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—
Chair

The Honourable Hedy Fry

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•(1535)

[English]

The Vice-Chair (Mr. Larry Maguire (Brandon—Souris, CPC)): I call the meeting to order.

Thank you, everyone, for taking your seats.

I want to welcome our witnesses, Mr. Ruest and Mr. Girouard. They're here for technical help with the clause-by-clause study on Bill C-311, which we'll be dealing with today.

I first want to welcome everyone to meeting 49 of the Standing Committee of Canadian Heritage this afternoon in room 253-D in Centre Block.

We'll move right into Bill C-311, an act to amend the Holidays Act for Remembrance Day.

We'll proceed to clause-by-clause study.

I will seek if clause 1 should carry.

Mr. Philippe Méla (Legislative Clerk): You need to call the amendment.

Mr. Larry Maguire: Pardon me.

There is an amendment that needs to come forward. I thought it might come forward there, but I'll turn this over to Ms. Dabrusin for her amendment.

Ms. Julie Dabrusin (Toronto—Danforth, Lib.): Thank you.

I would like to make an amendment that Bill C-311 be amended in clause 1 by deleting lines 11 to 16 on page 1.

The Vice-Chair (Mr. Larry Maguire): Has everyone heard the amendment? Is there anyone who would like to speak to the amendment?

Go ahead, Mr. Brassard.

Mr. John Brassard (Barrie—Innisfil, CPC): Thank you, Mr. Chair.

I'm just wondering, through you, if the mover of the amendment could explain to the committee what these changes represent with respect to the bill.

The Vice-Chair (Mr. Larry Maguire): Go ahead, Ms. Dabrusin.

Ms. Julie Dabrusin: In clause 1, the amendment would be removing proposed subsections 3(2) and 3(3). These changes were also suggested by the MP who brought forward this bill, Colin Fraser.

Mr. John Brassard: Just for clarity's sake, then, the amendment refers to the part of the bill covering when November 11 is a Saturday or Sunday. In that case, the following Monday would be a legal holiday and would be kept and observed as such throughout Canada under the name of "Remembrance Day". The other one was with reference to the Canadian flag flying at half-mast.

Are those the ones that are to be deleted from the bill?

Ms. Julie Dabrusin: That is correct, because in fact there is already other legislation that deals with having the flag at half-mast on Remembrance Day. Also, I believe that MP Fraser had suggested that he preferred to have Remembrance Day observed on November 11.

The Vice-Chair (Mr. Larry Maguire): Are there any further comments or discussion?

Mr. John Brassard: By way of comment, with respect, just for clarity's sake, are we speaking to the amendment or to clause 1 in particular?

The Vice-Chair (Mr. Larry Maguire): We're speaking to the amendment.

Mr. John Brassard: Okay.

Again, for clarity's sake, I have not gone through clause-by-clause consideration that often in my committee work. Will there be another opportunity to speak to the bill past this point, if the amendment is moved, or should I speak to it now?

The Vice-Chair (Mr. Larry Maguire): Yes. When we get past the amendment, there will be a later time to speak to the bill as it's amended. If you wish to speak to the whole bill later, there will be a chance to. If you want to speak to—

Mr. John Brassard: Yes, I will do that.

The Vice-Chair (Mr. Larry Maguire): —the amendment now, it's whichever you feel comfortable with.

Are there any other comments?

(Amendment agreed to)

The Chair: If we could go into the bill itself, shall clause 1, as amended, carry?

Go ahead, Mr. Brassard.

•(1540)

Mr. John Brassard: Thank you, Mr. Chair.

I thank the honourable member, Mr. Fraser, for bringing this bill forward.

It's a difficult piece of legislation to deal with, because obviously we're dealing with the issue of Remembrance Day. As we heard throughout the testimony, there's not one of us on this committee who doesn't feel the highest level of respect for the work our veterans have done. We told stories of the experiences of our families and veterans: my grandfather was a merchant mariner, and my wife's uncle Jack was killed flying a Lancaster bomber over Poland. I know from my standpoint, being a representative who's close to CFB Borden and having a terrific relationship with the base and all those who serve our military, I have the utmost respect for our veterans. I'm also the critic for Veterans Affairs, which is why I'm sitting through this process of dealing with Bill C-311.

I've talked to veterans across the country and I was active in Remembrance Day ceremonies. One of the most compelling parts of what we heard over the course of the last several weeks in dealing with this bill was when we had Dominion Command come in here. Dominion Command, as we heard from Mr. White, represents about 275,000 members across the country. The testimony we heard from Mr. White suggested that they are not in support of Bill C-311.

When I spoke to Mr. Fraser initially about this bill, I told him that we would support it coming to committee so that we would hear what Dominion Command had to say with respect to the piece of legislation. I think Dominion Command, through Mr. White on behalf of the 275,000 members, spoke very clearly and succinctly of the fact that they're not supportive of this bill.

In contrast to that, respectfully, I think we had three or four people who came to the committee and said they were supportive of this bill. I respect their position. They talked about elevating the status of Remembrance Day to a legal holiday—certainly not a statutory holiday, but as we've heard, it has no legal effect. With all due respect to Mr. Fraser, and I think he testified to this as well, it was a feel-good bill.

When we pass pieces of legislation in the House of Commons, we don't do so because they feel good; we do so because they support the intent to make the lives of Canadians better. Understandably, there can be an argument that this will help elevate the status of Remembrance Day, but as we heard from Mr. White and from others, and as I can tell you anecdotally from being as involved in Remembrance Day week as I was, the status of Remembrance Day continues to grow in this country. We're seeing a significant number of Canadians participate in the remembrance of those who gave their lives in sacrifice for the freedoms that we enjoy, and as I said when we were dealing with this bill in committee, there's not a day that goes by that I, or any of us who have the privilege of sitting in the House of Commons, don't realize that those sacrifices were real, that blood was spilt, that families were torn apart to allow us the privilege of sitting in our symbol of democracy, the House of Commons.

As nice as it would be to feel good about Remembrance Day, I just don't think this piece of legislation, because it actually makes no difference, is something that we can support. As I mentioned, and as I think Mr. Waugh mentioned to Mr. Fraser, if the intent was to emphasize the importance of Remembrance Day to Canadians, we could have easily done that through a motion. We didn't necessarily need a piece of legislation to do that.

● (1545)

The other testimony we heard from Mr. White is the unequivocal fact that Dominion Command doesn't want this to be a statutory holiday. In fact, over the course of the last 45 years, they've dealt with this issue 15 times by way of resolution at their conventions.

I asked Mr. White for the latest resolution, which came from the 2016 convention. The subject and the briefing note to the delegates were clearly about Remembrance Day being a statutory holiday. There were several “whereas” clauses. It said in the “be it resolved” paragraph that the Legion “reconsider its position through respect for its veteran minority; hold a referendum forthwith of its Life and Ordinary members who are veterans; since the Dominion Convention has failed to act in the best interest...”

It was a resolution submitted by the Quebec Command. The resolution was non-concurred by the committee; it wasn't supported. The comments, which I'll read so they go into the record here, Mr. Chair, if you'll indulge me, are:

The holiday status of Remembrance Day has been debated at numerous Dominion Conventions throughout the Legion's history, most recently at our 2012 Dominion Convention. It was at the 2012 Convention that the Legion's position against Remembrance Day being a statutory holiday was reaffirmed.

Now, before the argument comes back to say this wasn't a legal holiday, if you recall, Mr. White's testimony said that he was concerned that this was going to open the door for statutory holidays, and frankly, that's my concern.

There were many reasons he gave, not the least of which was that schools across the country participate. Many of them that don't currently observe it as a statutory holiday participate in Remembrance Day. They've seen a growth in Remembrance Day activity and involvement, and they want that to continue. They don't want people to have a holiday, and their concern, frankly, is the fact that this bill might lead to that.

They also said in their comments:

We remain concerned that Canadians, if given the time off as a legal holiday, may not take the time to remember; that it may simply become a mid-week or just part of another long weekend. The latter situation relates specifically to discussion at the 1978 Dominion Convention which focused on how government departments of the day treated November 11th as a floating holiday for the purpose of giving their employees a long weekend. This must not be allowed to happen again. What is needed is to raise the awareness and understanding of Remembrance Day

—which Mr. White spoke about when he appeared before us—

which could be achieved through an education strategy. It is paramount that the significance of Remembrance Day be instilled in our youth and to the general population to show their respect for the sacrifices of our Fallen. To honour this day, many schools hold assemblies where they organize their own commemoration; some teachers take their students to collectively participate with their peers in ceremonies at local cenotaphs, thereby strengthening the impact of the significance of November 11th. The Legion works very closely with schools throughout the country to provide an educational component about Remembrance Day. In addition to welcoming classes at ceremonies, the Legion's Teaching Guide is another excellent educational tool, which has been viewed or downloaded from our website more than one million times. Therefore, this resolution is non-concurred by the Committee.

That was at their recent convention in 2016.

Since our last meeting, I have been in touch with Dominion Command. I asked if there was some way to go forward if we introduced a notwithstanding clause to clarify the intent of clause 1—and the intent, as far as I'm concerned, is not to have a statutory holiday—to make it very clear so that it addresses the concerns of Dominion Command and doesn't open that door, as they fear, to Remembrance Day becoming a statutory holiday, and they were not in a position to support that.

• (1550)

From my standpoint, Mr. Chair, I made attempts to make this work, but I have to respect, and I think we all have to respect, that as much as it feels good to support this bill and as much as the argument will be made to elevate it to legal status, which means nothing in terms of the Holidays Act, it's a feel-good piece of legislation.

My preference would have been that this be a motion and not a piece of legislation, because it means nothing. We're not in the business—some would argue that perhaps we are—of enacting legislation that means nothing and has no cause and no effect. I have to respect, and I hope colleagues will respect—and I don't mean any disrespect to Mr. Fraser, for I completely understand the intent of his bill—the voice of an organization, Dominion Command, that represents 275,000 members, not two or three or four.

Last week, Mr. Chair, I was down in Washington, D.C., and I was privileged to meet with the commander-in-chief of the Veterans of Foreign Wars, with 1.2 million members. I was also privileged to meet with the commander-in-chief of the American Legion, with 2.4 million members. They speak on behalf of veterans. They're the voice of veterans in Washington, and they're a very powerful voice.

In Canada, it's Dominion Command. We have to respect the wishes of Dominion Command. If they're not supportive of this piece of legislation, it doesn't diminish Remembrance Day in any way. In fact, it is Dominion Command that leads Remembrance Day ceremonies and has seen it grow. We have to respect their position on this, and their position is not to support clause 1 to raise this to a legal holiday, for the reasons that I stated.

Out of respect for Dominion Command, we cannot support Bill C-311, Mr. Chairman.

Thank you for your time.

The Vice-Chair (Mr. Larry Maguire): Thank you very much.

Are there any other comments concerning clause 1?

Go ahead, Mr. Waugh.

Mr. Kevin Waugh (Saskatoon—Grasswood, CPC): Mr. Chair, I want to echo my colleague.

We had three very good guests here last time—and I'm sorry we didn't get to Canadian Heritage, as we were interrupted—and they were very passionate, all three of them, including the one witness we had live and the others who came to us by teleconference. They didn't, however, do their due diligence.

I see we have a letter here, as an example, from the Ontario air force association. That's just one association. We need to hear from

all of those organizations. To cherry-pick one or the other is not what we're here to do.

As my colleague here said, the Legion has always been and always will be the lead on Remembrance Day. I think, with Mr. Fraser from West Nova.... We've seen this bill come many times, and it will come many more times, I'm sure, in front of these committees, but we have to respect the Legion and Mr. White, with 275,000 speaking as a group. We see the letters that Mr. Fraser got in the last week or so, but these are just portions of the country, whereas the Legion speaks for the entire country.

I'm going to back up my colleague. I totally agree with him on this issue.

The Vice-Chair (Mr. Larry Maguire): Thank you.

If there's no further discussion on clause 1, I will call the vote on clause 1.

Go ahead, Mr. Samson.

Mr. Darrell Samson (Sackville—Preston—Chezzetcook, Lib.): Mr. Chair, I'd ask for a registered vote, please.

• (1555)

The Vice-Chair (Mr. Larry Maguire): You want a recorded vote?

(Clause 1 agreed to: yeas 6; nays 2)

(On clause 2)

The Vice-Chair (Mr. Larry Maguire): Shall clause 2 carry?

Go ahead, Mr. Nantel.

[*Translation*]

Mr. Pierre Nantel (Longueuil—Saint-Hubert, NDP): Thank you very much.

Mr. Chair, did we not have an amendment, proposed by Ms. Dabrusin, to take out proposed subsections 3(2) and 3(3)?

Ms. Julie Dabrusin: It was lines 11 to 16.

[*English*]

The Vice-Chair (Mr. Larry Maguire): Just for clarity, if I could, Ms. Dabrusin, what we just voted on was clause 1, and that was the part with the proposed new subsection 3(1) in it.

Mr. Pierre Nantel: Yes.

The Vice-Chair (Mr. Larry Maguire): Proposed subsections 3(2) and 3(3) were taken out, lines 11 to 16. Now we're voting on clause 2, which is the coming into force.

[*Translation*]

Mr. Pierre Nantel: That's right.

[*English*]

I'm sorry.

[*Translation*]

Thank you.

[English]

The Vice-Chair (Mr. Larry Maguire): I may want to clarify that with the government side as well, seeing as how they didn't want it to come into force. I think that has changed, but anyway, clause 2 is the coming into force part of the bill.

Ms. Julie Dabrusin: Yes.

Mr. Darrell Samson: No.

[Translation]

Ms. Julie Dabrusin: We do not need a Governor in Council order.

[English]

The Vice-Chair (Mr. Larry Maguire): I will call clause 2. All those in favour of clause 2, please indicate.

Mr. John Brassard: On division.

The Vice-Chair (Mr. Larry Maguire): All those in favour?

All those opposed?

Mr. John Brassard: We're opposed.

The Vice-Chair (Mr. Larry Maguire): Let's see the hands, then. All those opposed, please indicate.

(Clause 2 negated)

The Vice-Chair (Mr. Larry Maguire): Shall the title carry?

Go ahead, Mr. Nantel.

Mr. Pierre Nantel: Are we sure of what we're doing now? Clause 2 did not carry. Is that what you just said?

The Vice-Chair (Mr. Larry Maguire): That's what we determined.

Mr. Pierre Nantel: Is this what you guys wanted?

The Vice-Chair (Mr. Larry Maguire): Go ahead, Ms. Dabrusin.

Ms. Julie Dabrusin: What I understand is we don't need an order of Governor in Council for this to come into effect. It's extra steps.

The Vice-Chair (Mr. Larry Maguire): Mr. Nantel, you had a question?

[Translation]

Mr. Pierre Nantel: I'm glad to see I'm not the only one here who is confused.

[English]

The Vice-Chair (Mr. Larry Maguire): Okay. I'll ask our legislative clerk to clarify.

[Translation]

Mr. Philippe Méla: Mr. Nantel, taking out clause 2 of the bill simply removes the idea that the bill would come into force by the application of an order. As a result, the bill will come into force upon royal assent. That is the difference.

•(1600)

Mr. Pierre Nantel: Okay. Thank you.

Mr. Dan Vandal (Saint Boniface—Saint Vital, Lib.): [*Inaudible*]

Mr. Philippe Méla: If you do not want that, no.

[English]

The Vice-Chair (Mr. Larry Maguire): I think that clarifies it. We don't need a Governor in Council to move the bill forward.

Shall the title carry?

Some hon. members: Agreed.

The Vice-Chair (Mr. Larry Maguire): Shall the bill as amended carry?

Is it on division?

Mr. Darrell Samson: I call for a registered vote.

The Vice-Chair (Mr. Larry Maguire): Mr. Samson calls for a recorded vote.

(Bill C-311 agreed to: yeas 6; nays 2)

The Vice-Chair (Mr. Larry Maguire): The bill as amended has carried.

Shall the chair report the bill as amended to the House?

Some hon. members: Agreed.

An hon. member: On division.

The Vice-Chair (Mr. Larry Maguire): Shall the committee order a reprint of the bill as amended for the use of the House at report stage?

Some hon. members: Agreed.

The Vice-Chair (Mr. Larry Maguire): I want to thank our witnesses for being here today to help us out with details as well. Thank you.

We'll take a couple of minutes here to reconvene in camera.

[*Proceedings continue in camera*]

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