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Chair

Mr. Bryan May

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

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•(1100)

[English]

The Chair (Mr. Bryan May (Cambridge, Lib.)): Good morning, everybody.

Pursuant to the order of reference of Wednesday, October 26, 2016, the committee is commencing consideration of Bill C-243, an act respecting the development of a national maternity assistance program strategy and amending the Employment Insurance Act (maternity benefits).

Welcome, Mr. Gerretsen. Thank you for being here. We are going to jump right into it. We'll give you 10 minutes to speak, and then we'll follow that up with questions until noon, when we will suspend for a few moments.

Then we'll come back and meet with Employment and Social Development Canada, specifically Mr. Andrew Brown, who I believe is already here. Hello. We'll give Mr. Brown 10 minutes, with a series of questions for the rest of that hour.

Just before we get started, I want to welcome MP Pam Damoff to our committee. Thank you for filling in for Mr. Long.

Mr. Gerretsen, the next 10 minutes is yours, sir.

Mr. Mark Gerretsen (Kingston and the Islands, Lib.): Thank you very much, Mr. Chair.

Thank you to the committee for having me and for taking the opportunity to discuss my private member's bill.

I also want to take a quick opportunity to introduce you to my assistant, Steven Patterson, who has been extremely helpful on this bill from the beginning. He was still a student in fourth year at Queen's University when he started working on this bill. He has recently informed me that he is going to be moving on to go to law school. I knew that I would lose him eventually, in the fall. I feel that he has just as much right to sit at this table today as I do.

I'll keep my remarks brief, Mr. Chair, to allow as much time as possible for answers to the committee's questions. I'll first explain my rationale for introducing this bill, and then I will contribute my ideas for possible amendments given some of the events that happened in yesterday's budget.

This bill was inspired by a constituent in my community named Melodie. That is where it all began. I'll remind you quickly of

Melodie's story, which highlighted a gap in the EI system and ultimately inspired me to introduce this legislation.

Melodie is a welder in my community. In mid-2014 she became pregnant, and like many expectant mothers, she consulted with her medical practitioner to ensure that she was taking all the necessary steps to have a healthy pregnancy. Upon describing the hazardous nature of her work environment to her practitioner, Melodie was told that she could no longer continue welding during her pregnancy, as the functions of her job would be unsafe and pose a significant risk to her future child.

She reached out to her employer, a well-established and highly reputable shipbuilding firm in Kingston, but ultimately they were unable to provide reassignment or modify her duties in a way that would mitigate the risk. Forced to stop working, Melodie applied for and was granted EI sickness benefits.

There are a couple of problems with this, the first being that Melodie was pregnant, but not sick. The second problem was that these 15 weeks of benefits ran out long before Melodie was eligible to officially begin her maternity leave. For two and a half months Melodie waited to receive the maternity benefits she was entitled to. This income gap led to serious financial hardship and ultimately resulted in the loss of her home and significant personal distress.

When Melodie approached my office in early 2016, we researched the issue and found that the primary source of the problem was a rule under section 22 of the EI Act that requires that a woman, regardless of her circumstances, wait until eight weeks before her expected due date before she can start receiving maternity benefits.

For women like Melodie, who are employed in occupations where it is unsafe to work at the early stages of pregnancy, this restriction can lead to long periods with absolutely no income.

Melodie's story is why I put forward this legislation. I strongly believe that no woman should be put in the position that Melodie was. In Canada in 2017, no woman should have to choose between pursuing her dream job and starting a family.

Evidence shows that women are still grossly under-represented in skilled trades, construction, engineering, science, policing, and many other professions that would be affected by this bill. My goal with this bill is to address one of the barriers to entry for women who want to enter one of these so-called non-traditional jobs. We need to think about how to level the playing field so that women have an equal opportunity to participate in all sectors of the labour force.

Mr. Chair, I was pleased to see that in budget 2017 strong measures have been included to do exactly that. Specifically, yesterday's budget proposes to allow women to claim EI maternity benefits up to 12 weeks before their due date—up from the current standard of eight weeks—if they so choose. While there are some small differences between this measure and my bill, yesterday's proposed change introduces exactly the kind of flexibility that I have been advocating for with Bill C-243.

I will now move to the second part of my remarks, which is to propose some amendments to my bill. In light of the changes proposed in budget 2017 and reflective of the fact that all members will have an opportunity to vote on that on its own, I would urge the committee to vote down the employment insurance provisions of Bill C-243, found in clauses 6 and 7.

In addition, the parliamentary legal counsel recommended that the committee adopt amendments that would amend the preamble by deleting lines 19 to 23 on page 1 and an amendment that would change the title to “An Act respecting the development of a national maternity assistance program strategy”.

• (1105)

Today I am submitting these amendments to the committee. I can provide them to the chair who can distribute them to the analyst or clerk. These changes would leave the first part of the bill, the national strategy, unchanged. This part calls on the Minister of Employment to develop a comprehensive strategy to ensure that pregnancy is not a barrier to women's full and equal participation in all aspects of the labour force. To be honest, this has always been the most important part of this bill, as the changes to EI were only intended to be a first step, and not a final solution.

The strategy will give the government a mandate to engage in broad consultations and to consider more comprehensive and long-term solutions. It specifies timelines, a list of stakeholders to consult, and clause 3 lists five basic conditions the study must cover.

In hearing from experts, I believe these are all areas that could potentially be improved by the committee.

In closing, I want to reiterate why I feel having this debate and developing a strategy is so important. Many of the discussions about gender equality in the labour force have focused on including more women as doctors, lawyers, business leaders, and politicians. While well-intentioned, I think these conversations often neglect the fact that many women like Melodie want to be construction workers, electricians, mechanics, masons, carpenters, machinists, boiler-makers, or welders, to name a few.

The national strategy proposed in Bill C-243 is an opportunity to further include these women in the conversation about gender equality.

Thank you, Mr. Chair.

• (1110)

The Chair: Thank you, MP Gerretsen.

First we have MP Warawa.

Mr. Mark Warawa (Langley—Aldergrove, CPC): Thank you, Chair.

Thank you, MP Gerretsen, for your bill.

I support the bill in principle. I do have a number of questions, though, starting with your suggestion that we delete clauses 6 and 7 of your bill because they appear to be redundant because of the announcements in the budget. Your bill was asking for 15 weeks. A pregnant woman qualifies for 15 weeks, and your bill was permitting that pregnant woman to use those 15 weeks however she sees fit, if she is employed in a high-risk vocation.

When I bounced this off constituents, off Canadians, what I heard was that each pregnancy is quite different. We have five children, and that's true. But if a woman feels her pregnancy is at risk, and she qualifies for those 15 weeks she could take eight weeks early, but you're saying allow them to take the whole 15 weeks if the pregnancy is at risk because they're in a high-risk vocation.

The women I'm hearing from are saying that if a pregnancy is at risk, allow the person to take the 15 weeks, whatever works best for them. If they qualify for 15 weeks, why would they not? Why would you have to be a forklift driver, a welder, or whatever? Let women choose.

You're suggesting you don't need the 15 weeks because the government's giving 12. Why wouldn't the government give 15 weeks if women qualify for 15 weeks? Why are they shorting the women by three weeks?

Mr. Mark Gerretsen: Thank you for the question.

Regardless, you are going to be entitled to your 15 weeks. That's established in the Employment Insurance Act. Right now, you can take only eight weeks prior to your due date, and the remaining seven weeks have to be taken after your due date. That's the way the current legislation is. My proposal is to give women the opportunity to take all 15 weeks prior to the due date if, as you described, they end up in those circumstances.

The government, through its budget, is proposing to allow 12 weeks instead of the 15 weeks. The reason why they chose to do that, in my opinion, was that a woman's due date might not actually be when she delivers. So if her due date is June 8 but she doesn't end up delivering until June 15, for example—I'm just using my own wife's experience—then she might end up running out, because she has taken her full 15 weeks before the date when she thought she was going to give birth, but she ends up giving birth a week later. This gives a bit of a buffer. That's just my interpretation of it.

You might also recall that the Speaker said that this bill would require a royal recommendation because its second part, in particular the part about EI, so this would avoid and mitigate that, or remove the offending conditions. I think this is a great compromise to eliminate the requirement for a royal recommendation and that it would support women, because they will get the increase from eight to 12 weeks. Then the study, which is the first and major part of the bill, will go to address a lot of the other questions you had, such as “Why aren't they getting more time?” Ultimately, you are correct. They should be receiving more time, in my opinion.

Mr. Mark Warawa: So, the government is opposing women's having the flexibility, the choice to go the full 15 weeks, because they want to be a maternity coach. Is that what you're saying?

Mr. Mark Gerretsen: I'm not here representing the government; I'm here representing my bill. What I can tell you is that my interpretation of the budget document yesterday is that the government is proposing to make some serious changes by adding flexibility that currently doesn't exist. The flexibility is only eight weeks; now they are proposing 12 weeks. In terms of this bill, that's a big win. It really is, because it's a step in the right direction. The second part is the strategy, which will go to address a lot of the other questions you had about whether there should be more time before for women in these hazardous positions. The strategy, which is the most important part, will go to address that.

• (1115)

Mr. Mark Warawa: You are recommending that we have Melodie as one of the witnesses. Your bill was built around her.

Mr. Mark Gerretsen: We were asked, by the clerk I believe, to submit a list of who we thought would be relevant, and we submitted her as one of the people, yes.

Mr. Mark Warawa: Did the government, the Prime Minister, support your bill?

Mr. Mark Gerretsen: The cabinet did not support the bill, because they deemed that it required a royal recommendation.

Mr. Mark Warawa: Thank you.

The Chair: Thank you very much.

We'll move over to MP Sangha, please.

Mr. Ramesh Sangha (Brampton Centre, Lib.): Thank you, Mr. Chair.

Thank you, MP Gerretsen, for coming here to deliver this presentation. I hope that the study you have done on your bill will be helpful to us in the committee.

One initial reason why cabinet opposed your bill was that, while the bill was being debated in the House from October 6 to November 4, the Minister of Families, Children and Social Development was engaging Canadians and key stakeholders through online consultations on more flexible maternity, paternity, and caregiving benefits and leave provisions. Those consultations were aimed at getting the view of Canadians on how pregnant workers could be better supported, notably in situations such as those described in your Bill C-243. This study concluded that 64% of the participants would favour taking EI maternity benefits and leaving earlier than currently allowed.

Have you looked at the conclusions of these consultations by the minister? Do they support what the bill is proposing?

Mr. Mark Warawa: Chair, I believe that MP Sangha is reading a document from the minister's office. Would he be able to provide a copy to the committee?

A Voice: It's a list of questions.

Mr. Ramesh Sangha: The question was prepared by me and I'm putting it now, reading it—

The Chair: It's out of order to suggest that, Mark, with all due respect.

Mr. Gerretsen, the question is for you.

Mr. Mark Gerretsen: Thank you, Mr. Chair.

The minister did conduct a consultation in the fall, and yes, that was one of the things that was ongoing at the same time as my bill. I was very encouraged by the results that came forward. Based on my notes, 56% of the participants in that consultation were in favour of the government's encouraging employers to make changes to modify workplace conditions, and 64% of the participants in the consultation would prefer seeing the EI maternity benefits become more flexible, for people to be able to coordinate how they're going to take their leave.

I like to think that perhaps the discussion around my bill helped the minister initiate the consultation. I think the evidence is clear that people are looking for this, and that's why you're seeing it come through, I believe, in the budget, because the budget is supportive of making it more flexible.

Mr. Ramesh Sangha: Do you think these consultations are meeting the requirement that Melodie explained to you when you wanted to initiate the bill?

Mr. Mark Gerretsen: Absolutely.

Melodie's concern was around flexibility and there didn't seem to be much discussion about it at the time on how it relates to her specific work environment.

She worked in a hazardous workplace. So few women get involved in becoming a welder, for example, because if they also want to have a family, they know they're going to have to choose at some point whether or not they want to continue welding or have a family.

The consultations that the minister held back in the fall were to try to engage members of the public and get feedback from them as to how they think that flexibility could be enhanced. So, to answer your question, yes, I do.

• (1120)

Mr. Ramesh Sangha: Thank you, Mr. Gerretsen.

The Chair: You're sharing?

Mr. Ramesh Sangha: Yes, please. I would like to share my time with Mr. Robillard.

The Chair: Mr. Robillard, you have about two minutes, sir.

[Translation]

Mr. Yves Robillard (Marc-Aurèle-Fortin, Lib.): Good morning, Mr. Gerretsen. It's a pleasure to have you with us today. Welcome to the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities.

I want to make clear that the questions I'm going to ask are my own.

Do you think it would be preferable for women to have access to accommodations or modified duties at work rather than earlier access to benefits? When you were putting together your bill, did you look at Quebec's regime? Similarly, do you think a national maternity assistance program strategy should take Quebec's model into account?

Mr. Mark Gerretsen: Thank you for your questions, Mr. Robillard. I am going to answer in English.

[English]

The main premise behind the entire bill from the beginning was always that the EI benefits and their flexibility be secondary to the employer's trying to accommodate reassignment for the individual.

It has always been the thought, and in different discussions that I've had and in various iterations of the bill, it was always the intent that the employer first try to find other accommodations. In this particular situation with my constituent, Melodie, she was unable to do that because her employer didn't have any other type of work for her to do.

To answer the first part of your question, yes, that was always the intention.

As for the second part of your question relating to the Quebec model, the strategy specifically asks that the study look at other provinces and other countries on how they deliver maternity benefits. The Quebec model is a very robust model that all of the other provinces could look towards for guidance and direction.

Yes, we spent some time looking at that model. A private member's bill is very limited in the sense that you can't introduce new spending, so we couldn't do a lot of the things that model does. However, we very much encourage the study to look at the Quebec model and other models throughout the world.

The Chair: Thank you very much.

Now we go over to MP Sansoucy.

[Translation]

Ms. Brigitte Sansoucy (Saint-Hyacinthe—Bagot, NDP): Thank you, Mr. Chair.

I want to begin by thanking my fellow member for introducing this bill.

Women now have their place in the labour force. We represent 50% of the population and thus 50% of workers. It is incumbent upon governments to implement measures so that women are not disadvantaged because they are the ones who bear children.

I am a mother of four children, and, as a Quebecker, I was able to take advantage of the province's preventive withdrawal program.

Women should in no way be penalized in the workforce because of their pregnancy.

I'm someone who prefers to see the glass as half-full rather than half-empty. In yesterday's budget, the government raised the number of weeks women can claim EI maternity benefits before their due date from 8 to 12, which is certainly a good thing. You are recommending, however, that clauses 6 and 7 be cut out of your bill, if I understand correctly, and I think that's a shame. I think we should still try to extend that period to 15 weeks before the due date, as those provisions seek to do.

I was in the House when your bill was being debated, and Quebec's program was mentioned repeatedly. I spent more than a decade as the director of a community housing organization. As in many service fields, all the workers were women, save for one or two. They were entitled to access preventive withdrawal benefits as of week 14 of their pregnancy. Under Quebec's program, as soon as a woman's job poses a health risk, her workplace is assessed. An effort is then made to determine whether she can be reassigned with the same employer while keeping the same working conditions and pay, even if the new job has fewer responsibilities. If it is ultimately determined that she cannot continue working in that environment, the program entitles her to continue receiving her pay from the employer during the first five days. After that, she receives 90% of her pay.

We really have to keep up the effort at the federal level because every Canadian woman in every province deserves a program like that.

Mr. Gerretsen, our committee must do what it can to propel your bill forward. Your national maternity assistance program certainly sounds good, but Canadian women need more than just consultations; they need real measures that will improve their situation.

Why would we not keep fighting for your bill in its entirety and the 15 weeks it proposes?

• (1125)

[English]

Mr. Mark Gerretsen: Absolutely.

When I was elected for the first time, federally anyhow, a year and a half ago, and I found out very quickly that I would have to put forward a private member's bill, this idea was the one that immediately came to mind. I said, "We're going to change the world. We're going to change EI, and we're going to do this." Then very quickly I found out that I wasn't allowed to spend any new money, so that shattered a lot of my dreams.

However, I worked within the system that says a private member's bill cannot call for the spending of any new money and aimed instead to set up a framework through which that discussion could happen. If you're looking for somebody to continue this fight, I am certainly going to be there until we can say that 50% of those who work in trades are women because they choose to and want to.

The Quebec model is a very good model to look towards as an example. One of the things to highlight in particular about the Quebec model, the early release program, is that it's a specific model for maternity. It's a system that's been put in place to help specifically with this type of situation, whereas nationally it's the Employment Insurance Act. It's an act that covers a whole host of different issues related to employment insurance.

The first thing Melodie did when she became pregnant was to go on sick leave. She was not sick; she was pregnant. The system we currently have is not one that supports the changing nature of the labour market and the fact there are more women who want to be in trades and who want to work with an X-ray machine or whatever it might be, or in these various different lines of work, who could be impacted if they also choose to have a family.

In my opinion, that is seriously affecting a woman's choice to go down that road. When a woman has to choose among career paths and she also wants to have a family at some point, she might say, "Then I better go down this path instead of the one I really want, which is this one." The discussion I'm trying to have with this strategy is to come up with ideas as to how we can take down these barriers for women who want to pursue their dream job.

The Chair: You have 10 seconds.

[Translation]

Ms. Brigitte Sansoucy: I have to agree with my colleague because we know that wages in traditionally female occupations are much too low. We have to do what we can to ensure women are not penalized for becoming pregnant and to make pay equity a reality.

We will keep up the fight, but that is another matter.

Thank you, Mr. Chair.

[English]

The Chair: I think we can all agree on that.

Mr. Ruimy, please.

Mr. Dan Ruimy (Pitt Meadows—Maple Ridge, Lib.): MP Gerretsen, I miss you as my seatmate, ever since you moved down to the other end there.

I want to first commend you, because I know that when we were seatmates I followed your journey to get to this point. It wasn't an easy journey because of the condition set on the bill to avoid having a royal recommendation. Obviously, cabinet was taking one side, but you still managed to get to this point today. I remember the day it passed. I remember looking at the Prime Minister, and he looked over to you, and he waved and gave his thumbs up.

Could you just take a moment and tell us about that process? To get to where you are today, especially with something that's not necessarily supported by cabinet, it's a great learning experience. What did you get from that?

• (1130)

Mr. Mark Gerretsen: As I said earlier, my understanding of why the cabinet chose not to support the bill was that it required a royal recommendation, because of some concerns of the Speaker in that regard. This bill would not be here today if it weren't for all three

parties voting in favour of it. I'm extremely grateful to all three parties that participated to get to this point.

This was about trying to engage people and encouraging them to vote for what, in my opinion, was the right thing to do. It's about having this conversation. Yes, it's an extremely humbling experience. It had to go against the grain, so to speak, of the direction the government was going. But I think, at the end of the day, Parliament made the right choice by choosing to vote in favour of this and to bring it to this stage.

Since that point, the Speaker has ruled that it does require a royal recommendation. I put forward my arguments as to why I think it doesn't. He chose otherwise.

Do you want to interrupt me to address the flashing bells?

The Chair: Thank you.

Yes, I do need to inform everybody that we do apparently have a vote called this morning.

I'm assuming I'll get confirmation that is the case. Yes?

A voice: Yes.

The Chair: Okay.

I'm assuming they just started, so we have about 30 minutes. Can I ask for unanimous consent for us to continue at least for the next 15 minutes.

Some hon. members: Agreed.

The Chair: Okay, thank you.

Please continue.

Mr. Mark Gerretsen: Thank you.

Just to conclude, the bill is where it is because I believe that Parliament, in its majority form, decided this was the best course of action to take, and I'm extremely grateful for that.

Mr. Dan Ruimy: Thank you.

A lot of discussion about your bill has been on skilled trades and construction. Does this apply to any other field?

Mr. Mark Gerretsen: Yes, absolutely. The way that my bill was written, at least in the portion that talked about the EI reform, it would involve a doctor's consent that the work was hazardous. Now I'm recommending to the committee that that section be removed, that de facto that part of the bill be gone. But this doesn't mean it shouldn't be a part of the discussion held on strategy part. It's about how do you determine what hazardous work, employment, is? And it needs to be robust. I don't think you want it to be something that could easily be taken advantage of, so there have to be some measures in there to properly measure what the conditions of the workplace are.

To give you some examples, an X-ray technician could be included, and police officer could as well. It's not just the trades; there are many other examples. Despite the fact that one of your colleagues today has indicated that 50% of the labour force are women, if you look at trades specifically, or if you look at police, or you look at firefighters, you will see that women are still grossly under-represented in terms of gender equality.

Mr. Dan Ruimy: Excellent. Thank you very much for that.

The second part of it is that you would have a national maternity assistance program. Could you expand further on your vision for that?

Mr. Mark Gerretsen: The vision that's outlined in the bill would require the minister to report back to the House with findings based on a consultation that goes on throughout. We have some specific references as to what it should include. The basic idea is to go out and consult with different stakeholders to formulate what a good national maternity assistance program would look like, in order to give options to the government to implement, if it chooses to do so.

Mr. Dan Ruimy: Do I have any time?

The Chair: You have 17 seconds.

Mr. Dan Ruimy: Wow, I got cut off.

While there are many justice- and equality-based arguments for supporting women and families with a modern maternity assistance program, could you speak to the economic benefits of establishing a national maternity assistance program?

Mr. Mark Gerretsen: Yes, and I think we put together some notes on that.

The first part is that there's evidence of the fact that representation of women can support an organization's overall competitiveness. But also, there's significant demand and labour shortages in certain parts of the labour market. For example, I go back to the trades. My business outside of Parliament was property management. You hire trades people and you are pretty much going to pay what they're asking, because they're in short supply and high demand, and that's making it very uncompetitive.

If we're looking to make sure that these sectors of the labour force are properly competitive, we're going to need to put more people into these jobs, and there are women out there who are interested in getting involved in these jobs.

• (1135)

The Chair: There's no more time, sorry; no more questions.

We're going to go over to MP Pam Damoff.

Before that, I want to take two seconds to welcome both Alice and Nicola, who are here today at the back and are participating in the U of T women in the House program. I just want to recognize that they are here today.

Pam, the next six minutes are yours.

Ms. Pam Damoff (Oakville North—Burlington, Lib.): Thank you very much, and I am really glad that I have the two students here today to hear what you're saying.

I'm a vice-chair of the status of women committee, and what we are studying at that committee right now is the economic security of women. So when you're talking about barriers to non-traditional employment, certainly this is one of them. If we want to have women as full participants in the workforce, we need to have a strategy that you're talking about.

I am so proud to see this bill coming forward and to have been, I think, a seconder on it.

How would you determine “hazardous”? Would that be part of the consultations that would take place, to determine what is hazardous in the workplace?

Mr. Mark Gerretsen: The way I tackled that issue in the second part of the bill, which is now mostly redundant as a result of the budget, was that “hazardous” would be defined by a medical practitioner. That individual would determine if the workplace environment was hazardous, but I don't want to preclude anything by saying that's the only way it can be done. I think the study should look at that was well.

I think somebody needs to oversee it, because every case is going to be a little bit different. Involving a medical practitioner is a natural and obvious choice, but I don't want to preclude anything by saying it's the only one.

Ms. Pam Damoff: Also, I want to talk about the consultations that would take place for this strategy. In Oakville we have the Operating Engineers Training Institute, and sheet metal workers have a training centre there. I wonder what your thoughts are on including some of those stakeholders that are training the trades, that are working with the young people to bring them into the trades, to have them as part of the consultation to ensure they're aware of it, for one thing, so they can help promote the trades to women. I wonder what you're thoughts are on including them in the consultation.

Mr. Mark Gerretsen: There are a number of these organizations that exist throughout the country, which quite frankly I didn't even know existed before I got involved in this, such as—and I'll get the names wrong—Women in Work Boots.

Ms. Pam Damoff: And there is Journeyman. I forwarded Jamie McMillan's name to you.

Mr. Mark Gerretsen: That's right. A number of them have been very supportive of this, because it's something they've been fighting for internally for quite a while. They absolutely need to be consulted on this. The bill specifically says “other relevant stakeholders”, to keep it broad so that that can be determined. By default, I think, those are the organizations that absolutely need to have a voice at the table, because they are the ones that have seen in real time what it's actually like for women who are in these situations.

The Chair: I'm going to jump in here, Pam. I'm sorry. I'm hearing that there are some issues with the buses. We obviously don't want to have the same issue, but I know there was some discussion about wanting a bit of an opening here, so if we want to, maybe we can go over to Bob or Pierre for 60 seconds. Then we'll head out.

Mr. Bob Zimmer (Prince George—Peace River—Northern Rockies, CPC): I can start and then give Pierre the last few seconds.

I just want to say that it's a good bill. As a former carpenter, I absolutely understand the trades and the need for this.

I'm a little concerned, though. Subsection 3(2) talks about "consultations". To me, it puts it at risk, based on what.... It's not just a slam dunk once it gets passed in the House that this is going to happen. There seems to be a procedure laid out after that, which may put the entire thing at risk. That concerns me.

Briefly, what are your thoughts on that? Then I'll turn this over to my colleague Pierre.

• (1140)

The Chair: You have about 10 seconds, Mark.

Mr. Mark Gerretsen: I think it's a relevant point. All I can do in a private member's bill is to ask for this study to happen. I can't force the government to do anything afterward, but based on what comes out of it, I likely will be one of the people who is very much encouraging the government to make the necessary changes, regardless of which government it might be or what party represents the government at that time.

The Chair: Pierre.

Hon. Pierre Poilievre (Carleton, CPC): Congratulations. You've taken this ball a long distance down the field and are very close to a touchdown. That is a great achievement. Those of us who have been around for a while know that it's rare for PMBs to get this far, this fast. On behalf of our team, I want to offer you personal congratulations for how far you've taken this.

Thank you.

The Chair: Thank you very much.

All right, guys. We're going to suspend. We will be coming back here to wrap things up. Thank you.

• (1140)

(Pause)

• (1225)

The Chair: Welcome back, everybody.

Unfortunately, we have run out of time for Mr. Gerretsen, but I just want to give him a moment if he has any last-second thing he wants to add to any of the questions that were asked. I know we were cut off.

Mr. Mark Gerretsen: No, Mr. Chair, but I just want to take the opportunity to thank the committee members for their interest in this. The questions from all members who had the opportunity to ask them and the comments that were made are, I think, extremely valid. I thank you for the work that you will be putting forward on this, and I look forward to your recommendation that will come back to the House. Thanks.

The Chair: Thank you, Mark. I think I speak for everybody here when I say, congratulations. You and your staff have put in a significant amount of work, so you should all be very proud of where we are with this today. Thank you.

For the sake of time, we are not going to suspend. We have the departmental officials here at the table, so there is no need to suspend at this point. We are going to move directly into departmental testimony, and then we'll get into questions and go through as many as we can.

Mr. Andrew Brown, the next 10 minutes are yours, sir.

Mr. Andrew Brown (Executive Director, Employment Insurance Policy, Skills and Employment Branch, Department of Employment and Social Development): Good afternoon.

[Translation]

I am pleased to appear before you today as part of the committee's study of Bill C-243, a bill proposed by Mr. Mark Gerretsen, the member of Parliament for Kingston and the Islands.

I am the senior director working on employment insurance policy at the Department of Employment and Social Development.

[English]

With me today is Judith Buchanan. She is the director for labour standards and the wage earner protection program, also at Employment and Social Development Canada.

I propose to provide you with a brief overview of the bill, to give you a description of key benefit and leave provisions that currently support pregnant workers, to identify some of the considerations regarding the bill's provisions, and to describe some of the recent and ongoing activities that are closely aligned with the bill.

The bill proposes the following amendments to the Employment Insurance Act: to allow pregnant workers to start receiving maternity benefits earlier than those currently available if the worker leaves a job that may pose a risk to her or to her unborn child; to mandate the Minister of Employment and Social Development, in collaboration with provincial and territorial governments, to conduct consultations on the prospect of developing a national maternity assistance program strategy; and to mandate reporting to Parliament on those consultations as well as ongoing reporting to Parliament.

Let me begin by describing the current benefit and leave provisions. EI maternity benefits are intended to support a woman's income when she's out of the workforce to recuperate from pregnancy and childbirth. Under the Employment Insurance Act, eligible workers may receive up to 15 weeks of maternity benefits. Those maternity benefits can start as early as eight weeks before the expected date of birth and must end no later than 17 weeks after the child is born. Depending on what suits the mother's situation, benefits can be started before or following childbirth.

• (1230)

[Translation]

EI parental benefits are intended to support parents providing care to a newborn or newly adopted child or children. Eligible parents may share up to 35 weeks of parental benefits following the birth or placement of the child for the purpose of adoption.

Federally regulated employees under the Canada Labour Code have corresponding job protected leave. Leave provisions are largely a provincial/territorial responsibility and vary across the country.

EI maternity and parental benefits are available across the country, except in Quebec. Residents of Quebec may be eligible for maternity, paternity, and parental benefits under the Quebec parental insurance plan.

[English]

In addition, the federal jurisdiction, and the Province of Quebec specifically, offer preventive withdrawal job protection for pregnant and/or nursing women related to workplace health and safety risks.

Federally regulated employees under the Canada Labour Code may request a job reassignment based on medical advice. Once the request is made, the woman may take leave with pay until the employer either accommodates her request for reassignment or confirms that they're able to do so. If a job reassignment is not provided, the woman may take an unpaid leave of absence for the duration of the risk.

In Quebec, the safe maternity experience program, *Pour une maternité sans danger*, provides for preventive withdrawal, as well as wage replacement, for employees under provincial jurisdiction. In 2014, there were over 35,000 claims in the province of Quebec representing 40% of live births, and approximately \$228 million was paid in benefits, in addition to the benefits that were paid through the Quebec parental insurance plan.

Turning to the provisions of Bill C-243, it seeks to advance gender equality by addressing a workplace health and safety issue. First, the bill would raise awareness of this key reproductive health issue in the workplace and the importance of positive responses to promote gender equality, particularly in occupations that are traditionally dominated by men, such as the skilled trades.

Second, the EI provisions of the bill would provide flexibility to pregnant workers to begin their maternity benefits sooner and enhance income security when they're unable to be accommodated by their employer in unsafe workplace conditions.

[Translation]

While Bill C-243 does not provide additional weeks of maternity or parental benefits, by providing earlier access to maternity benefits, the bill is expected to result in incremental program costs.

Specifically, for an EI claimant who does not currently use all of the combined weeks of maternity and parental benefits and who starts to receive maternity benefits earlier in accordance with the bill, that claimant would be expected to receive additional weeks of benefits.

Let me also address some potential shortcomings of the bill.

[English]

First, the onus is generally on an employer to provide a safe workplace. Providing income replacement for workers during preventive withdrawal may implicitly signal to employers a reduced onus on them to address workplace health and safety issues and to identify accommodative options.

Second, allowing all 15 weeks of maternity benefits to be taken before the expected date of birth would deviate from a key policy intent for maternity benefits and leave, which includes providing mothers with time off to recuperate after childbirth. In addition, mothers could potentially exhaust their maternity benefits before the baby is born and before parental benefits could be paid, leaving a gap in income support.

Third, there are some remaining, largely minor, technical issues related to the bill. For example, it would be important that EI provisions come into force on a Sunday to align with the concept of an EI week.

• (1235)

Finally, I'd like to close by speaking about the alignment of recent and ongoing activities with the bill, including, of course, yesterday's budget announcement. I'll turn now to slide 5.

[Translation]

The government has committed to improving the flexibility of EI parental benefits and corresponding leave, and the inclusiveness of supports for caregivers. The objective is to evolve to meet the changing needs of the workers and their families in this country.

[English]

Yesterday, budget 2017 announced the government's proposal to provide more flexibility for maternity and parental benefits and more inclusive caregiving benefits to help support Canadian families. Specifically, it proposes to allow women to claim EI maternity benefits up to 12 weeks before their due date, providing more flexibility compared to the current eight weeks, if they so choose.

I'd also like to tell you about some of the alignment of other recent activities with the bill.

Last year, between May and August, the EI Service Quality Review Panel travelled across the country and sought input on ways to improve services to EI claimants. In October and November of 2016, Minister Duclos held online consultations with Canadians to seek their views on the government's mandate commitment for more flexible parental benefits. The consultations specifically included the issue of considering earlier access to maternity benefits for pregnant workers due to workplace health and safety risks. Those consultations were also brought to the attention of provinces and territories at various levels through the Forum of Labour Market Ministers, a key forum through which the federal government maintains ongoing engagement with provinces and territories on labour market programs and issues.

Federal-provincial-territorial collaboration is important to continue building on an efficient labour market and a skilled labour force. Subsequently, the “Employment Insurance Service Quality Review Report: Making Citizens Central”, was released on February 1, 2017. Furthermore, the summary reports on the consultations with Canadians and stakeholders on maternity, parental and caregiving benefits were released on February 27 of this year. In addition, an annual report to Parliament is mandated on the operation of the EI program. Through the annual “EI Monitoring and Assessment Report”, the Canada Employment Insurance Commission reports on income supports, including maternity and parental benefits, employment supports, and service delivery.

I think you'll see that an awful lot of recent government activities are very closely aligned with the bill's objectives and with the text of the bill.

I will close there. Thank you very much for time. I look forward to your questions.

The Chair: Thank you very much, Mr. Brown.

For the first question, MP Warawa, please.

Mr. Mark Warawa: Thank you.

I appreciate the testimony but I think the most relevant part is on pages four and five of the deck. The previous pages, considering the announcements of the budget, are likely no longer relevant.

Some of the comments made were that there were incremental, increased program costs by moving it to 15 weeks, possibly being taken all prior to delivery. You were making your presentation *en français*, so maybe I misunderstood it, but I thought you said it would be more expensive to do it that way because of incremental program costs and the additional weeks of benefits. That's how it was translated.

If 15 weeks is 15 weeks, and if you take those 15 weeks and move them around, how would they amount to additional weeks of benefits?

• (1240)

Mr. Andrew Brown: It doesn't provide for individual access to a greater number of weeks. However, if a person were currently to leave the workforce, for example, 12 weeks prior to...women who do not currently use all of their weeks of maternity and parental benefits. They have up to 15 weeks of maternity leave and up to 35 weeks of parental leave, so there's a possibility to take up to 50 weeks. At the moment not everybody uses all of those 50 weeks. In some cases they may use only 40 weeks.

Mr. Mark Warawa: What is budgeted and what is spent in the program?

If we plan, if we budget for—in this year or in previous years—enough money so that every Canadian who could possibly qualify for those 15 weeks of pregnancy would be covered... I think in your calculations, you're hinting that not everybody takes the full 15 weeks, but we've still budgeted so that everybody could.

Is that correct? Is it a correct assumption that not everybody takes

Mr. Andrew Brown: I don't think it's fair to say that it's budgeted that way. I think we have estimates that are developed and arrived at each year by the EI chief actuary.

They look at the actual use of our benefits, whether regular benefits or special benefits. The benefits are not fully utilized by all people, for various reasons. For example, someone who suffers a job loss may find a job before their EI runs out and not use all of the weeks available. Similarly, for various reasons—

Mr. Mark Warawa: I have limited time. I'm sorry for cutting you off, but I understand your point.

What you're saying is that not everybody takes the full 15 weeks, and you're assuming that by moving it around, more people would take the 15 weeks.

Mr. Andrew Brown: Yes, that's correct, the 15 weeks and the 35 weeks for parental leave.

Mr. Mark Warawa: Okay. I don't think it's fair to assume that and for the department to disqualify certain Canadian women who are expecting a baby because it is assuming that more people may then take this.

If more people take this, maybe more people need it. We need to take care of Canadian women who want to have a baby.

Also, you said that by taking all 15 weeks prior to delivery—or in this case the government announced they could have 12 weeks—there was concern that their maternity benefits may end before parental benefits begins.

When can parental benefits begin?

Mr. Andrew Brown: Parental benefits can begin after the child has been born, or in the case of adoptions, when the child has been placed for the purpose of adoption.

The concern is that if benefits were advanced up to 15 weeks in advance of the expected due date, and if the child were to arrive late, another week or two subsequently—if you start at week minus 15, now you've reached week zero—maternity benefits would end and your leave would actually also end. You would be expected back at work because you would not yet be eligible for parental benefits or parental leave.

Mr. Mark Warawa: I understand your point. Thank you.

I'm sorry again for cutting you off, but there would be no cost to the Government of Canada if 100% of women who qualified chose to use it up. If a portion of them had a pregnancy that went beyond the due date, they would have to wait until delivery, but there would be no net cost if it was calculated based on 100% of those women who qualified using it. There would be no additional cost from moving the 15 months around. Is that correct, based on the assumption that 100% of those who qualify would use it?

Mr. Andrew Brown: The gap would not incur costs for the EI operating account, but, as I explained earlier, we look at how it's used overall.

Mr. Mark Warawa: I know. The way you calculate it and the way I'm calculating it I think are different. I think Canadians, if they qualify for it, would like to have it calculated in that way, not based on an actuarial assessment.

I'm probably out of time, too.

The Chair: You are, actually. That was really impressive. You got a lot in there.

Mr. Robillard, please, for six minutes.

[*Translation*]

Mr. Yves Robillard: If I understand correctly, it is currently possible for a woman to claim EI maternity benefits for eight weeks before the due date while keeping the 15 weeks of benefits. Bill C-243 sought to make it possible for women to take the full 15 weeks prior to their due date if they so wished.

In yesterday's budget, the government opted instead to allow pregnant women to claim EI maternity benefits for 12 of the 15 weeks before their due date and three weeks after the due date.

As a representative of the Department of Employment and Social Development, what is your view on that budget measure?

•(1245)

[*English*]

Mr. Andrew Brown: I just want to note one little imprecision in that Bill C-243, as presented by Mr. Gerretsen, would allow a woman to start 15 weeks in advance if required and if a doctor agreed that the workplace were unsafe. The government has announced the flexibility to allow a woman to begin her maternity benefits up to 12 weeks in advance, period.

In terms of what's proposed in the budget, I think I can only go as far as to say that it maintains the three weeks. That would still be available after the expected date of birth. That would speak to the specific intent of maternity benefits, which is to help provide income support through leave, time off, to recover and recuperate from childbirth.

The Chair: Are you sharing your time?

Mr. Yves Robillard: Yes.

The Chair: Mr. Ruimy.

Mr. Dan Ruimy: Thank you again for being here today.

Budget 2017 announced new measures for the flexible maternity benefit for families. Could you again explain to me, briefly, the biggest differences between the former and the new measures? I know it's still soon, but what can you tell us about that?

Mr. Andrew Brown: Do you mean in terms of what was announced in the budget for parental benefits?

Mr. Dan Ruimy: Yes.

Mr. Andrew Brown: The way parental benefits currently work in Canada outside of Quebec is that you can access combined maternity and parental benefits for up to 12 months and at the current EI replacement rate, which is at 55% of your average weekly earnings.

What was announced yesterday is that parents would now have an option of taking those benefits over 12 months or over 18 months, if they prefer. They would need to make a choice. If they received them

over 18 months, the benefits would be paid at a lower rate. It is approximately the same total amount for either option selected.

Mr. Dan Ruimy: Thank you for that.

You were mentioning gender equity. I don't know if you'll be able to answer this question. Do you see this as helping improve the cause of gender equity when it comes to jobs?

Mr. Andrew Brown: There are different pieces there. There are the maternity and parental benefits, but overall the package with respect to special benefits—I'll focus on maternity and parental benefits—provides additional flexibility to families so they can select what works best for their family, taking into account their work requirements, family requirements, and perhaps other personal or child care responsibilities.

Mr. Dan Ruimy: Okay, thank you.

With the new rule changes—I'm not pregnant, but let's say he's pregnant—how easy will it be to access the funds and what time frame will it take?

Mr. Andrew Brown: I would speak to the service standard for processing EI applications, which is to process them within 28 calendar days. I'm not sure of the latest figures, but I know that we have been meeting the target of processing 80% of claims within those 28 days.

Mr. Dan Ruimy: Great. And in the case of somebody who's been deemed by their doctor to be eligible because of a danger to their pregnancy, what requirements are you going to be looking for? Would it take just a doctor's note, or how detailed will that need to be?

Mr. Andrew Brown: What was proposed was simply to allow women to start maternity benefits sooner. So it would not require something new to come from her or her doctor or primary caregiver. That represents a difference from what is being proposed in Bill C-243. There's the potential that adding new requirements could slow the processing of cases.

•(1250)

The Chair: Thank you.

Over to MP Sansoucy, please.

[*Translation*]

Ms. Brigitte Sansoucy: Thank you, Mr. Chair.

Mr. Brown, you are providing some very important details that alter my view of the bill entirely. When I was speaking with the bill's sponsor earlier, I said that the government had, in its budget, extended the period from eight to 12 weeks, but not 15. If I understand correctly, however, it does not give any additional weeks of benefits to women whatsoever. When the issue was being debated in the House, Quebec's regime was frequently referenced. I'm talking about the safe maternity experience program, which you also mentioned in your remarks.

The fact is that, in Quebec, the number of weeks a woman takes under the preventive withdrawal program have absolutely no bearing on the 50 weeks of benefits. I was going to ask you whether the additional weeks were being paid out of the EI fund, but I now realize that question no longer applies because there are no additional weeks.

The government announced that it was extending the number of weeks from eight to 12, but that makes absolutely no difference for Quebec. No additional money is being transferred. Yesterday's budget announcement changes nothing. I would ask that you keep your answer brief as I have other questions I'd like to ask.

Mr. Andrew Brown: It changes nothing in Quebec, where women already have access to maternity benefits sooner than they do in the rest of the country.

Ms. Brigitte Sansoucy: I see.

According to a report by the Institute for Research on Public Policy, improving parental benefits will do nothing to help lower-income families unless EI eligibility requirements are changed. It is a fact that fewer than 40% of workers currently qualify for EI benefits, and that percentage is surely the same for EI maternity benefits.

In other words, a mother who does not qualify for regular EI benefits does not qualify for EI maternity benefits either.

Is that correct?

Mr. Andrew Brown: Yes, that is correct. It does not change the eligibility criteria or the number of hours worked required to qualify for maternity or parental benefits.

Ms. Brigitte Sansoucy: That means that all mothers outside Quebec who work in unstable or non-standard jobs—as an increasing number of young women do—and who do not qualify for EI benefits because of the instability in the job market are no more in a position to access the new parental benefits announced yesterday, or any that might be announced, than they were before. That is clear.

Mr. Andrew Brown: Yes.

Ms. Brigitte Sansoucy: Are self-employed workers in the same boat?

In other words, if they do not qualify for regular EI benefits, they do not qualify for the maternal or parental benefits either.

Mr. Andrew Brown: Self-employed workers have access to a voluntary employment insurance program, meaning that they have to choose to sign up for and pay into the regime, which gives them access to maternity and parental benefits.

Only about 15,000 individuals across the country participate in the program, so the number of self-employed workers enrolling in the program is low. That said, those who enrol tend to be young women, likely because they want to be able to access these benefits.

Ms. Brigitte Sansoucy: In your remarks, you mentioned the importance of greater flexibility, calling it one of the reasons why the government raised the number of weeks for which women were allowed to claim EI maternity benefits before their due date from eight to 12.

If, during the 15 weeks of maternity benefits, the mother loses the child and cannot return to work, is she still able to access EI support at that stage?

• (1255)

Mr. Andrew Brown: I will comment on the 15 weeks of maternity benefits first. In the unfortunate event that a problem occurs—

[English]

and there is a stillbirth, for example, the mother still has a right to those 15 weeks of benefits. That's different from parental benefits, which are for providing care to the child. So if, unfortunately, there were a stillbirth or the child were to pass away, the parents would not have access to parental benefits in that case, but only to the maternity benefits—all 15 weeks.

The mother or parents might be eligible for sickness benefits subsequently if they were to receive a note from a doctor to indicate they were incapable of working at that time as a result of their current capacity or lack of capacity.

[Translation]

Ms. Brigitte Sansoucy: One option the preventive withdrawal program allows for is another job that poses less risk and harm to the pregnant worker. If the employer offers her a part-time job because its operational requirements are such that it cannot offer her another full-time position, do any potential accommodations exist for the future mother?

[English]

The Chair: A very quick answer, please.

Ms. Judith Buchanan (Director, Labour Standards and Wage Earner Protection Program, Compliance, Operations and Program Development, Labour Program, Department of Employment and Social Development): We would have to get back to you on that.

[Translation]

We would have to get back to you on that. I'm not sure how that would be viewed under the Labour Code. It does entitle the worker to accommodations. However, in terms of how a part-time job would affect EI benefits, we would have to look at that issue together and get back to you with an answer.

Ms. Brigitte Sansoucy: I would appreciate it if you would send the answer to the committee.

Ms. Judith Buchanan: Yes, of course.

[English]

The Chair: Excellent. Thank you.

I'm going to Pam for a very short amount of time.

Ms. Pam Damoff: Okay.

It's nice to see you again, and thank you for being here.

I've been contacted by ECEs, early childhood educators, in my riding that one of the issues they run into is that they are laid off because they are on contract and have to apply for EI over the summer. When women are pregnant and delivering during that period when they're not working, it creates challenges for market assessment and all kinds of things when they do in turn go on maternity leave. They face challenges because of the timing. A male who takes the paternity leave and is an ECE doesn't run into that.

I'm just wondering, if this bill were passed, if part of the review for a national strategy could also include looking at those unique situations and applying a gender lens to them. Men and women are being treated differently when they're early childhood educators. Are you familiar with that issue?

Mr. Andrew Brown: I don't have a lot of specifics on that issue, but I think what you are raising is that there is a lot of complexity in the EI program, including when people combine different kinds of benefits, and that this does relate to people who are taking either maternity and parental benefits and may also be seeking to access regular benefits for job loss. What we are flagging, then, is the situation that more women are taking maternity and parental benefits and would be impacted by the rules that relate to combinations of maternity, parental, and regular benefits.

Ms. Pam Damoff: I'm just thinking, if there is a review done of the maternity benefit strategy, could something such as that be included as well?

Mr. Andrew Brown: It's certainly one of the sorts of things that we are continually looking at in the program: how benefits can be taken in combination.

The Chair: Ms. Dhillon, you have about one minute.

• (1300)

Ms. Anju Dhillon (Dorval—Lachine—LaSalle, Lib.): In your opinion, in what way could the Employment Insurance Act be amended to allow for more flexible EI maternity benefits?

Mr. Andrew Brown: Beyond what was just announced yesterday, which was to allow women to be able to start sooner. So I think from the perspective of flexibility, it's usually a question of about when

they can start and end and who else can share the benefits. In terms of flexibility, that's sort of the space we're in.

Ms. Anju Dhillon: What steps could the federal government take in collaboration with provinces and territories to facilitate greater accommodation of pregnancy-related needs in the workplace?

The Chair: Please keep your answer very brief.

Ms. Judith Buchanan: There was another announcement in the budget yesterday from the Minister of Employment about allowing for more flexible work arrangements. In my mind, this is also something that would help working families in making different arrangements, and there are also some intended new leaves that should further support families and their needs.

The Chair: Thank you very much, everybody.

Thank you, Mr. Brown and Ms. Buchanan. I didn't recognize you when you were there, so I apologize.

We have one quick housekeeping thing to do. First of all, the lists of witnesses for this study are due today at 5 p.m. We're going to see witnesses on two days—April 4, and Thursday, April 6—and then we will do clause-by-clause on April 13.

The big thing today is just to remember to get your list of witnesses in to the clerk by five o'clock, please. Thank you.

Thank you, everyone; and thanks again to all those who made today possible.

The meeting is adjourned.

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