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

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**EVIDENCE**

**Monday, February 26, 2018**

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**Chair**

**Mr. Bryan May**



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

Monday, February 26, 2018

[English]

• (1530)

[English]

**The Chair (Mr. Bryan May (Cambridge, Lib.)):** I call the meeting to order. Good afternoon, everybody.

Pursuant to the order of reference of Monday, January 29, 2018, the committee is resuming its consideration of Bill C-65, An Act to amend the Canada Labour Code (harassment and violence), the Parliamentary Employment and Staff Relations Act and the Budget Implementation Act, 2017, No. 1.

Today in committee we will hear from witnesses on the subject of the work environment and resources available to employees of the Parliament of Canada.

We're very honoured and pleased to be joined today by a number of witnesses, including Charles Robert, Clerk of the House of Commons. Thank you for being here, sir.

Joining him is Monsieur Pierre Parent, chief human resources officer. Thank you for being here, sir.

From the Library of Parliament, we have Lynn Potter, director general, business support services, and Michelle Berry, director of human resources. Thank you both for joining us.

Each group will have seven minutes for opening statements, followed by rounds of questions.

Up first, we have Monsieur Robert, Clerk of the House of Commons. The next seven minutes is all yours, sir.

**Mr. Charles Robert (Clerk of the House of Commons):** Thank you very much, Mr. Chairman.

[Translation]

Mr. Chairman and committee members, I am here today to speak about the House of Commons harassment prevention and conflict resolution framework and its occupational health and safety measures.

These policies and practices are in place to support members, House officers, research offices, and their staff, as well as employees of the House of Commons administration.

As parliamentarians and employers, members have an obligation to ensure a safe workplace for their employees. As Clerk of the House of Commons, I also have this obligation.

The framework and measures in place to support us include policies, training, and other mechanisms that Monsieur Pierre Parent, chief human resources officer of the House administration, will explain in further detail.

The House administration is committed to maintaining a safe and harassment-free workplace. When necessary, we will resort to conflict resolution to deal with harassment cases, but our ultimate aim is prevention.

Prevention starts with promoting awareness of the importance of a harassment-free workplace. We achieve this through various educational activities as well as ongoing communication. Increasing the level of awareness and proactively addressing potential safety hazards and harassment situations at their earliest stages minimize their damaging impact. Up-to-date training is provided to members and their employees, both on and off the Hill, as well as to House administration employees.

• (1535)

[Translation]

We also provide a variety of resources that are adapted to the complex work environment of all employees, on and off the Hill: shifts, extended working hours, travel to and from constituency offices, etc.

Foremost, prevention and conflict resolution start by setting the example. Guided by a set of core values, such as respect for the democratic process and inclusiveness, the House of Commons administration strives to provide effective support to members and their employees and acts as a responsible steward of the House. The administration is committed to being a leader and to raising the standard in harassment prevention and conflict resolution.

[English]

Furthermore, the House of Commons administration is monitoring Bill C-65 and will make appropriate recommendations to the Board of Internal Economy, which is responsible for establishing bylaws, policies, and guidelines relating to the use of resources provided to members to carry out their parliamentary functions. I'm sure the board and the House administration will follow the work of this committee with great interest and be fully prepared to comply with Bill C-65 should it receive royal assent.

For my part, I have been looking at best practices on harassment prevention and conflict resolution, and most recently I have carefully reviewed the Westminster bicameral report of the cross-party working group on an independent complaints and grievance policy. Our determination to make this workplace harassment-free is a goal that is shared.

Also, as a responsible and diligent employer, the House administration has always followed the spirit of the Canada Labour Code and has been continuously committed to following the highest health and safety standards.

[Translation]

I will now turn it over to Mr. Pierre Parent, who is monitoring the implementation of the House of Commons policy on preventing and addressing harassment as well as the occupational health and safety policy. Mr. Parent collaborates with the Board of Internal Economy in the development of new initiatives relating to the issue at hand. He will now provide further details regarding the existing framework.

Thank you, Mr. Chairman.

**Mr. Pierre Parent (Chief Human Resources Officer, House of Commons):** Thank you, Mr. Robert. Thank you, Mr. Chairman.

Thank you for the opportunity to speak about our organization and how we currently deal with safety and harassment prevention at the House of Commons. The following items detail the guiding principles, mechanisms, and tools that we have put in place to guide and assist us.

[English]

Let's start by addressing the prevention of harassment. We currently have in place a framework with various components that provide members of Parliament, House officers, research offices, and their employees, as well as House administration employees, with mechanisms to prevent and resolve alleged harassment situations.

[Translation]

In December 2014, the Board of Internal Economy adopted the first House of Commons policy on preventing and addressing harassment, which applies to members and House officers as employers, as well as to their employees and employees of research offices.

[English]

In June 2015 the Standing Committee on Procedure and House Affairs adopted a code of conduct for members of the House of Commons regarding sexual harassment. The code came into effect at the start of this parliament. It covers member-to-member situations only, and secures the commitment of members to provide an

environment free of sexual harassment. Every member is required, under the code, to sign the pledge form, and all members have done so.

In addition, the House administration's policy on harassment prevention and resolution in the workplace has been in place for several decades and applies to all House administration employees. The latest version was updated in April, 2015.

● (1540)

[Translation]

Clear processes are in place for filing informal and formal complaints, investigating and reporting, appealing decisions, communicating findings, and ensuring that corrective actions are taken when appropriate.

Confidentiality and impartiality are at the heart of our policies. We want to ensure that everyone, regardless of position or title, feels safe addressing those situations, while protecting their privacy. Protecting the rights of both the complainant and the respondent will ensure that both parties benefit from fair and due process.

[English]

Reporting is an important part of our framework. As the CHRO, the chief human resources officer, I am responsible, under the policy, for reporting annually to the Board of Internal Economy. The report is made public on a yearly basis.

There were 10 cases in the 2015-16 report, and 19 in the 2016-17 report. The report categorizes the cases as either inquiries or complaints. For example, seven of the 10 cases in the first reporting period were categorized as inquiries, as were 13 of the 19 in 2016-17. The next report will be tabled at the Board of Internal Economy meeting in June 2018, covering the period of April 2017 to March 2018.

To further support the framework, various initiatives have been introduced. The House of Commons offers its employees, members, and staff access to an informal conflict resolution program known as Finding Solutions Together. A key element of this program is access to a full-time resource who is available to offer counselling on workplace conflicts, including harassment prevention, and, if appropriate, mediation. This program has been used frequently in the past two years and has been instrumental in resolving some of these cases as early as possible in the process.

[Translation]

Another essential service under the harassment prevention framework is training. In December 2016, an online training session was launched to raise awareness among members and their staff of what constitutes harassment and to inform them about available services.

The hour-long training features short information segments, scenarios, and questions to provide additional support with regard to harassment prevention. Participants can self-identify in a voluntary declaration at the end of the training session. As of January 31, 2018, 647 individuals had completed the training.

[English]

Online training provides employees with the flexibility to work the sessions into their schedule and enables staff in constituency offices to participate. It goes without saying that we also recognize the added value of offering in-person training in a classroom setting. We have been working with external training experts to develop a three-hour in-class session. We anticipate being able to offer this session to all members before this year's summer break.

We are also developing additional training sessions for staff both on the Hill and in constituencies.

[Translation]

Within their first week of work, new House administration employees are strongly encouraged to take the introductory training, which is a three-hour session. The program also provides more specific training as required. Many teams from human resources services have recently taken the civility course aimed at encouraging civil and respectful interactions with each other. Providing a harassment-free workplace for everyone in the parliamentary community is our priority.

Let's now discuss health and safety in the workplace. Although the Canada Labour Code does not currently apply to the House of Commons, the House administration, pursuant to its occupational health and safety policy, has accepted the responsibility of ensuring a safe and healthy workplace for its employees.

[English]

The policy approved by the board states the following: "the House of Commons Administration does accept the following standards as the basis for its organizational obligation to ensure a healthy and safe workplace for employees".

The standards include, first, the obligation to ensure a safe and healthy workplace for its employees based on the standards found in the Canada Labour Code, part II; second, the regulations established pursuant to the Canada Labour Code, part II; third, the requirements established by the Workplace Safety and Insurance Board; fourth, common law requirements; and finally, compliance with the provisions of the policy.

[Translation]

The House administration holds joint occupational safety and health committee meetings with employee representatives to discuss issues and opportunities. Again, as Mr. Robert stated earlier, the House administration is monitoring Bill C-65 and will make appropriate recommendations to the Board of Internal Economy in order to comply with it should it receive royal assent.

Thank you.

• (1545)

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

[English]

Now, from the Library of Parliament, we have Lynn Potter, director general, business support services, and Michelle Berry, director of human resources.

The next seven minutes is yours.

**Ms. Lynn Potter (Director General, Business Support Services, Library of Parliament):** Thank you, Mr. Chair.

Good afternoon.

Thank you for inviting me to appear before you today. As director general of business support services, I am responsible for providing leadership in managing the library's internal services, including the HR directorate where policies that deal with the subject matter of Bill C-65 are developed, administered and monitored.

I am accompanied today by Michelle Berry, director of human resources for the library.

Like our Hill partners, the library is separate from the federal public service and is not subject to Treasury Board policies. Our roles and responsibilities as an employer derive from the Parliamentary Employment and Staff Relations Act. While we are not subject to Treasury Board, we do follow best practices in public administration. We often develop policies similar to those of Treasury Board and adapt them in accordance with PESRA, the Parliamentary Employment and Staff Relations Act, and the needs of our organization.

Our workforce of about 400 employees carries out the broad and diverse mandate of the library. These employees provide reference services to you and your staff. They respond to your research requests and provide research support to parliamentary committees, such as this one, and to parliamentary associations. They welcome visitors to the Hill every day and they inform the general public about how Canadians govern themselves.

The library is committed to promoting a culture of dignity and respect and to providing a safe and harassment-free work environment for all of its employees. We take this matter very seriously and have devoted considerable efforts to prevent and resolve harassment at the library.

I would like to outline for you the steps we have taken to prevent harassment in our organization and the processes that we have established to address and resolve incidents of harassment when they do occur.

[Translation]

In March 2011, the library introduced a new policy on the prevention and resolution of harassment in the workplace. We reviewed the policy in 2016 to ensure it was up to date and consistent with best practice models in the field.

One of our policy's objectives is to prevent harassment by fostering a respectful workplace. We believe that one of the best ways to address workplace harassment is to prevent it from happening in the first place. As part of our prevention strategy, we identify and address situations of conflict that, if left unresolved, could lead to allegations of harassment, and we take the necessary steps to resolve these situations in a timely manner.

We provide regular mandatory harassment prevention training to all our employees in order to educate them on the role we each play in ensuring a respectful workplace, on what constitutes harassment, and on what avenues of resolution are available to them.

We provide our management community with the training and support they need to address conflict in the workplace when it arises.

We make a number of tools and resources available to employees and managers, such as guides and Q&As that provide further detail and explain the content of our policy.

And finally, we are putting in place a core competency that will apply to all library employees around respect and ethical behaviour in the workplace.

[English]

Despite our best efforts, inappropriate behaviour sometimes arises.

Our policy provides a framework for addressing and resolving harassment-related incidents, allegations, and complaints through a variety of both informal and formal processes. Early resolution, through discussions and informal resolution mechanisms, such as counselling, coaching, facilitation, and mediation is encouraged. Managers make every effort to resolve the issue between the parties as quickly as possible to prevent the situation from escalating.

Library employees always have the option and the right to file a formal complaint under our harassment policy. Any formal complaint is subject to an internal review and an investigation by an impartial and experienced person from within or outside the Library. The findings and recommendations following the investigation are reviewed to determine any corrective measures or disciplinary action to be taken.

It is important to note that even if the complaint is unfounded, the Library will undertake to apply resolution initiatives to help correct the situation that led to the complaint.

We want our employees to feel comfortable coming forward with issues without fear of embarrassment or reprisal whether allegations are founded or not. By using this type of process, we strive to send a strong message to our employees that offensive behaviours or harassment in any form will not be tolerated, that complaints will be addressed, and that they can trust us to help if they do experience harassment.

● (1550)

[Translation]

The library has already implemented measures contemplated by Bill C-65 through its policy on preventing harassment and related conflict resolution processes.

We recognize that our efforts must be ongoing. We are always looking to improve our policies and processes and we will continue to coordinate our efforts with those of our partners on the Hill to ensure that all employees enjoy a healthy work environment that is free from harassment and sexual violence.

Ms. Berry and I are happy to answer any questions you may have.

Thank you.

[English]

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

Mr. Blaney.

[Translation]

**Hon. Steven Blaney (Bellechasse—Les Etchemins—Lévis, CPC):** Thank you, Mr. Chair.

I would like to thank the witnesses for being with us here today. This is the first time I have had the opportunity to attend a meeting with the Clerk of the House. We are a bit further apart when we are in the House of Commons, but I will not be too hard on him. My questions will be for him, however, since the bill seeks to provide a framework for that grey area between members and their political staff in particular.

Mr. Parent, you said that you received 10 cases in 2016-17, and 19 cases in 2017-18. Is that correct?

**Mr. Pierre Parent:** Correct.

**Hon. Steven Blaney:** You said that some of those cases were requests and not formal complaints.

**Mr. Pierre Parent:** They were not formal complaints but we included them because they were still cases we had to address. In one case, for instance, there was no formal complaint, but we had to use mediation. That required a lot of intervention and resources from us. So we felt it was necessary to include that kind of intervention. We do not include phone calls about where to find the policy online, however. I am not referring to that kind of request, but to more serious matters that did not lead to a formal complaint.

**Hon. Steven Blaney:** So there were three formal complaints in 2016-17 and five this year.

Can you tell me what corrective measures, recommendations and sanctions can apply?

What we are really interested in is the actual complaints. We consider them victims in a sense.

What do you do to prevent those people from feeling victimized again? Tell me briefly about the measures that have been put in place, in general terms, of course.

**Mr. Pierre Parent:** I presume you are talking about members' offices.

**Hon. Steven Blaney:** Yes, you received three complaints in 2016-17 and five actual cases. What corrective measures were taken? Were the complainants satisfied with the outcome?

**Mr. Pierre Parent:** Yes, I think all the complaints received in those two time periods were resolved to nearly everyone's satisfaction. If the complainant loses, however, that is another matter.

I should also mention that there is a big difference between the member's context and my own environment, at the House administration. I am the chief human resources officer for the House administration. Since they are our employees, those cases are much easier to deal with. In the case of members' offices, each MP is their own employer. In those instances, I serve more as an advisor. As to the situation you mentioned, I sometimes have to advise the MP on managing the case. The difficulty is that sometimes the MP is both the employer and the respondent. That calls for sensitivity and tact on my part, especially in recommending best practices.

When a formal complaint is made, one of the best practices I recommend, which is accepted in the industry and that I would use in my own environment, is separating the parties for the duration of the investigation. In some cases, that is not possible. In those instances, giving the employee paid leave for the duration of the investigation is recommended.

My role includes providing sound advice to the MP on best practices, but it is always up to the MP to make decisions within their own office. In any event, my staff and I are always willing to advise MPs in this regard.

● (1555)

**Hon. Steven Blaney:** I assume that you hire an independent investigator if necessary.

Are the recommendations applied in those cases?

**Mr. Pierre Parent:** Yes. Few investigations have been conducted all the way through. So the recommendations are more limited.

To come back to the environment I operate in, I want to specify that it is much easier when it comes to House administration employees. I submit a report to the party whip. I am not in charge of discipline. In such cases, I submit the report to the party whip, and they decide whether to apply penalties.

**Hon. Steven Blaney:** Mr. Robert, you get involved in cases where MPs are also respondents. In your presentation, you talked about an independent grievance policy.

Can you explain to me how that can apply now, under Bill C-65, whose goal is to protect individuals claiming to have been—

**Mr. Charles Robert:** In reality, we are preparing the response on the requirements set out in Bill C-65.

As we already mentioned, there is a difference between members, those members' employees and the House administration. It is easier for us to resolve cases within the administration. As Mr. Parent said, when the member belongs to a caucus, the situation is handled by the whip and not me. Do you see what I mean? That implies different handling of the case. When a case is within the administration, the situation is not the same because we get involved to resolve the issue.

[English]

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

Ms. Damoff, for six minutes.

**Ms. Pam Damoff (Oakville North—Burlington, Lib.):** Thank you to all the witnesses for being here and for all of your efforts on our behalf and your employees' behalf.

One of the things you mentioned was prevention. While it's not necessarily covered in the legislation, do you think that we, as employers, and also our staff, recognize what resources are available to us, or do you think we could do a better job of informing both the members of Parliament as well as our staff on what resources are available to us through the House?

**Mr. Charles Robert:** It's one of the reasons why we are emphasizing the program of training that we are introducing to make sure that MPs are fully aware of the resources that are available. In terms of prevention, it is to encourage you to recognize that a healthy, respectful environment goes a long way to avoiding complaints of harassment of one kind or another.

**Ms. Pam Damoff:** Before we even get to that point, you have things like mediation. You have an accommodation team. There are a number of resources that you have available to us as MPs that I would bet you most of the people in this room don't even know exist or don't even know they could call on you to use. I think we could probably do a better job of educating people, and our staff, in particular, that those resources are available to them.

**Mr. Charles Robert:** I take your point.

**Ms. Pam Damoff:** One of the things I want to talk about is independence. You mentioned that within a caucus, it goes to the whip to determine sanctions. One of the things I've noticed from looking at different situations is that when it's done within a party, it's difficult to come to a successful conclusion for both parties, both the employer and the employee. When you have someone who is independent look at it, that person brings a different lens, so there isn't that perception of power imbalance between the employer and the employee. Also, the employee knows that it's not going to be influenced by the party's whip.

Do you think there's value, whether it's a review or an investigation, in having some independence on that?

● (1600)

**Mr. Pierre Parent:** With regard to this, the policy right now says "the member" because we really wanted the member, as the employer, to have the first responsibility, then the whip, and then the CHRO. Everywhere in the policy there's always the possibility of the complaint being handled by one of the three elements.

I would act as the independent person mostly for process. Let's say a complaint is filed with my office, and I retain an investigator, the investigator would be independent. Basically, it would not be investigated by the party; it would be investigated by the third-party investigator. The report would be delivered, as is, to the whip, so the whip would have to make.... But the findings of harassment or not would be totally independent at this point, even in the current context.

**Ms. Pam Damoff:** Okay.

How does this legislation compare with that of other legislatures? Have you looked at that at all—specifically in Canada, including Queen's Park and other provincial legislatures? Do you know how our legislation would compare with theirs? Are there any best practices that we should maybe be looking at for other jurisdictions?

**Mr. Pierre Parent:** I'm in contact with the heads of HR in all the legislatures. We meet once a year. Basically, from the case that we had in 2014, which triggered all of these policies, we've become a bit of a leader in that aspect. I know that some legislatures even use our online training as is with the House of Commons branding, because it's there, it's well made, and it's bilingual. We've become kind of a leader. I do know that when we meet once a year, it's topic number one, and I'm sure that again this summer it will be topic number one. Yes, everybody is adjusting to this new environment. It's new for all legislatures.

**Mr. Charles Robert:** I can add that earlier this month at Westminster, there was a cross-party working group that reported on an independent complaints and grievance policy. We haven't completed our study of that report, but it's very clear that what they wish to do is to institute a more robust system. They did a survey that was part of what fed their analysis, and they did determine, in fact—and I suppose it would not be very different here—that there are frequent instances, because of the power relationship, of a sense of bullying or harassment. As a result, in order to establish a healthier work environment, they feel there is a need to institute a complaints policy and a resolution process that is, as I said earlier, more robust than what they currently have in place.

**Ms. Pam Damoff:** Do you think ours goes far enough, then? Do you think that what we have here is going to assist in what you do, or is there anything that would go further that could assist more?

I have about two seconds left.

**Mr. Charles Robert:** I don't doubt that what we're doing is, certainly, seeking to improve the situation. I suppose it's when the rubber hits the road that we'll find out whether or not that is actually the case.

**The Chair:** Thank you.

Now we have, for six minutes, MP Trudel.

[*Translation*]

**Ms. Karine Trudel (Jonquière, NDP):** Good afternoon.

Thank you very much for joining us. Mr. Robert, I'm happy to see you, and especially to see you up close. My first question is for Ms. Potter or Ms. Berry, but then I would really like to know what you think. My question will be brief.

When it comes to time frames, we have heard a number of witnesses say that they were long, and that could affect victims. As you said, when it comes to the work environment, members often work in very small teams that are sometimes made up of only two or three people.

I would like to know whether you think the bill before us will do more to help reduce processing times. I would also like to know how we could improve, if necessary, the communication of reports to survivors and whips.

• (1605)

[*English*]

**Ms. Lynn Potter:** Timeliness is key to our policy right now. Certainly we don't have.... We respect certain time frames within the process. The time frame that it takes to respond can vary depending on the case, and this is why it's very difficult to say we will respond

within a certain time frame because some may be more complex than others. Certainly a principle that we have in our policy is to respond in a very timely manner and to get back to both the complainant and the respondent on the results of the investigation that took place.

We're certainly open to any improvements that can help that process. We're trying to tell the complainants and the respondents from the beginning that we expect to be realistic about the time frame, depending on the situation, because it can evolve with time.

[*Translation*]

We are very open to the idea of improving the process. That is actually one of the challenges we are facing.

**Mr. Charles Robert:** In reality, when a complaint is known and concerns a member, a confidentiality risk always exists. The pressure to come up with a solution, since a member's interests are at stake, creates difficulties or challenges, as you say, in terms of the complaint's proper handling. That would have a different dimension if it happened within the House administration.

As Mr. Parent was asking, what should be done with the employee? There are factors involved that are not always obvious. So it is really a challenge for you, as well as for us.

**Mr. Pierre Parent:** Regarding the issue of time frames and the length of investigations, I would add that I'm dreaming of an investigation being conducted within a two-week period, but that never happens.

First, policies determine time frames. Second, we have to follow the principle of procedural fairness and respect natural justice. We have to take into account the complexity of investigations. Some investigations are very easy to conduct. We bring forward the allegations, and the respondent says that is exactly how it happened. So the investigation becomes very simple. Other investigations involve dozens of witnesses, who are sometimes spread out in terms of location. That raises the issue of those witnesses' availability. When it happens during the summer, people are on vacation.

In reality, when we put all that together, the investigation may drag on a bit. However, the question of whether we want to proceed quickly or properly remains. There are so many elements at play for the complainants and respondents that I feel that the investigation must be conducted properly and not too quickly.

We are committed to doing it as quickly as possible and avoiding becoming obstacles to resolving the problem.

**Ms. Karine Trudel:** Mr. Robert touched on the topic earlier, and I would like to come back to what you talked about in your presentation, Mr. Parent.

When the complaint comes from an MP's office, you advise them. However, what happens to the employee? Employees of my political party—the NDP—are unionized. So they go to their union advisor, who gives them support. As for other parties, I know that employees are not unionized. Who guides them through the process in that kind of a situation? Is it also you?

**Mr. Pierre Parent:** It all depends on how the case unfolds. We are not talking about strategic advice here, but about advice on the procedure to follow.



People can contact me or Myriam Beauparlant, who manages the workplace conflict resolution program. Occasionally, the employee will contact me. So then we look at how we will manage the case, but we often split the task between us. For example, Ms. Beauparlant may take care of the employee, while I take care of the member. I really want to specify that we do not give advice on how to get rid of the complaint, but rather talk about best practices and the next step to take.

One of the things I explain all the time is mediation, which I strongly support. Over the past few years, we have resolved extraordinary cases through mediation. I have training in mediation; I am a mediator. I would not oversee the mediation myself in the cases we are talking about now, but I can at least explain to both parties what mediation involves, so they can make an informed decision.

We tell people that they can use mediation, and we explain what it is and what it is not. That's the type of advice we provide. Talking to both parties at the same time does not involve any ethical problems because that advice does not lean one way or the other. The advice is more about moving the case forward.

• (1610)

[English]

**The Chair:** Thank you.

MP Morrissey, go ahead.

**Mr. Robert Morrissey (Egmont, Lib.):** Thank you, Chair.

I want to question you briefly on the process. Both the House of Commons and Library of Parliament indicated that you were following the process of Bill C-65 and the implications it may have for you.

Given the investigative process you have now, could you explain a bit or elaborate more on the final report? This question came up a lot when dealing with unions in the private sector. When you do a final report, what's in the report? Could you explain how detailed a report is and who it is made available to?

Mr. Parent.

**Mr. Pierre Parent:** In the context of an investigation in a member's office?

**Mr. Robert Morrissey:** Both in the member's office as well as staffing outside.

**Mr. Pierre Parent:** These reports usually are fairly detailed. The last one I got would be ethics. In that context, the employer, whether it's we as the employer or you as the employer, would have enough to make a decision.

**Mr. Robert Morrissey:** Would you get the full report, the detailed report?

**Mr. Pierre Parent:** Yes, in the part of the process—

**Mr. Robert Morrissey:** Would the person making the accusation get access to it, too, and not a generalized version?

**Mr. Pierre Parent:** Yes. It's the same report.

In our policy, at some point both parties get a draft report. The draft report is basically all the evidence collected during the

investigation, so there are no surprises. It's a question, as I said, of procedural fairness and natural justice, so that everyone knows and has the ability to comment on the evidence that is in front of the investigator. Both parties have the same information. It's exactly the same document, and it transits through me. Basically, the investigator gives me the draft report, and I distribute it to both parties in the same exact format.

The same goes with the final report. The final report contains the investigator's findings. That's where the investigator will look at all the evidence and go through all the allegations in detail. In accordance with the evidence that has been collected, which was contained in the draft report, they will draw conclusions on findings of harassment or not, or of partially substantiated allegations.

**Mr. Robert Morrissey:** Would you recommend that this process be applied elsewhere? I ask because there was some discussion, some testimony given, that maybe the report would not be made available to the accusing party or to the accused in its total form, with all the information there, to protect the witness. I take it, from your case, that you're not erring on that side.

**Mr. Pierre Parent:** That would not be our approach. Our policy at the House administration and the policy applying to members of Parliament—

**Mr. Robert Morrissey:** You make everything that came up during the investigation available to both the accusing party as well as the accused.

**Mr. Pierre Parent:** Yes, to the complainant and the respondent. That's the way I say—

**Mr. Robert Morrissey:** Okay, the claimant and the respondent.

**Mr. Pierre Parent:** Yes. It's a principle of natural justice that if you are in this process, you will all have the same information. It's very important for us so that everyone is able to comment on anything that's been said on the other side. It is very important if something comes up and you haven't seen it that you can comment on or add to it. Yes, it's very important for us.

• (1615)

**Mr. Robert Morrissey:** Is it the same process with...?

**Ms. Lynn Potter:** Yes, the same process applies at the library. Our policy does dictate transparency. It does call for providing a copy of the draft to both parties for comments as well. There's always the need to balance the whole question of confidentiality with...but it is stated in our policy that both parties will receive a copy of the report.

**Mr. Robert Morrissey:** Ms. Potter, you commented that you're already implementing policies in anticipation of Bill C-65. I would ask both the House of Commons and the Library of Parliament to comment on the following. You've discussed harassment. How do you define "harassment" now? The different degrees of harassment and how to interpret that has been a big issue before this committee. Should it be in the legislation? Should it be in regulation? Since you're now implementing policies and interpreting harassment, how do you define harassment?

**Ms. Lynn Potter:** We do have a definition of harassment in our policy.

**Mr. Robert Morrissey:** Has it been modified recently or is it an old policy?

**Ms. Lynn Potter:** The last time was in 2016. Of course, with the implementation of Bill C-65, we will look at that again.

Go ahead, Michelle.

**Ms. Michelle Berry (Director of Human Resources, Library of Parliament):** It's a long one....

**Mr. Robert Morrissey:** Is it? Well....

**Voices:** Oh, oh!

**Ms. Lynn Potter:** It does go with the whole spectrum, right? It does define that whole spectrum of inappropriate behaviour from one thing to another, and also the training.

**Mr. Robert Morrissey:** Could you table a copy of your harassment definition?

**Ms. Lynn Potter:** Absolutely, yes.

**Mr. Robert Morrissey:** What about the House of Commons? You're adjudicating on harassment now, so how do you define it?

**Mr. Pierre Parent:** The three policies I mentioned earlier have different definitions. The one in the code of conduct that's been approved by the procedure and House affairs committee is fairly short, because it's sexual harassment only, and it's one sentence, whereas the—

**Mr. Robert Morrissey:** One sentence? What is the one sentence?

**Mr. Pierre Parent:** From memory, it's conduct of a sexual nature that detrimentally affects the workplace. It's something to that effect. That's the one in the code of conduct. That applies to a member-to-member situation for sexual harassment only.

That's a very short definition, whereas in the policy that applies to you as members, as employers, there are three different sections. One is harassment—personal harassment or general harassment—another is abuse of authority, and the third one is sexual harassment. The three are pretty defined. I'm told that all parties have made this mandatory, so you'll see that these definitions will be defined for you, as will how to interpret these harassment definitions. We can table the same policy with the committee. They're fairly detailed and comply with best practices, so we're confident that they would stand any test.

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

MP Dabrusin, for six minutes.

**Ms. Julie Dabrusin (Toronto—Danforth, Lib.):** Thank you. I have a couple of questions.

We've been talking a lot at this committee about a “competent person” and how that person would be appointed under Bill C-65. Both of you have talked a bit about getting independent people to look into it. What do you think the best process is to find that competent person in a way that recognizes what is perhaps a power imbalance in a situation? Also, how do we ensure there is diversity among the competent people were seeking in applying with this legislation?

**Mr. Pierre Parent:** I'm not sure what you're referring to when you say “competent person”. Is that in the role of investigator or...?

**Ms. Julie Dabrusin:** It would be the person the dispute goes to after the employer and employee agree to a competent person.

**Mr. Pierre Parent:** A competent person to conduct the investigation...? From my perspective, what I do right now is that I have standing offers with multiple firms across Canada, because the investigations could take place anywhere. I base my evaluation of their competencies from having conducted multiple harassment investigations in the past. There's no certification for harassment investigations, but these firms are usually fairly well known and we go by reputation, and when we go by diversity—

Yes?

• (1620)

**Ms. Julie Dabrusin:** Sorry, I'm just going to jump in on that piece, and then we can get to the diversity question. In your process, do both parties, employer and the employee or both parties to it, have to agree to that competent person, or is it your choice?

**Mr. Pierre Parent:** Right now under the policy that we have, it's my choice.

**Ms. Julie Dabrusin:** It's your choice.

**Mr. Pierre Parent:** I do make sure that the investigator is acceptable to both parties and I have sometimes had to—without going into details—insist with some of these providers that a person be of a certain gender or maybe be knowledgeable about certain cultures. That is something we do think about.

If there were an objection to one investigator in particular, I would gladly change the investigator and go to a different provider.

**Ms. Julie Dabrusin:** Ms. Potter.

**Ms. Lynn Potter:** We do use independent ones. Because we're smaller, we don't have a standing offer or supply arrangement, but we do go out and might consult with the House of Commons, to look at their list of people and knowledge of other people. We've had very few cases that have required that, but yes, we ensure that they are impartial and neutral competent persons.

**Ms. Julie Dabrusin:** This is for you, Ms. Potter, specifically. You said that you put into place a resolution even if an investigation finds that the complaint about harassment was not a founded claim. Can you explain to me how that works? How would you be imposing or putting into place a resolution if there wasn't a founded claim?

**Ms. Lynn Potter:** It's all about there being a conflict that can be resolved. Somebody may have alleged harassment even if harassment is not then found. Obviously, there is still a problem either in the workplace or between the parties, and this is where we will explore further and look at facilitation, coaching, or mediation to try to get the parties....

We don't just say, “Sorry, it's not founded. Here's the report and we're done.” We like to take it further, because, obviously, something brought about this case of alleged harassment. We look at whether there is something in the workplace, whether there is something that can be done, or whether there is a conflict. We try to look at solutions that way and talk to both parties about how we can help to resolve that.

**Ms. Julie Dabrusin:** You define that as providing support in the workplace situations?

**Ms. Lynn Potter:** Yes.

**Ms. Julie Dabrusin:** I see you nodding, Mr. Parent. Is there something similar?

**Mr. Pierre Parent:** Yes, definitely, because even though you have a situation in which no harassment is found, you're facing a damaged workplace. If the employment relationship should continue, I think from an HR perspective, there should be some intervention to make sure that the workplace is repaired and to make sure that we're not creating another problem.

In our environment, it's probably easier. I've tried it in your environment a few times. It's a bit more tricky, but it does work. As I said, mediation can work miracles, and I've seen it work miracles, so that's an avenue that we try every time we can.

**Ms. Julie Dabrusin:** The legislation refers as well to providing support to the person who is a complainant. I'm wondering if you can add anything as to what types of supports an employer can provide in that circumstance, when the complainant comes forward, because that's one of the requirements here.

**Mr. Pierre Parent:** Right now, as I said, we provide these services through the Finding Solutions Together program. We have resources available whether through that program or not. With the employee assistance program, I have two nurses on staff who can assist. We can look at additional counselling if it's deemed required. I'm lucky enough to have a lot of firepower working for me. If we see there is a need for an employee to have additional support, we'll arrange that through my staff.

**The Chair:** Thank you.

MP Falk, go ahead, please, for six minutes.

**Mrs. Rosemarie Falk (Battlefords—Lloydminster, CPC):** Thank you, guys, for coming today.

Ms. Potter, you mentioned the harassment prevention training. Is that something that's just encouraged or is it mandatory for new hires?

• (1625)

**Ms. Lynn Potter:** It is mandatory for all employees. We run training sessions twice a year for employees and for managers. We also run some tailored mandatory training for employees and managers who are working in a client service context.

The whole point behind that is to speak about what harassment is, that it is not tolerated, that the support is there, that they can come to us if they are experiencing it, and that we are there to hear them and help and support them in any way they need. We're saying, "Speak up, talk to us. We are there. We are going to hear you, and we will take action." That's the message coming out, but it's also to raise it. For us, education and awareness are what this prevention is about, namely to do as much of that as we possibly can.

**Mrs. Rosemarie Falk:** That's perfect.

You also mentioned dealing with a situation. If a situation has escalated and staff can't work together, if it hasn't been resolved for whatever reason, if they don't feel comfortable, what's the next step

in the process? What if you do everything, you follow the process, but then there's no reconciliation or ability to comfort?

**Ms. Lynn Potter:** Do you mean after the formal complaint?

**Mrs. Rosemarie Falk:** Yes. The complaint happens....

**Ms. Michelle Berry:** It's really case by case, depending on what the complaint was, where we're at in the process, and their ability to work together. We have to look at what's gone on and what other options we might have within the Library, perhaps assigning people to different places. It's case by case.

**Mrs. Rosemarie Falk:** Okay.

**Mr. Charles Robert:** Just to intervene briefly, there is a bit of a challenge. When we're talking about escalation of a situation inside the administration or inside the library, we're dealing with our employees. It's quite a different situation. We have, in some sense, the tools of control, if you like.

If it's a situation that has escalated inside a member's office, that becomes a different question altogether. It may be worthwhile exploring with Pierre what the next step would be, because it actually involves you. It's certainly not determined by us as managers of the administration. As an employer, you become a much more active player in working out a possible solution.

**Mr. Pierre Parent:** This is a challenge I have lived in the past two years. As Mr. Robert mentioned, in our environment it's easy. We have 1,800 positions and we can shuffle people. However, in your environment, you're offices are small. You have your Ottawa office, and have your constituency office. If something is unworkable, it makes it very difficult.

It's a challenge for you as an employer, because at some point it's not necessarily a corporate responsibility. You are the corporation.

We've worked at times with the whips' offices to see if there are solutions. In Ottawa, it's easier, but in constituencies it's a bit harder. Sometimes we try to find creative solutions to resolve these problems.

**Mrs. Rosemarie Falk:** I have another question. You mentioned that mediation has worked in the past. Do you know of any repeat offences that have come up? In terms of a member's office, what would the direction be? How would it be handled?

**Mr. Pierre Parent:** Fortunately, I haven't had too many repeat offenders, but it's always a challenge, especially depending on who the "offender" is. If it is the member, then maybe a dialogue with the whip would be in order. Fortunately, we haven't had to explore this avenue.

These are the types of challenges we are facing in a member of Parliament environment. I wear two hats in this thing. In my role as the corporate chief human resources officer for the House administration, things are fairly easy. When I go on your side to advise you, it becomes 338 small employers, so it is a challenge.

• (1630)

**Mrs. Rosemarie Falk:** Revictimization is something that I wonder about. If the process happens—mediation and everything else—and then there isn't trust, or an employee is still working with the member but they don't feel comfortable coming forward, then what do we do?

**Mr. Pierre Parent:** The question is always, does the relationship of trust still exist? Can the employment relationship still continue? That's where in the past we've looked at different avenues as to how we can take the situation where it is right now, a bad situation, and make it a better situation for everyone. That could involve lots of different avenues, but that's where the member as the employer must take some leadership to a certain extent.

**Mrs. Rosemarie Falk:** Thank you.

**The Chair:** Thank you.

MP Ruimy, you have six minutes.

**Mr. Dan Ruimy (Pitt Meadows—Maple Ridge, Lib.):** Thank you all for being here today.

It's certainly a subject that needs to be addressed.

I believe it was Monsieur Robert who mentioned that in the 2015-16 annual report there were 10 cases, and 19 cases in 2016-17. You said they were mostly inquiries. Can you explain that, please?

**Mr. Pierre Parent:** That would be on my part.

As I said, these were not necessarily inquiries requiring just a phone call, or that type of situation. They were inquiries that required a lot of work on our part. In the example I used earlier, an inquiry did not result in a formal complaint but resulted in mediation. Without going to the step of a formal complaint, there was resolution through mediation. We didn't know how to categorize these cases and we did want to account for them because they required a lot of energy. At some point, as I said, although there are only three complaints, almost a full-time resource is assigned to this.

Rest assured that these inquiries are not just a phone call asking where the policy is and it's there on the website and that's it. Those are not accounted for. In these instances, we put some significant energy into the resolution, if possible, to the case.

**Mr. Dan Ruimy:** There's obviously a bit of an increase from one year to the next, and I'm curious to know whether you have statistics from before. Is that because of changes that have happened, or were people in the past just not reporting or inquiring about it?

**Mr. Pierre Parent:** There was no policy before 2014. Basically, this is all new.

These numbers are according to the policy that was approved by the board in December 2014. We had no baseline before that. With the low numbers in 2014, 2015, to 2016, the first reporting period was a bit longer; I went up to 16 months. The new policy was probably not well known, and then there was the election period.

After the election, we saw a bit of a boost. I don't know whether it was outgoing members or incoming members, but there was definitely more traffic. I think the policy was better known and people used it.

**Mr. Dan Ruimy:** Thank you.

Let's go back to training. Who has actually created these training programs?

**Mr. Pierre Parent:** The two programs we've added have been developed by staff in my office. For the first one, we used a firm in Montreal to bring the expertise to develop online training. We put

our content into their format. If you look at it, you'll see that it's very well made and we're very proud of that product.

For the second one, the one that will take place in the coming months, we've retained the services of a local firm, ADR Education. They have offices across Canada. They are experts in the field.

We did provide some input on our specific environment and what objective we were trying to achieve in the training. I'm proud to say that we test-drove the training this morning and it's fairly good. Mr. Clerk was there and it is something fairly good that should assist in changing the culture.

• (1635)

**Mr. Dan Ruimy:** As you know, it's kind of unique, working here on the Hill. It's going to be critical that this training not be a cookie-cutter type of operation. That wouldn't work.

I'll put this question to everybody: are you confident that this training program will be effective and actually bring credibility, so that people can trust the process?

**Mr. Pierre Parent:** I hope it will. I have three hours. I tried to get more, honestly, but in three hours I can do so much.

I was first hired in 1993, so although my employment has been during two different periods, I have fairly extensive knowledge of what you do as members of Parliament, and the reality that you're members 24-7. I'm CHRO just eight or nine hours a day, but your reality is different and we're aware of that.

That's why we developed that training with your reality in mind, and we focus more on a change of culture. With three hours of training, you'll know about the definitions and what could and couldn't be harassment. The change of culture will be strong, and I'm confident that it will be effective.

**Mr. Charles Robert:** As I mentioned at the very beginning of my presentation, the real key is to aim for prevention, and the base for that really is awareness.

Even though, as Pierre says, these sessions are only three hours, it's three hours that you didn't have before that are now devoted to this topic. One would hope that training will give rise to a greater sense of awareness. Certainly the kind of media coverage that instances like this provoke also helps you realize how to build a better working environment in your office.

**The Chair:** Thank you.

For five minutes, MP Warawa, please.

**Mr. Mark Warawa (Langley—Aldergrove, CPC):** Thank you very much.

Unfortunately, I've not been able to be at most of the meetings up to this point—or any of them, actually—but I have read and I appreciate the work of the committee and the witnesses here today.

This is a very important topic. We've heard the use of the word “harassment”. In Bill C-65, we have defined “board”, we have defined “employee”, and we have defined “employer”.

Would it be helpful for Bill C-65 to have a definition of “harassment”? That's my first question.

**Mr. Charles Robert:** It would really depend on what kinds of constraints it imposes on your being able to be elastic in your approach.

It would be better to defer to a lawyer, but I would guess there are times when a definition of law can be too restrictive and may not be as helpful as you might wish it to be in trying to address this problem effectively.

I guess it would really depend on the definition you choose to put into the bill.

**Mr. Mark Warawa:** I will put the question back on you then. You're here sharing with us how you mediate harassment, and how you determine whether or not there's a case of harassment.

How do you determine that, if you do not have a definition?

**Mr. Pierre Parent:** We have a definition. As I mentioned, we will table the policies that we have.

As I said, the code of conduct, which only deals with sexual harassment between members of Parliament, is very short. It's a one-liner, but the one that applies to members of Parliament as employers is very extensive. We have that. There are three parts: harassment, abuse of authority, and sexual harassment, and these three are fairly defined.

My own view as chief human resources officer is that I prefer to be able to adjust to best practices as the case law evolves, rather than waiting until legislation is *passee*. We review our policies—this one or any other HR policy—on a regular basis, so having the flexibility to adjust to best practices is a plus for us. Having a definition in the act may be good, but from my perspective, the fact that we have the flexibility to adjust is something we like.

• (1640)

**Mr. Mark Warawa:** Your definition over the last five years of best practices has evolved. Is that what you're saying?

**Mr. Pierre Parent:** This is a fairly new policy from the last two years. The next time we review the policy we'll look at best practices, and if these definitions, these three parts of harassment...or if there's a fourth one that we don't know about, we'll be able to suggest that to the Board of Internal Economy. This one is fairly new; it's not quite three years old.

**Ms. Lynn Potter:** We have also adapted our definition. We updated our policy in 2011 and again in 2016, and we continuously look at it. Although there is a definition and, as I mentioned earlier, harassment may be found or unfounded, the issue is that there is still some kind of conflict. In the training we talk about, we look at what is harassment, what may be harassment, what is not, but there's still that continuum. I think it's the dialogue around what is that continuum. There's obviously an issue that needs to be resolved, whether it is harassment or not.

**Mr. Mark Warawa:** My leaning is that we define it so we know what we're talking about. What harassment is can be very broad, but to provide some guidance, I think it would be nice to have something in writing that we can reference so that it's not a mediator's position that, yes, this is or is not harassment. Anyway, that's where I'm coming from.

How much time do I have?

**The Chair:** You have 20 seconds.

**Mr. Mark Warawa:** I have a quick comment on those who are suffering long-term mental illness caused by a serious harassment case where sexual assault may be involved. Is there treatment that you recommend that could deal with those serious, long-lasting problems?

**Mr. Pierre Parent:** As I said earlier, we have resources, especially in the House of Commons. We have the respectful workplace policy, Finding Solutions Together. I've got two nurses on staff in the employee assistance program, and if for whatever reason a case goes beyond our resources, we'll look at it case by case and if we have a situation where we feel we need to invest additional resources, we'll do so.

**The Chair:** Thank you.

Now for three minutes, we have MP Trudel.

[*Translation*]

**Ms. Karine Trudel:** We have heard some pretty moving testimony from survivors. According to you, Mr. Parent or Mr. Robert, what possibilities are available to our interns or volunteers?

We are members, and people often come to lend us a hand or to gain work experience. But those individuals are not paid. Can they also use the services provided by the House of Commons?

**Mr. Pierre Parent:** Absolutely. The policy also applies to them, as if they were employees. It's a matter of reaching out to them to let them know that the resources exist and that they can use them. There are no issues in that regard, since volunteers and interns are specifically covered by the policy.

**Ms. Karine Trudel:** So the process is the same. They can also use mediation.

**Mr. Pierre Parent:** Yes, absolutely.

**Ms. Karine Trudel:** You brought up the occupational health and safety committee. Our committee has heard stakeholders talk about the fact that the bill was leaving them out and that it would be beneficial to have an occupational health and safety committee. That actually concerns both the employer and the workers. In addition, it creates a climate of trust, which further encourages people to file a complaint.

So I would like to know whether you think an occupational health and safety committee is essential.

**Mr. Pierre Parent:** I won't comment specifically on the way the legislation will apply, but we have our own committees, be it for occupational health and safety or for labour and management issues. So it is not harmful to have those committees.

I think that, I would keep those committees going even if we had no legal obligation in that area. The occupational health and safety policy I talked about in my presentation has been used as a labour code in our case. It was developed with the help of this committee and under its authority. So it is a good example of what a committee can do.

• (1645)

**Ms. Karine Trudel:** Ms. Potter, do you want to add anything?

**Ms. Lynn Potter:** Yes. We also have a committee that helps develop draft outlines of a policy. We are a small organization. The committee obviously does not handle specific cases for confidentiality reasons. That said, I think it is important for the committee to participate in policy development.

We consult unions and employees about what is happening in the workplace. However, we do not discuss specific cases in order to protect confidentiality.

[English]

**The Chair:** Thank you.

That's the end of the second round. We have enough time before we must break for committee business for one question from each side. We're going to keep it to about four minutes.

Ms. Fortier.

[Translation]

**Mrs. Mona Fortier (Ottawa—Vanier, Lib.):** Thank you very much, Mr. Chair.

I want to thank the witnesses for being here today.

Our committee is trying to figure out how to improve this bill, as required. Do you have any amendments to propose? Now is the time to share them with us.

I ask you to be brief, as I know that Ms. Damoff also has a question for you.

**Mr. Pierre Parent:** My answer will be very short.

Right now, we have no suggestions. Once Bill C-65 receives royal assent, we will adapt to it. Our internal processes are solid enough to help us going forward. So I don't have any specific concerns.

**Mrs. Mona Fortier:** Thank you.

Ms. Potter, what do you think about this?

**Ms. Lynn Potter:** We have no specific amendments to propose either. What matters to us is what the bill will continue to offer employees.

[English]

They have different avenues to either lodge a complaint or to discuss conflict. For us, that is what really works.

[Translation]

**Mrs. Mona Fortier:** You would like to see more mechanisms to help them do that.

**Ms. Lynn Potter:** Yes, that would be very important for us.

**Mrs. Mona Fortier:** That's what you want to see in the bill. Great.

[English]

Ms. Damoff can take the rest of my time.

**The Chair:** Ms. Damoff.

**Ms. Pam Damoff:** In terms of sexual harassment, there's been a lot in the news, and we know that it's been an issue in members' offices—some members' offices, not all—for years, for decades.

Based on what's in Bill C-65, do you see this legislation changing people's ability to come forward? Will it make it easier for someone in that position? The issue before has been their fear of retribution. Putting aside all the training and things you're doing outside of the legislation, do you see this legislation assisting in that process?

**Mr. Pierre Parent:** It's a difficult question to answer.

We're monitoring Bill C-65. Unfortunately, the regulations are not drafted, so it's difficult to see the final effect of Bill C-65.

Fear of retribution depends on the structure, and that is why I go back to the structure of members' offices. If I go back to your reality, it concerns the structure of your offices. They are small offices, whereas in a bigger environment, in a corporate environment, you feel a bit more secure.

**Ms. Pam Damoff:** You mentioned that you're dealing with 338 small businesses.

**Mr. Pierre Parent:** Correct.

**Ms. Pam Damoff:** What you're dealing with in the House, in general, is one thing. But to deal with 338, of which maybe three are bad employers, and the rest are good... The problem in the past was that when people did come forward, either action wasn't taken against their employer or it was shoved under the rug. That's always the fear of someone coming forward, that they won't be able to find a job.

What recourse would they have?

● (1650)

**Mr. Charles Robert:** It's actually too difficult to answer at this stage.

If you were talking about the past, there would have been cases, one would assume, where because of the power relationship, the complaint was not raised. What we're trying to do, I suspect, through this legislation, is to create an environment where, if abuse is taking place, the process is robust enough to encourage someone to actually come forward.

**The Chair:** Thank you.

Now over to MP Blaney, for about four minutes.

[Translation]

**Hon. Steven Blaney:** I also want to thank you for coming to meet with us this afternoon.

Mr. Clerk, you said that this was a challenge for you and for us, the politicians. I understand that you are sort of walking on eggshells. On the one hand, you have a politician and their reputation, which is very precious, and on the other hand, you have a complainant you want to protect.

Mr. Parent, you said you were a fan of mediation. According to the legislation, if the mediation does not work, an independent investigator is brought in.

Have you ever recommended independent investigators in members' cases?

**Mr. Pierre Parent:** Yes, absolutely.

**Hon. Steven Blaney:** Where the recommendations followed?

**Mr. Pierre Parent:** The number of cases has not been high enough to need recommendations. When a report indicates that the claim of harassment is unfounded, there are no recommendations. In members' cases, recommendations are very difficult to make. That's not how it is in our environment, where disciplinary measures or suspensions can be imposed. In the case of members, it is up to the whip to decide what measures should be taken based on the report.

In most reports related to members, the allegations were unfounded, partially founded or founded, and all the specifics that implies. It was the whip's duty to make decisions in that respect.

**Hon. Steven Blaney:** Do you think it is important to ensure that the act has teeth, so that, in the case of an MP's office, would recourse be possible if recommendations were made, but were then not applied?

**Mr. Pierre Parent:** We would have to see what kind of a recommendation is involved. I will not venture into issues of parliamentary privilege, since some of my colleagues are more qualified than me in that area. In fact, we have to establish what kind of a recommendation an independent investigator can issue, since the member is a member and not an employee.

In the case of an employee, if one of our managers has committed a wrongdoing, it is much easier to determine what kind of a penalty can be applied. A whole range of penalties have been established by the jurisprudence. The situation is different for members. In a member's case, we are talking about another level of penalties. For example, we may be talking about expulsion from the caucus. There may be other penalties the whips can think of.

In a way, we import principles that apply to employment and try to apply them to members.

**Hon. Steven Blaney:** That said, the political price to pay is huge, and that is a high penalty. Thank you.

I will now turn to you, Ms. Potter.

Have you ever used independent investigators for complaints you received at the Library of Parliament?

**Ms. Lynn Potter:** Yes.

**Hon. Steven Blaney:** In such cases, were the recommendations implemented?

**Ms. Lynn Potter:** Absolutely.

**Hon. Steven Blaney:** Have there been a number of such cases?

**Ms. Lynn Potter:** There have been two of them over the past few years.

**Hon. Steven Blaney:** Thank you very much.

[English]

**The Chair:** MP Trudel, for four minutes.

[Translation]

**Ms. Karine Trudel:** Thank you, Mr. Chair.

I will also take advantage of my last few minutes.

Thank you for your presentation and for joining us.

A question came to mind earlier when Mr. Parent brought up parliamentary privilege.

Mr. Robert, can I ask questions about that?

**Mr. Charles Robert:** It depends on the circumstances in which the question of privilege was raised.

• (1655)

**Ms. Karine Trudel:** I don't want to stir up controversy.

This brings me to ask a question as a member. If I was accused of sexual harassment, for example, what would my parliamentary privilege involve? Would I be covered by parliamentary privilege or would I be investigated?

Do you understand what I am asking?

**Mr. Charles Robert:** If I may, here is a potential answer. Since this issue is very delicate, it would really be up to you to decide whether it is appropriate to raise a question of privilege to protect yourself.

**Ms. Karine Trudel:** Okay.

**Mr. Charles Robert:** So it could depend on the circumstances. Parliamentary privilege is normally used to protect you. However, when a claim of harassment is made, do you think that invoking the privilege is the best way to protect yourself? I think that is a very delicate issue.

**Ms. Karine Trudel:** Great. That question was asked recently, so I am glad to get your opinion on it.

Let's now go to you, Mr. Parent. What is the impact of social media on public denunciations by victims or other individuals? Can it tarnish investigations, since the information is already public and therefore impossible to control? What is your take on that?

**Mr. Pierre Parent:** In such a case, investigators whose services we use have their methods, and they are familiar with evidentiary requirements. For them, comments on social networks are just that—comments. Those specialists are skilled enough to determine what evidence is relevant in a harassment investigation.

The impact of social media goes beyond that context alone. When allegations against a public figure, such as an MP, are made, it is a matter of the individual's reputation. However, during the investigation, those aspects are not necessarily taken into account.

**Ms. Karine Trudel:** Do you think they should be taken into account? Earlier, we talked about definitions and the possibility of covering social media or cyberbullying in regulations or in the bill. Sometimes, the issue goes beyond a building's walls.

I will give you the last word.

**Ms. Lynn Potter:** We follow a code of ethics and values for media use. So I think that element should absolutely be included.

**Mr. Pierre Parent:** The issue of cyberbullying is another matter. In some investigations, electronic elements were submitted as evidence, such as text messages, emails or something posted on a Facebook wall. If that evidence is relevant to the investigation, it can be submitted. If it is not relevant, however, it will not be taken into account. So the investigator must sort through it. Therefore, that evidence can be ruled admissible in some cases.

[*English*]

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

Thank you all for being here today and contributing to our understanding of the current situation on the Hill. This is really important legislation. We all understand that. I think you can gather from the tone of the questions that we're all relatively on the same

side here. I do appreciate all of your making the time to be here with us today.

We're going to suspend for a few minutes and come back for some committee business.

Thank you very much.

[*Proceedings continue in camera*]

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