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Chair

Ms. Marie-Claude Morin

Standing Committee on the Status of Women

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•(1110)

[Translation]

The Chair (Ms. Marie-Claude Morin (Saint-Hyacinthe—Bagot, NDP)): Welcome everyone. Welcome to the 65th meeting of the Standing Committee on the Status of Women.

Ms. Sgro, you have the floor.

[English]

Hon. Judy Sgro (York West, Lib.): Thank you, Madam Chair.

I'd like to raise a point of order relating to the committee's motion of March 5, 2013, and the direct negative impact that it's having on the process we're undertaking today.

First, I apologize to the witnesses, but this is an issue of fundamental importance that I'm sure you will understand and that I believe is jeopardizing the impartiality and thoroughness of this study, and, by extension, my responsibilities and constitutional duties as an MP and as a member of this committee and my party's lead critic for the Status of Women.

While I expect that my colleagues on the government side will want this matter dealt with in camera, I believe this issue is in all of our interests. It's not simply an issue of committee business, nor is it a matter to be hidden behind closed doors, so I am raising it as a point of order.

The committee had scheduled to hear from Krista Carle at our last meeting of March 7. Despite having already made the plans for the appearance on March 5, the government members of the committee pressed through a motion, which read, "That, in accordance with the *sub judice* convention, invitations to appear on the study of sexual harassment in the federal workplace be limited to individuals not currently...[under]...a judicial process or grievance."

Following that motion, the clerk issued an e-mail to Ms. Carle, which stated, "As a consequence," of the motion, "and given your current involvement in a class-action suit against the RCMP, your appearance before the committee, scheduled for Thursday March 7... has been cancelled."

In essence, the potential witness was told by the committee that her experience with assault, harassment, and bullying in the workplace would not be heard by this committee because she had opted to take action against those who allegedly perpetrated the crimes. As a result of that rejection, I requested a legal opinion on this matter.

Yesterday, that legal opinion was delivered by the Deputy Law Clerk and Parliamentary Counsel to all the members of committee.

While it spoke to the history and to the legal developments of this matter, two elements in particular are germane to the point I'm making today.

Richard Denis, the Deputy Law Clerk and Parliamentary Counsel, stated:

After a review of the relevant transcript of the Committee, we conclude that the testimony and questions posed were of a general nature. They addressed a matter of public policy rather than specific allegations. Therefore, there appears to have been no violations of the *sub judice* convention;

At this time, the proceedings of this legal action are still in their preliminary stage, and the hearing for the certification of the class-action will only occur at the end of the year. It is yet unknown if the courts will allow the claim to proceed on the merits, which will take another few years. Therefore, there[']s little chance that the Committee's evidence...[could]...prejudice the potential legal action, and as such there would be no violation of the *sub judice* convention.

Setting aside the fact that the *sub judice* convention is not a rule and is not found anywhere as an enforceable measure in the Standing Orders of the House of Commons, this legal opinion means that hearing from people like Ms. Carle would not jeopardize any formal proceedings and, even if it did, the pending class action litigation does not constitute a matter that is currently before the courts.

Knowing this, and having this confirmed by the Deputy Law Clerk and Parliamentary Counsel, I would therefore suggest that the committee's motion of March 5 was premature, misinformed, and out of order. I submit that the motion should not have been presented until a legal opinion was received and digested so as to ensure the accuracy and appropriateness for all of the committee members.

Clearly, the motion was faulty. I would therefore suggest that it be rescinded and that this committee make immediate plans to hear from people like Krista Carle, Catherine Galliford, and the many other brave women who have experienced harassment at the hands of their employer and who would bring valuable experience and lessons to this table.

Madam Chair, I think this is an extremely important study that we're doing, and I don't want it to lose its way. We've done six months of work and only heard from one witness who specifically suffered at the hands of many of the members of the RCMP, so I've asked that the committee consider rescinding that motion, allowing us to go forward in giving the many women out there involved in this a chance to come and speak to the Status of Women committee and have their voices heard.

Thank you very much, Madam Chair. I would appreciate very much the support of the committee.

I understand that we don't all know what the procedures are, but the motion clearly was out of order, and I think that had the committee had the full understanding of who we can call before us and who we can't, they probably would not have had to introduce that motion.

Thank you very much for allowing me to make that point of order, and I would appreciate some feedback from the committee on rescinding that motion.

[Translation]

The Chair: I will now recognize Ms. Ashton.

[English]

Ms. Niki Ashton (Churchill, NDP): Thank you. We would like to support this point of order and the motion to rescind the previous motion based on the new information that is before us and particularly the point that was raised by the law clerk noting that:

At this time, the proceedings of this legal action are still in their preliminary stage, and the hearing for the certification of the class-action will only occur at the end of the year. It is yet unknown if the courts will allow the claim to proceed on the merits, which will take another few years. Therefore, there[s] little chance that the Committee's evidence will prejudice the potential legal action, and as such there would be no violation of the *sub judice* convention.

I'd also like to note that one of the women who was to come forward came out to the media in British Columbia last week and spoke about how her voice was being silenced and how her right to be heard was being taken away from her. We now know based on the legal opinion that there is no reason to reject the testimonies of these women, certainly not at this stage.

I'd like to pick up on a point mentioned by my colleague Ms. Sgro about our fundamental duty as members of Parliament. We're here to do our due diligence. We're here to listen—and certainly as part of this committee we're here to listen to the voices of women who have gone through these horrible experiences. We are here to create recommendations based on what they bring forward, what all witnesses bring forward, and it is unconscionable to even imagine that we can claim to be doing the proper work in this committee and as part of this research project without hearing from the women from the RCMP. As we know, we have every right to do so based on the legal decision that has been put forward to us.

• (1115)

[Translation]

The Chair: Thank you, Ms. Ashton.

Ms. Truppe, you have the floor.

[English]

Mrs. Susan Truppe (London North Centre, CPC): Thank you, Madam Chair.

It's interesting that Madam Ashton said she's here to listen when both sides keep interrupting the witnesses we have. I would like to move that we go in camera if we want to continue this or that we defer it to committee business after the witnesses so that we don't waste any further time.

[Translation]

The Chair: Ms. Truppe moves that the committee continue this meeting in camera or that this discussion take place during committee business, at noon.

Yes, Ms. Sgro?

[English]

Hon. Judy Sgro: We have several witnesses here to add to this discussion. To turn around now and go in camera at this particular time... I want to go back to this. The whole issue is what are we so afraid of, talking about something as important as sexual harassment in a federal jurisdiction? Having to turn around and go in camera to have the discussion about a motion...when clearly the committee did not have the full knowledge or it wouldn't have presented the motion.

We have a legal decision that says these women are allowed to come before the committee, so I see no reason now to have to move in camera to discuss something when what we're trying to do is get these issues raised in the public sphere and do our job as members of this committee.

[Translation]

The Chair: I understand your concerns, Ms. Sgro.

Given the situation I would suggest that we hear from our witnesses and get back to this discussion in the context of committee business.

We may vote on it, if you prefer.

[English]

Hon. Judy Sgro: Well, Ms. Truppe moved that we move in camera to have a discussion on my point of order, and I'm suggesting that we have the discussion openly. Why would we need to go in camera to discuss something...? This is a legal decision in front of us, and it's easily, for us—

[Translation]

The Chair: So we shall vote on it.

Ms. Niki Ashton: May I ask for a recorded division?

The Chair: Yes, certainly.

Ms. Ashton calls for a recorded division.

[English]

Hon. Judy Sgro: Could you spell out the motion, please?

[Translation]

The Chair: Ms. Truppe asks that we move in camera.

[English]

Mrs. Susan Truppe: It is to discuss committee business, unless you want to defer it to 12 o'clock, as part of committee business.

Hon. Judy Sgro: Just so we're clear here, I have spoken on a point of order, and I have asked that the committee rescind an earlier motion.

Is the parliamentary secretary now suggesting that in order to discuss my point of order we go in camera for that discussion?

Mrs. Susan Truppe: Correct. That's committee business.

[*Translation*]

The Chair: Yes, given that the motion you are referring to has already been passed in camera.

Ms. Joyce Bateman (Winnipeg South Centre, CPC): Madam Chair, I agree with Ms. Truppe, but our witnesses are here. We should show them some respect.

The Chair: It is a member from your party who has asked that we move in camera, Ms. Bateman.

Ms. Joyce Bateman: Committee business comes after our witnesses.

The Chair: But the parliamentary secretary has asked that we move in camera.

Yes, Ms. Truppe?

[*English*]

Mrs. Susan Truppe: Just so we're clear, I propose that we go in camera if we're discussing committee business, which Madam Sgro raised. I also propose that we defer it to our committee business, when the witnesses are finished. So if we can finish off with the witnesses, and then discuss this, I'm fine with that.

But then Madam Sgro said she wanted to discuss it right now, which we can't do in front of the witnesses, as it's committee business.

If we're all in agreement on discussing this when we're done with the witnesses, during our committee business, we don't have to move to go in camera right now.

• (1120)

[*Translation*]

The Chair: Ms. Sgro, your motion is therefore officially to defer this discussion and put it on the agenda for committee business, which will take place at noon. Is that correct?

[*English*]

Hon. Judy Sgro: I think it's not just a matter of committee business. It's a point of order on how we operate as a committee,

which I don't think needs to be discussed in camera—as if we're so afraid of the kind of rules we have to function under.

I am opposed to going in camera to discuss this issue.

[*Translation*]

The Chair: Madam Clerk tells me we must proceed to the vote. Ms. James et Ms. Ashton have asked to speak. We will then call the question.

Yes, Ms. James?

[*English*]

Ms. Roxanne James (Scarborough Centre, CPC): It's quite apparent that we're not going to get agreement to defer this to actual committee business at the end, which is supposed to occur—and was going to occur at noon—so I will move that we go in camera, please.

Thank you.

[*Translation*]

The Chair: Actually, there are two motions on the table.

Madam Clerk has indicated to me that we must immediately call the question if we want to continue our session in camera at this point.

Ms. Niki Ashton: May we have a recorded division?

The Chair: Certainly, Ms. Ashton.

(Motion agreed to: yeas 7, nays 4 [See *Minutes of Proceedings*])

The Chair: I will be suspending the meeting for a few minutes so that we may continue in camera.

I would now like to speak to Ms. Bowes-Sperry and Ms. Collinsworth, who were invited here today.

We are very sorry about the situation. This type of unexpected event sometimes occurs at committee meetings. We will therefore be contacting you in the future. I am sorry for the inconvenience. Thank you.

[*Proceedings continue in camera*]

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