sir. I said that over a one-year period they've done extremely well, but halfway through the year they were up to \$3.60. I'm aware of that. They had a slight blip over a year ago.

I understand. I very closely watch all the shares.

The Chair: I have to ask you to be very brief in your response.

[Translation]

Mr. Serge G linas: I'm going to try to answer as briefly as possible.

You seem to be concerned about the shareholders. Air Canada shares have gone from \$20 in 2006 to \$2.50 today. Given that Air Canada is 75% owned by Canadians, it is Canadians who have lost huge amounts of money. Where did that money go?

A total of \$5.3 billion was taken out of Air Canada to be redistributed to Ace Aviation shareholders. That is a financial scandal that the papers didn't talk about.

If there is genuine concern for Air Canada shareholders, why not have left the \$5.3 billion for the Air Canada shareholders, instead of sending it to Ace Aviation shareholders so they could get richer and the Canadian public could get poorer?

As well, there is an advantage to having operation and overhaul centres. Air Canada is not complying with the act. As Ms. S n cal said, our operation and overhaul centres are among the safest in North America. I have articles saying that safety will be jeopardized in El Salvador. The important thing for El Salvador is to make profits. Safety is not a priority.

If Air Canada closes its operation and overhaul centres in Canada and has maintenance done in El Salvador, obviously safety will be lower.

[English]

Mr. Brian Jean: We've heard that.

It's all right. My time is done.

Thank you very much.

[Translation]

Mr. Serge G linas: Obviously safety is going to suffer.

[English]

Mr. Brian Jean: Could you slow down a little bit?

[Translation]

Mr. Serge G linas: For sure...

[English]

Mr. Brian Jean: I get articles from the gentleman in the booth telling me to do that all the time.

[Translation]

Mr. Serge G linas: Safety is going to decline, for sure. So there will be greater possibilities of a plane crash or accident. If an

accident were to happen, as happened with Swissair or other companies, the shares wouldn't be worth anything.

[English]

Mr. Brian Jean: With respect, you've clearly confirmed we're not even looking at that case right now, and it's in the contract that they can't move them without Air Canada's approval. You've already confirmed that is not going to happen.

The Chair: Mr. McCallum.

[Translation]

Mr. Serge G linas: It will be until 2013.

[English]

The Chair: Order, please.

I'm going to do one more round of five minutes, and we'll go from there.

Mr. McCallum, please.

Hon. John McCallum (Markham—Unionville, Lib.): Contrary to what Mr. Jean says, they haven't confirmed that this is not going to happen. The concern is that the move of the jobs will happen after the contract expires in 2013. It is the issue that is on the table.

[Translation]

I completely agree that these jobs have to be protected. Air Canada has to comply with the letter and spirit of the act. There may also be a risk relating to the safety of its planes.

But could be be clearer, and explain what you want the government to do exactly?

[English]

I'm with you in spirit, but I don't quite understand what it is you want the government to do. Would you like the federal government to take Air Canada to court and in its court case require that Air Canada respect the letter and spirit of the law, for example, by acquiring a majority interest in Aveos? Is that what you want the government to do? I haven't clearly heard exactly what you want the government to do.

• (1155)

[Translation]

Mr. Jean Poirier: Yes, that is what it could do in the last resort. Has the government told Air Canada to comply with the act? Has that been done? That is the first thing that has to be done.

If we read what is going on and the legislative news releases, the government has an obligation to tell Air Canada that if it does not comply with the act there will be legal action.

I absolutely agree with you, Mr. McCallum.

[English]

Hon. John McCallum: It's okay until 2013, because you agreed that Aveos cannot move the jobs before 2013, when the contract expires. For future contracts with Aveos, do you want Air Canada to require that all the jobs on Air Canada aircraft repair and maintenance be done in Canada? Would that solve the problem?

[Translation]

Mr. Jean Poirier: No, because even if we say it's good for two years, that isn't true. In fact, by April 14, there will be no Air Canada employees left in its hangars. Aveos will therefore not be bound by the act. All those employees can then disappear.

Today, Air Canada is Aveos' minority shareholder. I think it has 17% of Aveos shares. In order for Air Canada to comply with the act, it has to be the majority shareholder, it has to get 34% of the shares back. That has to be done now or else there will be chaos.

At present, some employees are sending me requests for retirement because they are afraid of what's happening. That has to stop now.

[English]

Hon. John McCallum: I think one option would be for Air Canada to be a majority shareholder of Aveos.

Would it not be equally good if Air Canada could somehow require that the work done by Aveos be done in Canada? It's Air Canada's planes that we're talking about. If it were a requirement, it wouldn't really be necessary for Air Canada to be a majority owner. Is that not correct?

[Translation]

Mr. Serge G elinas: The act is written clearly and it's the Minister of Finance who has to administer it and enforce it. He is the one who was designated in 1989 by order in council as the one responsible for the act. The proof we are giving you is found in Bill C-129 which was passed in 1988. In our opinion, the act is clear: Air Canada cannot sell its overhaul centres as it has done. The first recommendation we read you earlier asks that Air Canada comply with the act by returning to being the majority owner of its overhaul centres or buying them back in full and that it comply with the act.

[English]

Hon. John McCallum: You're saying that in order to conform to the letter and spirit of the law, Air Canada has to be a majority owner of Aveos.

[Translation]

Mr. Serge G elinas: Yes. If we observe Aveos' history, it is "financial spaghetti". So if Aveos is ever included in the act, Air Canada and Aveos are immediately going to create another entity. They will sell the maintenance bases again, and so on. We think the act is clear: Air Canada has to be the owner of its maintenance bases.

[English]

Hon. John McCallum: Okay. Thank you.

The Chair: Thank you.

Mr. Guimond.

[Translation]

Mr. Michel Guimond: We are approaching budget day. The federal budget will be tabled on March 22. There will be three votes, on March 24, 28 and 29. Technically, if the budget is not passed, an election will be triggered.

To make sure that everyone understands properly and that we all have the same information, I would like to know how many jobs are threatened in Canada. How many in Montreal, Winnipeg and Mississauga, and also in Vancouver, which is affected even though it isn't in the act? How many jobs are we talking about? Are we talking about 222 jobs or 2,242 jobs?

• (1200)

Mr. Jean Poirier: We're talking about 4,500 direct jobs and 23,000 indirect jobs. Those aren't my own figures. They are the figures from a university study that was done to determine what the impact of a transfer of activities would be, in terms of jobs.

Mr. Michel Guimond: Are we talking about people earning minimum wage?

I wouldn't want my comments to be misinterpreted. In any event, Mr. Dhaliwal isn't here. So I can't be accused of incompetence or opposing the transfer of jobs to El Salvador and be told that the Bloc Qu eb ecois is against El Salvador. Quite the opposite, it's a very nice vacation destination. But Mr. Dhaliwal isn't here, so I can't be accused of anything. He will see, Mr. Dhaliwal, I have a long memory.

What is the average wage? Not counting overtime, how much does a machinist like you earn at Air Canada on average?

Mr. Jean Poirier: My pay is about \$60,000.

Mr. Michel Guimond: So we're talking about 4,500 jobs at an average wage of \$60,000. That is what's at stake.

I'm going to tell you the solution that the Bloc Qu eb ecois might propose and tell me whether you agree. You can always start a legal action, but in our opinion, and I hope my Conservative colleagues and all the other parties understand clearly, that would really call for an amendment to the legislation so that even if part of Air Canada's assets is sold, it will still have an obligation to maintain the jobs in Canada. Today we are talking about your jobs, but the same thing could happen at the head office. They might leave just a commissionaire to unlock the door of a closet somewhere in Montreal and say they still have a head office in Montreal. If the commissionaire speaks French and English, the official languages obligation is maintained. At the moment, Air Canada is doing indirectly what the act doesn't allow it to do directly. That is shameful. It would take an amendment to the legislation. I haven't had time to draft one because I'm coming out of another meeting. What do you think of an amendment to the legislation in which it would say in black and white that even if Air Canada divests itself of certain assets, it is not relieved of the legal obligations set out in the 1988 act?

Mr. Jean Poirier: I more or less agree, Mr. Guimond.

I would like to take you back to 1988. I am going to read a passage from our brief slowly so that everyone understands.

"Conservative MP George Minaker [who wanted to win his seat in Winnipeg because this was during the run-up to an election] stated in response to the unions, including the International Association of Machinists, that the Act protects us and the employees from any attempt [and I am weighing my words here] by Air Canada to get rid of or to sell [I repeat: sell] its operational and overhaul centres."

In our opinion, Air Canada is acting illegally. This is an illegal sale. That is what the act says and that is what was said in 1988.

Mr. Serge Gélinas: It is clear and plain to us.

Let me add something in relation to jobs. We're talking about 4,500 jobs. But if you observe how Air Canada has been managed since ACE came into being, you will see that everything has been sold piece by piece. For example, the company wants to get rid of mechanics. Next time, it will be customer service or baggage handlers, and there are 6,000 or 7,000 of them.

Air Canada's objective is to make maximum profits in minimum time. We think it is a sure thing that the next step will be customer service. It will want to get rid of 6,000 or 7,000 employees making nearly \$20 an hour, to cut wages to \$10 an hour. Is it going to stop there? What we think is that the company will go as far as it can to eliminate as many jobs as possible.

There's a problem. We came here today to meet with you to defend jobs in Canada, to preserve the economy and the aviation industry in Canada. It is inconceivable that we should be here debating this, even though the act is clear and plain.

I am wondering what answer the Conservative government is going to have for the Air Canada employees in Alberta, who work in Calgary and who are going to be laid off, and the ones in Winnipeg, Manitoba? Some people here in the room today come from various regions of the country.

What answer is it going to have for the ones who live in Vancouver, British Columbia, and the ones in Ontario, in Toronto and Mississauga, who work for Air Canada and who are going to lose their living?

What answer is it going to have for the ones in Montreal, in Quebec City or in Halifax, in the Maritimes? It is going to say that they just have to endure global competition while letting passenger safety deteriorate.

What is it going to say to Air Canada passengers when they board a plane? Is the government going to say it's sorry they're taking a plane that is no longer as safe as before but it costs Air Canada less?

• (1205)

[English]

The Chair: *Merci, monsieur Gélinas.*

Mr. Jean.

Mr. Brian Jean: Thank you, Mr. Chair.

First of all, I would really ask that we don't shout, because I can't hear you. I don't understand a word you're saying because of translation, to be very blunt. As soon as you raise your voice and start talking like that, it just doesn't come through. So please, when you answer my questions, just keep it down. Thank you.

I want to confirm something with you. I've lived in Alberta my entire life, pretty much, in a town that has grown from 1,500 to 100,000 people and that is, to be honest, one of the hottest job markets in the world for good jobs—\$150,000 to \$160,000 a year for driving a truck, as I think you know. I don't want to see any jobs leave Canada either. Nobody wants to see that. So just to be clear on

that, I don't think anybody is interested in that at all. But what I don't get is....

I mean, with respect, Mr. Gélinas said that a legislative change is necessary, and I'm not really sure...because you said the legislation is clear.

That's what you just said, right? The legislation is clear.

Now, my understanding of the legislation and the privity of contract between Air Canada and its shareholders....

Are any of you shareholders of Air Canada, first of all?

[Translation]

Mr. Jean Poirier: No, not me.

[English]

Mr. Brian Jean: No?

Yes? Somebody said yes?

Mr. Richard Guay: *Oui.*

Mr. Brian Jean: Okay. One shareholder.

I don't know if you're aware of it, Mr. Guay, but as a shareholder you can sue Air Canada and make them comply with ACPPA.

Mr. Richard Guay: Yes. Maybe.

Mr. Brian Jean: Why don't you do that? Then you wouldn't have to be here today.

Any shareholder, in fact, can do that. I think there are about 100 million outstanding shares, so literally one million or two million people in Canada can make Air Canada comply with the clear act that was specified before.

A voice: So can the Prime Minister.

Mr. Brian Jean: He doesn't own shares.

So why don't you just go and do that?

[Translation]

Mr. Richard Guay: It's an approach we have considered, bringing action against Air Canada. But why should I, as a shareholder, have to take that step when an order in council was made in 1989, a year after the act was passed? It designates the Minister of Finance as...

[English]

—I'll read it in English—“Order Designating the Minister of Finance as Minister for Purposes of the Act”. He's in charge of the law.

Mr. Brian Jean: I understand that, but we're talking about a legal system—

Mr. Richard Guay: We're asking him to pursue Air Canada.

Mr. Brian Jean: I understand that, sir, but obviously you pursued that avenue, so you know that avenue's available to you.

Mr. Richard Guay: Yes.

Mr. Brian Jean: You say it's a clear act. You want Air Canada to comply with the spirit of the law of ACPPA, which clearly you can do. You have the privity of contract to do it. I can't. I don't own Air Canada shares. I'm not allowed to. But you can. So why don't you do it?

What did your lawyers tell you? Can you share with us why you're not doing it?

Mr. Richard Guay: Absolutely. Why should I spend my money when the act is not respected by the government and the Minister of Finance himself?

[Translation]

He was put in charge by that order in council, by the Treasury Board of Canada. But he is not enforcing the act.

[English]

Mr. Brian Jean: Even you have said clearly here in this room that people are divided on whether it's clear or not.

I've been here for all the meetings, every single second of them, and my understanding is they do comply with the act. I believe they do. You don't believe they do, so why don't you get a court to interpret whether they do or not? It's not suing. You can get an order to compel them to comply with ACPPA. Why don't you just do that? It seems like a fairly simple thing. There's one judge. You go in with a statement of claim and file it for \$210. You go in and say, "Listen, I want Air Canada to comply with this act. They don't comply. Please make them comply." A thousand bucks later, two thousand bucks later, you're done; you've won everything and you're done.

With 23,000 or so union members in the country, why don't you get a dollar each from them and there you go? You have \$23,000 to—

The Chair: Order, please.

Mr. Byrne has a point of order.

Hon. Gerry Byrne: Chair, Mr. Jean is the parliamentary secretary to the Minister of Transport, Infrastructure and Communities. Is he reflecting to members of the committee, to the witnesses, and to the general public of Canada that this is indeed the position of the Government of Canada?

The Chair: It's not a point of order; it's debate.

Mr. Jean.

Mr. Brian Jean: Mr. Guay, could you answer that? Why don't you do that? Why don't you go to your union members, collect some money, and go and force Air Canada to comply with that because you don't think they're doing that?

[Translation]

Mr. Jean Poirier: Mr. Jean, I would just like to understand why the government is not taking Air Canada to court. Tell us why you aren't taking Air Canada to court, even though that is your duty. It was said in 1988, and I'll say it again. The new company's private shareholders...

• (1210)

[English]

Mr. Brian Jean: But Mr. Poirier, my question is not that. My question is, why aren't you doing this? Have you received a legal opinion on it? Have you received advice saying to do it or not to do it?

[Translation]

Mr. Jean Poirier: That will answer your question.

[English]

Mr. Brian Jean: I understand, but—

[Translation]

Mr. Jean Poirier: Mr. Jean, let me speak. That will answer your question.

[English]

Mr. Brian Jean: —why aren't you doing it?

[Translation]

Mr. Jean Poirier: They will have no choice but to bring action against the government. Do you think that today a majority of Air Canada shareholders are opposed to the company having sold its overhaul centres?

[English]

Mr. Brian Jean: There's a shareholder down at the end of the table. Why don't you ask him?

[Translation]

Mr. Jean Poirier: No. At present, it's the opposite. The private shareholders in the new company will have no choice but to bring action against the government to have the section about maintaining the overhaul centres amended. Have they done that? No, they have not done that.

I will ask my question again. You are aware that the act is not being complied with. Why don't you take Air Canada to court?

[English]

Mr. Brian Jean: With respect, sir, I'm the one asking questions here.

The Chair: Order, please. Order.

Mr. Brian Jean: I've asked the question several times. You have a gentleman at the end of the table who has privity of contract with Air Canada. He can sue them. He can spend a few thousand dollars and get it done. Why hasn't that been done instead of this?

The Chair: With that, I'm going to thank our guests for being here today. Obviously, we have more meetings to delve deeper into this. We appreciate your participation.

Mr. Kevin Lamoureux: A point of order, Mr. Chairperson.

The Chair: As soon as I'm done, please.

With that, I'll thank you again and we'll look forward to future discussions.

Mr. Lamoureux has a point of order.

Mr. Kevin Lamoureux: Yes. Mr. Chairperson. In terms of previous presentations from Air Canada and what we've heard here today, I would suggest and maybe ask, through you, Mr. Chair, that Air Canada and the board be requested to come before our committee so we can seek better clarification as a follow-up to this particular presentation in the letter they have now provided us.

The Chair: I would be happy to deal with that at the subcommittee when we make recommendations of the committee. It's on the—

Hon. Gerry Byrne: A point of order, Mr. Chair.

The Chair: I have Mr. Guimond first, on the same point of order. [Translation]

Mr. Michel Guimond: On the same point of order, I want to remind this public meeting of a private discussion we had. Mr. Chair, I'm certain that you won't interpret that as a lack of confidence in yourself. Rest assured that I have full confidence in you.

I just want to point out that I have another witness to call. I have approached him and he asked me for two weeks to prepare his testimony. I agree with Mr. Lamoureux's point of order and his idea about hearing the Air Canada people again. But I would like you to tell Ms. Charron, if she comes back, what we agreed together when I went to see you in the House, that we would hear another of my witnesses in the next two weeks.

[English]

The Chair: It's never been in doubt that these special meetings have been set up to deal with these kinds of issues, so I have no problem with that.

Mr. Byrne.

Hon. Gerry Byrne: Thank you, Mr. Chair.

On the issue of the point of order Mr. Lamoureux raised, the committee... When Air Canada officials appeared before us, I asked for specific information, which Air Canada officials were extremely reluctant to provide to the committee. I argued—and I think I argued effectively—that it was very pivotal and central to the issue at hand of the adherence, the subscription to the Air Canada Public Participation Act. It was not indicated at the time whether or not the committee would be getting a complete response.

The clerk, apparently, received on March 7, 2011, a response from Air Canada to some of those questions that were raised weeks ago. The information could not be transmitted to committee members until four minutes before our witnesses were originally scheduled to depart this chamber.

I don't find that very acceptable on the part of Air Canada, to send information that is critical to these hearings... I'll even go so far as to make an assumption. The clerk probably received these letters, these clarifications, from Air Canada late yesterday afternoon. If it weren't for these witnesses appearing before this committee, I don't think we ever would have received any response from Air Canada.

But that being said, given the fact that this information from Air Canada was not received in a timely fashion, that the information in their correspondence to the clerk for the benefit of committee members does raise some pretty provocative issues, I would agree with Mr. Lamoureux that Air Canada should be compelled to come

back to this committee chamber to provide some further clarification, answers it failed to provide in its previous appearance before the committee.

● (1215)

The Chair: Thank you, Mr. Byrne.

Again, I'll thank our guests for being here today. We're going to take a brief recess and reset the table for the next part of our meeting. Thank you again. We're going to take a five-minute recess.

● (1215)

(Pause)

● (1220)

The Chair: When we adjourned our last meeting on Tuesday, there was a motion before the committee. There was debate around the table as to, one, whether the committee is the right committee to deal with the issue, and, two, if because the issue is before the courts awaiting a decision....

I listened to the debate and I'm prepared to make a ruling on the motion. I am basically going to rule, as of now, the motion out of order, and I'll give you my reason. It has to do with the argument of *sub judice*:

There are other limitations to the privilege of freedom of speech, most notably the *sub judice* ("under the consideration of a judge or court of record") convention. It is accepted practice that, in the interests of justice and fair play, certain restrictions should be placed on the freedom of Members of Parliament to make reference in the course of debate to matters awaiting judicial decisions, and that such matters should not be the subject of motions or questions in the House. Though loosely defined, the interpretation of this convention is left to the Speaker. The word "convention" is used as no "rule" exists to prevent Parliament from discussing a matter which is *sub judice*. The acceptance of a restriction is a voluntary restraint on the part of the House to protect the accused person or other party to a court action or judicial inquiry from suffering any prejudicial effect from public discussion of the issue.

That is what I based my decision on, and I believe if the issue is before the courts awaiting a decision, the committee should not discuss it publicly until that decision has been rendered.

Mr. McCallum.

Hon. John McCallum: Mr. Chair, nothing personal, but I'd like to challenge that decision.

The Chair: The chair's ruling has been challenged. It's non-debatable, and I'll go to Chad for the call of the vote.

Mr. Chad Mariage (Procedural Clerk): The question is, shall the ruling of the chair be sustained?

(Ruling of the chair overturned)

The Chair: With that decision I am going to vacate the chair, and I'll ask Mr. McCallum as the vice-chair to accede to the chair.

Thank you.

● (1225)

Mr. Michel Guimond: We have a whips' arrangement about this. It's too easy for the Conservatives to win a majority, and we've already had a decision. If the chair is not able to attend, the opposition will keep the majority as is. You have to ask a colleague to leave.

Mr. Brian Jean: I don't have to ask anything. He challenged the chair. You have to live with the consequences.

Mr. Michel Guimond: Yes, but—

Mr. Brian Jean: In my mind, looking at what's been happening over the last little while, he does not feel that this committee is working adequately enough, because there's no consistency.

With respect, we don't have a chair now. I'd like a chair so we could actually have a discussion about this, because I think there's value in this discussion.

Mr. Michel Guimond: I will ask you one question. If we have to take a vote during the rest of the meeting, how many votes do the Conservatives have? If McCallum takes the chair—

Mr. Brian Jean: Well, let's not have a vote. It's simple.

Mr. Michel Guimond: If we have to take a vote or a decision by vote—

Mr. Brian Jean: Are you asking—

Mr. Michel Guimond: If we have to take a decision by vote—if McCallum or I take the chair—in your view, how many votes do you think the Conservatives have?

Mr. Brian Jean: I don't think anything, Mr. Guimond. I know that I have one vote as a member of this committee and each of the people in the room has one vote.

Monsieur Guimond, I notice there are only...how many Conservatives here? We have not substituted for Mr. Tweed.

I don't know of any discussion with whips, so if there is something in relation to that, please advise me.

But I would like to talk to—

Hon. Gerry Byrne: Chair, would you like to recognize the speaker?

The Vice-Chair (Hon. John McCallum): Mr. Byrne.

Hon. Gerry Byrne: Thank you, Mr. Chair. Are you assuming the role as chair?

The Vice-Chair (Hon. John McCallum): Well, I'd like to continue this procedural discussion a bit.

Hon. Gerry Byrne: Perfect. I believe I raised this question directly with the chair in one of our last meetings.

I believe the committee transcripts will indicate that the Conservatives consented to an arrangement that if the chair were to have to vacate for any reason—I distinctly recall the chair giving notice to the committee that he had other business at 5:30 p.m. and he might have to vacate the chair—there would be guarantees that the mixture amongst parties and votes on the committee would not change.

Are we to believe now that there is a deception afoot—a very deliberate deception—that the words of the chair were not valid back then? I would like to have the transcript read back to me, if I could, on exactly what the chair said.

The Vice-Chair (Hon. John McCallum): Mr. Jean.

Mr. Brian Jean: Thank you, Mr. Chair. I appreciate your taking the chair for this meeting.

We've been very successful over the past five years, as a committee generally, and we—

● (1230)

Hon. Gerry Byrne: Well, we don't deceive.

Mr. Jeff Watson: Order, Mr. Chair.

Mr. Brian Jean: As I was saying, Mr. Chair, we've worked very well, and today I've had a couple of comments that I would describe as coming from no less than the peanut gallery. I've never intentionally deceived anyone in this committee or otherwise, in any way, shape, or form—ever. Okay, maybe my ex-wife, but we won't talk about that. Anyway, that was a bit of a joke.

Some hon. members: Oh, oh!

Mr. Brian Jean: I'm glad to see you guys are carrying on the humour. Good. *Merci beaucoup*.

I even talked to Mr. McCallum about this particular motion—listening to the cab drivers—and I'm not even sure if everybody knew what motion we were talking about.

Ultimately the chair was overturned on a decision he made on the basis of a legal precedent that this is before a court—that's what I understood it to be—and as a result of it being before a court, he didn't want to prejudice it. That seems to make a lot of sense to me.

I didn't want to challenge the chair before we discussed it because I didn't understand the situation. I wanted to know what the situation was. And nobody, even to this time, has told me what the situation is. Maybe we could find that out.

The Vice-Chair (Hon. John McCallum): I will make one comment. I don't agree with the ruling because the date on which we had called the witnesses was after the decision would have been made by the board. I don't think the ruling was correct.

I'll go to Mr. Trost, and then Mr. Byrne and then Mr. Guimond.

Mr. Brad Trost (Saskatoon—Humboldt, CPC): Thank you, Mr. Chair.

I will ask if other members around the table could help with clarification. Last week I was in Washington, D.C., with the international trade committee, and because of other conflicts I've had a brutal time coming to this meeting.

Would there happen to be a copy of the motion that the previous chair ruled on? And during any discussion going forward, if members would be considerate enough to elaborate a little more on the background, I would find it helpful.

Again, having multiple committees and multiple assignments at the same time, I'm having a bit of a hard time keeping track of where everything is. I'd like to be able to participate in the debate.

I appreciate everyone's efforts and their understanding. Thank you.

The Vice-Chair (Hon. John McCallum): Mr. Byrne.

Hon. Gerry Byrne: Thank you, Mr. Chair.

The committee should indeed be guided by exactly what occurred this morning and today in the House of Commons. An almost identical point of order was raised by Tom Lukiwski. He challenged the legitimacy of the Liberal opposition day motion based on the premise, if I can paraphrase the government's objection, that matters are now before the courts on the Conservative in and out election financing scandal.

This is the debate that's occurring, for Mr. Jean's benefit, because Mr. Jean indicated that he wanted to know more about this issue.

There is an opposition day motion currently under way in the House of Commons regarding the Conservative Party of Canada's actions with Elections Canada and its financing operations during the 2006 election campaign, which is also known as the Conservative in and out scandal.

I forget Mr. Lukiwski's title. I believe he's the parliamentary secretary to the government House leader. On behalf of the government, the Conservative Party of Canada and its benches, he said that the motion should be ruled out of order because certain elements of the matter were currently before the courts.

After receiving representations from all parties on the matter, this morning the Speaker ruled that the motion was in order. He would further consider specific language within the motion to determine whether or not specific language was on the periphery of the spirit of the conventions of the House of Commons. But he indicated this morning that he did not see any problem whatsoever and that the House has always interpreted these matters with a wide discretion to allow the House to debate all matters that are of public interest.

Mr. Chair, that occurred this morning.

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC): I have a point of order, Mr. Chair.

The Vice-Chair (Hon. John McCallum): There's a point of order.

Hon. Gerry Byrne: Excuse me. I'm not finished, Mr. Chair. I'm still continuing with my point of order.

The Vice-Chair (Hon. John McCallum): Are you on a point of order?

Hon. Gerry Byrne: Yes, I'm speaking on behalf of the point of order that was raised.

Mrs. Cheryl Gallant: I have an actual point of order.

The Vice-Chair (Hon. John McCallum): I believe I recognized you on debate, and the point of order has precedence.

Hon. Gerry Byrne: Thank you, Mr. Chair.

Mrs. Cheryl Gallant: The point of order is on whether or not what happens in the House is transferrable to the committee. I'd like to check with the clerk on whether or not that is the case.

Mr. Chad Mariage: The Standing Orders indicate that the rules of the House are applicable in committee. I can get the exact standing order, though.

Mrs. Cheryl Gallant: Something that's before the courts is okay.

• (1235)

Hon. Gerry Byrne: It is eligible for debate, absolutely.

The Vice-Chair (Hon. John McCallum): Okay.

Mr. Brian Jean: I have a point of order.

The Vice-Chair (Hon. John McCallum): Yes.

Mr. Brian Jean: While the clerk is doing that, does he see any difference in this particular case? It's two third parties and the federal government has no jurisdiction over either of them. Bluntly, we have no jurisdiction over the airport authority's use of taxi services and which service they choose. That's the first thing. There are third parties in the litigation. That is my question.

If it's not the case, that's fine, but I'd like to know that as well. This obviously involves the government. If it is legitimate, then let's hear it, because I don't understand why the chair would rule in that way, if that's the case.

The Vice-Chair (Hon. John McCallum): We'll go back to Mr. Byrne.

Hon. Gerry Byrne: Thank you, Mr. Chair.

We have basically established that the rules of the House, the conventions of the House, and the practices of the House, as articulated by the highest authority of the House, which is the Speaker, should have some construct in committee business and in the committee chambers. Given the fact that the Speaker of the House of Commons actually ruled on this exact point this morning, I think honourable members should be at least bound by what transpired in the House of Commons this morning.

Mr. Chair, I'll leave it at that.

The Vice-Chair (Hon. John McCallum): Thank you.

Mr. Guimond.

[*Translation*]

Mr. Michel Guimond: Mr. Chair, Mr. Jean said earlier that the matter was before the courts. I am going to give him...

[*English*]

Mr. Brian Jean: I thought that's what—

Mr. Michel Guimond: Mr. Jean, we don't have to study that because the matter is in front of the courts.

Mr. Brian Jean: No, I thought that's what the chair said: it is because it's in front of the courts. I didn't even know it was in front of the courts.

Mr. Michel Guimond: *D'accord.*

Mr. Brian Jean: But I thought it was in front of—

[*Translation*]

Mr. Michel Guimond: If there are any of you who think that, I'm going to disabuse them of their illusions by telling them about two events.

The in and out case in the Conservative Party in the 2006 election has been taken to court. Even though there was a legal action involving the Chief Electoral Officer and the Conservative Party underway, the Standing Committee on Procedure and House Affairs, of which I am a member, considered the question. This is a prime example that proves that this can perfectly well be done.

As well, in the sponsorship scandal, even though the Gomery Commission was underway and a large number of civil and criminal proceedings had been initiated against people involved in that case, the Standing on Government Operations also considered that question. That is why we guaranteed Chuck Guité and other figures in that scandal that nothing that was said at the committee could be used against them in other proceedings. If some of you think that we can't consider this question because it is being dealt with or might be dealt with in another proceeding, I would remind them that committees are in charge of their own proceedings. That is what the Standing Orders clearly say.

[English]

The Vice-Chair (Hon. John McCallum): *Merci.*

Do you want to answer that point of order?

Mr. Dennis Bevington: I have a point of clarification. The Speaker actually didn't make a ruling this morning. He just permitted the debate to continue and said he was going to make a ruling prior to the vote.

The Vice-Chair (Hon. John McCallum): Okay.

Mr. Chad Mariage: I obviously am not in a position to rule either way. I will simply state what the sources say and I'll let the committee come to its own decision.

Standing Order 116 states that "In a standing, special or legislative committee, the Standing Orders shall apply so far as may be applicable..." That's with regard to the rules.

With regard to the *sub judice* convention, it's mentioned twice in the second edition of the *House of Commons Procedure and Practice*, on pages 99 and 100, and on pages 627 to 628, which is a bit more elaborate in its description, and I'll read an excerpt of that:

During debate, restrictions are placed on the freedom of Members of Parliament to make reference to matters awaiting judicial decisions in order to avoid possible prejudice to the participants in the courts. This self-restraint recognizes the courts, as opposed to the House, as the proper forum in which to decide individual cases. Matters before the courts are also prohibited as subjects of debate, motions or questions in the House. While precedents exist for the guidance of the Chair, no attempt has ever been made to codify the practice known as "*sub judice* convention". The interpretation of this convention is left to the Speaker [in this case the chair] since no "rule" exists to prevent Parliament from discussing a matter which is *sub judice*, that is, "under the consideration of a judge or court".

I can go on, but that's the gist of it.

• (1240)

The Vice-Chair (Hon. John McCallum): Okay, I think that's good enough.

Anyway, whether we were right or whether we were wrong, we've already voted to overrule the chair on this matter.

I have two more people on the list. I'd suggest we hear those two, and then if there are no other people on this issue, we go on to the motion.

I have Mr. Jean first and then Mr. Maloway.

Mr. Brian Jean: I was just wondering if you could possibly clarify for me what is taking place currently, because I don't know, in relation to the airport issue itself. You said the legal decision was going to be made prior to what you propose as a date. I never heard that before.

The Vice-Chair (Hon. John McCallum): I will do that after we finish this round of speakers.

Mr. Maloway.

Mr. Brian Jean: I thought I was the speaker. That's why I wanted to get current, so that I could continue on with my speaking.

Mr. Jim Maloway: Mr. Chair—

The Vice-Chair (Hon. John McCallum): I was going to explain the motion after we had finished this round.

Mr. Brian Jean: Could I go back on the list then, after you explain the motion, please?

Mr. Jim Maloway: I was simply going to explain that while Gerry was correct in that the Speaker let the debate proceed on the opposition day motion, he was holding off making a ruling in terms of the actual vote on the motion. That was all I wanted to say about that.

The Vice-Chair (Hon. John McCallum): Perhaps now we could move to consider this motion regarding the limo drivers. For the benefit of those who were not at the last meeting, there was significant discussion, which I will try to summarize.

The date on which the meeting is proposed is now March 24, which is later than originally proposed. The reason for that is there's a Labour Relations Board ruling prior to that, and we will not be hearing these people when the issue is before the courts because that decision will have been made.

Second, there was some discussion as to whether this was within the mandate of this committee. Some people thought not. Others, including myself, argued it has to do in part with the governance of the airport authority, and that is or could be a concern of the transport committee. I think that's where we were.

And then the issue came up of whether it's in order. The chair ruled. We overruled the chair, so we're now in discussion of this motion.

Mr. Jean.

Mr. Brian Jean: Could you provide to me the Labour Relations Board date regarding when they're going to make that decision?

The Vice-Chair (Hon. John McCallum): Next Wednesday.

Mr. Brian Jean: Would it be in order to ask the committee to wait on this particular one. It's already been passed, but before setting that date we wait until the date has passed.

Is that the only decision we're waiting for, the Labour Relations Board?

The Vice-Chair (Hon. John McCallum): This motion has not passed yet.

Mr. Brian Jean: Why don't we wait until the 8th and then deal with it on that day?

Mr. Dennis Bevington: I propose an amendment that we change the date to the first available date after the Labour Board's ruling.

Mr. Jim Maloway: They might not rule right away, though.

Mr. Dennis Bevington: That was the spirit in which that was put forward, so let's put it in a fashion that guarantees that's what happens.

That would be my amendment.

Mr. Brian Jean: No. The amendment is not on the floor for discussion.

The Vice-Chair (Hon. John McCallum): The amendment is now on the floor for discussion: the earliest available opportunity after the decision by the board?

Mr. Brian Jean: I would also propose a friendly amendment that it be after a final decision is made by the authoritative body, if that's the Labour Relations Board. I don't understand...

I apologize, first of all. I was at a funeral last week and I apologize for not being here. It's the first Thursday I think I've missed in six years.

I don't understand the whole concept of it. Is this the final decision that's going to be made by the Labour Relations Board in relation to the final outcome for the two parties? Is that the situation? Does anybody know? Does anybody know an answer to my question, because it seems like a very important question?

The Vice-Chair (Hon. John McCallum): What is your question?

Mr. Brian Jean: My question was, is this the final decision? We're going to wait for an arbitration decision? Is this it?

• (1245)

The Vice-Chair (Hon. John McCallum): I believe it's likely to be, but I don't know for sure.

Mr. Brian Jean: My desire would be to stay out of something, one, that's political, and two, that's a legal dispute between the parties.

If we're going to do this—you don't need our support anyway, you overrule us on everything else—I would like to wait until a final decision has been made. Whether that be the Labour Relations Board or whatever the board is, I would like to do that and have the first available meeting after that. I think that would be fair to pass.

The Vice-Chair (Hon. John McCallum): The question for Mr. Bevington is whether he accepts that as a friendly amendment, and if so, the earliest available opportunity after the final decision.

Mr. Dennis Bevington: Yes. That's fine by me.

The Vice-Chair (Hon. John McCallum): He accepts it.

Any further discussion on the amendment?

Those in favour of the amendment, please raise your hands.

Hon. Gerry Byrne: With the “final” or...?

The Vice-Chair (Hon. John McCallum): With “final”. Mr. Bevington accepted “final”.

Mr. Chad Mariage: The amendment is as follows: that the words “Thursday, March 24, 2011, from 11 a.m. to 1 p.m.” be replaced by the words “the earliest available opportunity after the final decision of the”...I guess it's the Labour Relations Board; I'm not sure if that's the right body. Is it the arbitration board?

Mr. Dennis Bevington: It's the final decision of the Labour Relations Board. If it's appealed, it will go somewhere else.

The Vice-Chair (Hon. John McCallum): It's the final decision of the Labour Relations Board.

Mr. Dennis Bevington: The appeal has to go somewhere else. It can't be at the same place.

The Vice-Chair (Hon. John McCallum): Is there any further discussion?

Mr. Trost.

Mr. Brad Trost: Again, please accept my apologies, Mr. Chair. I'm just getting up to speed on this.

My assumption, following the conversation around the table, is that the judicial item we're dealing with is solely the Labour Relations Board. There's no other action before the courts or anything else.

The Vice-Chair (Hon. John McCallum): That would be my understanding.

Mr. Brad Trost: Okay, so that's the issue we're talking about.

The Vice-Chair (Hon. John McCallum): I think it's what you might call quasi-judicial.

Mr. Guimond.

[*Translation*]

Mr. Michel Guimond: Adding the word “final” amounts to adding a word for no reason. If we don't want to run the risk of an appeal to the Ontario Superior Court, and ultimately the Supreme Court of Canada, that word should not be added until the Canada Industrial Relations Board makes its decision.

[*English*]

In itself, it's a final decision. Why do we add the term “final”?

Mr. Brian Jean: I think it makes sense. We're asking for a final communication. What if they postpone it a week and then we have our witnesses coming in here?

Is there any urgency to this matter? Is there any desire to interfere in a quasi-judicial board out of Toronto in their findings of fact?

The Vice-Chair (Hon. John McCallum): Look, I think—

Mr. Brian Jean: I don't understand what we're accomplishing here at all. We've had five good years of good work and here we are debating an issue that we can't control. We have no input into it, and quite frankly, to my mind, we're interfering with the role of justice within this particular quasi-judicial function. It doesn't make sense.

The Vice-Chair (Hon. John McCallum): Well, look, I think—

Mr. Dennis Bevington: We're not if we're doing it after the fact.

Mr. Brian Jean: That's why I'm saying that “final adjudication by the board” is the way I would put it.

•(1250)

The Vice-Chair (Hon. John McCallum): I think we have the wording of the amendment, because Mr. Jean had proposed the word “final” and the proposer accepted that as a friendly amendment. So that’s how the amendment stands.

Mr. Brian Jean: On a point of order, this motion was your motion. You’re now the chair. Now we have a mover of an amendment and another mover of an amendment to a motion that belongs to you as the chair. I don’t think you can actually do that, but that would just be my guess.

I just want to make sure if we’re going to debate this thing, we do it right and we’re not going to end up doing something silly.

[Translation]

The Vice-Chair (Hon. John McCallum): Maybe Mr. Guimond could take the chair.

The Vice-Chair (Mr. Michel Guimond): Given that no one else wants to speak, the question is about the amendment. Do we need to reread the wording we’re voting on? Right, we’ll reread it.

[English]

Mr. Chad Mariage: That the words “on Thursday, March 24, 2011, from 11 a.m. to 1 p.m.” be replaced by “the earliest available opportunity after the final decision of the Labour Relations Board”.

[Translation]

The Vice-Chair (Mr. Michel Guimond): All those in favour of the motion as amended...

[English]

Mr. Brian Jean: I think we need to put in “final decision of the board on this matter”. That might be an idea, because they’re not going to make a final decision probably for a couple thousand years.

[Translation]

The Vice-Chair (Mr. Michel Guimond): Mr. Bevington, do you agree with this new very friendly amendment?

[English]

Mr. Dennis Bevington: I really don’t have an opinion on this friendly amendment, since I don’t understand the nature of labour standards board decisions. I would assume “final decision” would be good enough.

Mr. Brian Jean: I can explain, if I may.

It’s a quasi-judicial board—

The Vice-Chair (Mr. Michel Guimond): Go through the chair.

Mr. Brian Jean: Oh, sorry, I looked at you and then I...

The Vice-Chair (Mr. Michel Guimond): Okay. Chad is a good guy.

Mr. Brian Jean: He’s a great guy. I actually have that in my book somewhere, that Chad’s a great guy. I’m not sure where it is.

Mr. Bevington, my understanding is it’s a quasi-judicial function, which means that they have the ability to make a decision on representations as a board. But of course they make decisions on a board every day, I would suggest, or at least more frequently than you would expect. So if we don’t put “on this matter”, it would be

the final decision by them in 3,000 years when they change to a judicial function, possibly.

That is why. I don’t know if anybody else has any questions.

[Translation]

The Vice-Chair (Mr. Michel Guimond): Mr. Trost, you have the floor.

[English]

Mr. Brad Trost: I have just one final question. The amendment says “that representatives of the drivers, the limousine companies and the GTAA be asked to appear”.

I’m assuming there’s an association for each of these. If we’re not able to get all of them lined up on the same day, what action we would take? We’re going to try to get them on the soonest day possible, which I think is wise, because they might not be able to come on March 24. People do have schedules that don’t quite fit what parliamentarians do. My question is, who in particular are we looking for as the representatives, and how would we juggle that if we couldn’t get them all on the same day?

[Translation]

The Vice-Chair (Mr. Michel Guimond): Mr. McCallum wants to add something.

[English]

Hon. John McCallum: *Oui.*

I accept all of these amendments proposed by the government side. I suggest that the drivers choose their own representatives to come here. We accept all of that. I suggest we proceed to a vote.

[Translation]

The Vice-Chair (Mr. Michel Guimond): The vote is...

[English]

Mr. Brian Jean: I do have one question. I just want to be clear. I have found that 99% of our meetings are very effective and 1% aren’t. Usually the 1% is when people come in and make a political statement. I love political statements, as you know.

My biggest issue is that we have representatives of drivers. My brother owned a cab company for about 10 years in Fort McMurray, and I understand the cab business. I would prefer that a representative of a group of cab drivers come, and be duly noted that they are representing that group, and not just somebody here to grind an axe or to cause problems. Let’s make sure that we invite the appropriate people to come and give evidence in relation to this particular matter.

In respect of that, has anybody talked to these individuals at the Greater Toronto Airports Authority to see whether or not they would even come?

•(1255)

Hon. John McCallum: We have spoken to them, and we will get the appropriate representatives.

Mr. Brian Jean: Can I have some indication of what they’ve said?

Hon. John McCallum: I think they're comfortable with this, providing it's after the date of the hearing. We intend to invite a representative of the GTAA as well.

Mr. Brian Jean: Okay. Excellent.

[*Translation*]

The Vice-Chair (Mr. Michel Guimond): We will have the pleasure of voting for the amendment.

I would ask our substitute clerk, Mr. Mariage, to reread the amendment for us.

[*English*]

Mr. Chad Mariage: The amendment reads as follows, to replace the words "on Thursday March 24, 2011, from 11 to 1 p.m." with the following, "the earliest available opportunity after the final decision of the Labour Relations Board on this matter".

[*Translation*]

The Vice-Chair (Mr. Michel Guimond): All those in favour of this amendment raise your hands, please. That's five.

All those opposed to the amendment raise your hands, please. I don't count any.

The amendment is agreed to.

We are now going to vote on the main motion as...

[*English*]

Mr. Brian Jean: *Excusez-moi.* We have voted on the amendment to the amendment, but we haven't voted on the amendment.

Mr. Chad Mariage: The amendment to the amendment was accepted as amended.

The Vice-Chair (Mr. Michel Guimond): Nice try, Brian.

Mr. Brian Jean: I want a recorded vote on this one.

[*Translation*]

The Vice-Chair (Mr. Michel Guimond): Do you want a roll call vote on the main motion, as amended?

M. Brian Jean: Yes.

The Vice-Chair (Mr. Michel Guimond): The clerk will take the roll call vote. Thank you.

[*English*]

Mr. Chad Mariage: The question is on the motion as amended.

(Motion agreed to: yeas 5; nays 4)

[*Translation*]

The Vice-Chair (Mr. Michel Guimond): It is agreed to by majority vote.

Have we finished or do you want to discuss the other meetings? We still have three minutes of our meeting left.

Mr. Jean moves that the meeting be adjourned.

Thank you, and have a good question period.

The meeting is adjourned.

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