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Chair

Mr. Dan Ruimy

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•(0845)

[English]

The Chair (Mr. Dan Ruimy (Pitt Meadows—Maple Ridge, Lib.)): Welcome, everybody. We'll get this show on the road here.

Welcome to meeting 51 of the Standing Committee on Industry, Science and Technology. Today we're continuing our work on Bill C-25.

(On clause 24)

The Chair: We left off at PV-5. There were quite a few things being said. If there is anything new to add to PV-5, I would like to hear that. If not, we could then move on to the next one, NDP-13.

Mr. Lobb.

Mr. Ben Lobb (Huron—Bruce, CPC): I bumped into Mr. Lametti yesterday, walking to caucus, I think it was. He indicated to me that he had some information that would maybe help shed some light on our discussion. I thought I would ask him to say it.

Now, I will say this, though; in defence of myself, and for the whole committee, I guess I didn't realize that he couldn't say anything, or that he felt like he couldn't say anything. So if there's a moment where my Liberal colleagues feel like the parliamentary secretary can shed some light on a 45-minute discussion on one amendment, I would encourage them to let us know.

You know, our parliamentary secretaries are here as well as everybody else to shed some light on things. I just bring that out there, because I was unaware that Mr. Lametti had any insider info on it. It would have been helpful prior to our 45-minute discussion on that amendment.

If Mr. Lametti has something to say today, I'd welcome him saying it.

The Chair: Mr. Lametti.

Mr. David Lametti (LaSalle—Émard—Verdun, Lib.): Thank you, Mr. Chair.

I had indicated to all the members of the opposition, including Ms. May and Mr. Masse, that first of all I'm here as a member of Parliament, so I'm entitled to sit at this table. But as the parliamentary secretary, I'm always willing to answer, in good faith, any inquiries that the opposition members or Liberal members of the committee might have, in part because I often will know what the ministry is thinking.

That was part of a general set of comments that I had made to all the members. If there is a specific question, I'm willing to answer it.

Mr. Ben Lobb: I'll just say this, Mr. Chair. It's pretty obvious what we're discussing, and that's the amendments on the one....

I thought, from our discussion yesterday, you had some insight on what a regulation would look like instead of this piece that we're talking about here. I would encourage you to let us have some insight on what the minister or the ministry is thinking in terms of what a regulation may look like.

Mr. David Lametti: Okay.

As Mr. Schaan mentioned yesterday, the regulations process is a separate process but the minister is committed to giving guidance in the regulations. As Mr. Schaan pointed out yesterday, the kinds of ideas that are being discussed are an open-ended provision on diversity other than gender, which incorporates, in an inclusive fashion—"may include" or something like that, language like that—the kinds of categories that are found in the Employment Equity Act.

I'm not saying anything that Mr. Schaan didn't say yesterday, but perhaps I'm packaging it in a more directed fashion in response to your question.

The Chair: Thank you.

Mr. Masse.

Mr. Brian Masse (Windsor West, NDP): Thanks for that intervention. It still doesn't change the fundamental fact that this is an opportunity for Parliament and for us to add an amendment. In fact, I have a subamendment to my amendment, which will be coming up. It actually uses language that was passed by this House of Commons, including the government members and the parliamentary secretary, most recently on Bill C-16, that outlines a specific element of diversity.

The Chair: Mr. Masse—

Mr. Brian Masse: It's very specific in terms of including colour, race, religion—

The Chair: Sorry, Mr. Masse. We can get to that when you're on your subamendment, but right now we're dealing with PV-5.

Mr. Brian Masse: Yes, well—

The Chair: You're talking about a subamendment to your amendment, correct?

Mr. Brian Masse: No, it's relevant to this discussion, Mr. Chair. It's relevant to this discussion because we just had an intervention about regulations.

The Chair: All right.

Mr. Brian Masse: I'm highlighting the fact... This will be upcoming, but I wanted to specifically mention that this piece of legislation was not in regulations. It was actually passed by the House of Commons. I'd just like to finish reading what we all passed in this committee here.

• (0850)

The Chair: Go ahead.

Mr. Brian Masse: It specifically says that information respecting gender representation and diversity including in regard to “colour, race, religion, national or ethnic origin, age, sex, sexual orientation, gender identity or expression, or mental or physical disability” was passed as a definition in an act to amend the Canadian Human Rights Act and Criminal Code. I think this is also based upon the Ontario human rights code, when they looked at that.

It was actually passed, and you voted in favour of it, Mr. Lametti, and right now it is in the Senate at second reading.

This was passed in the House of Commons, the specific definition that the bill had. I'll be moving that later, whether or not we deal with Ms. May's motion, which is very good as well but doesn't have the specifics related to legislation already passed through the House of Commons and just awaiting final approval by the Senate in this current Parliament.

I have copies, and at the appropriate time I can present them to members.

Thank you very much.

The Chair: Ms. May.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Since we are on my amendment, I will just say that I'm very open to anyone else moving a friendly amendment to my amendment.

I can't move it myself because, of course, I'm not a member of the committee, and this amendment of mine is deemed to have been moved by others. I have no ability to withdraw it or amend it, but I want to suggest that I would regard any of Mr. Masse's suggestions as friendly. You could either defeat my motion and move on to his, or you could amend mine now.

It's entirely a matter of options in your hands, Mr. Chair.

The Chair: Thank you.

Mr. Dreeshen.

Mr. Earl Dreeshen (Red Deer—Mountain View, CPC): I think this is something we talked about. We were at that stage last day, so perhaps if we can vote on the Green amendment, then we can continue on from there.

The Chair: Mr. Masse, did you have your hand up?

Mr. Brian Masse: We can do that, but I'm happy to amend the motion....

It's fine. We'll just do that, and then we'll move on.

The Chair: There is no further debate on amendment PV-5.

(Amendment negated [See *Minutes of Proceedings*])

The Chair: We're going to move to amendment NDP-13.

Mr. Masse.

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

I will have copies distributed in both English and French. It's very much a modest change to what's been proposed by the Green Party in some respects, but once again it uses language that was specifically passed under Bill C-16, an act to amend the Canadian Human Rights Act and the Criminal Code. It says that Bill C-25, in clause 24, be amended by replacing lines 5 to 7 on page 9 with the following:

information respecting gender representation and diversity—including in regard to colour, race, religion, national or ethnic origin, age, sex, sexual orientation, gender identity or expression, or mental or physical disability— among the directors and among members of senior management as defined by regulation as well as any prescribed information respecting diversity.

Let's be clear on this motion. This was passed in the House of Commons as part of amending the Canadian Human Rights Act and the Criminal Code, and it still includes the regulations that will have the oversight of this.

This gives a good window, not only so Parliament can have something on the record for this but also for the regulatory oversight part of this so it is still fluid within that jurisdiction.

The big difference on this is that it makes it consistent with previous legislation passed through this particular House of Commons so we will not be inconsistent with what we have previously done. Following this path is obviously important for consistency, not just for this country, related to race and ethnic divisions and representation as well as regarding the gender issues we've raised in the past. In fact, if you didn't catch it, Mr. Bains had a good statement on promoting diversity and inclusion on International Women's Day. He said that Canada benefits when more women reach the highest levels of achievement. He said, regarding diversity and openness on International Women's Day, that Canada needs more women to reach the highest levels of achievement because an open society that values a diversity of ideas and perspectives is good for business, and that it is also good for innovation, which is Canada's path to economic growth.

I thought that was put well. This will help reinforce that for all members of Parliament.

Again, it would be odd for us to have a leading piece of legislation regarding the description of diversity and gender and then for us to divert away from that legislation, especially given that it's in the Canadian human rights code. I think it would be very alarming for us to divert from what the House of Commons has already passed as a definition. Again, for those who are concerned about any changes, there is the regulatory aspect part of it.

I'll leave it at that for now. Hopefully, we can dispense of this and move forward with a good vote and have this completed, because, again, it provides an open door for both. It's a win-win for everybody. It's also consistent with the government agenda. Again, I think it would be really odd for us as a committee to basically say the human rights code and the Canadian Human Rights Act are inconsistent with our legislation here. It would be quite telling for us to push back against Senate legislation that we have already passed in the House of Commons.

Thank you.

• (0855)

The Chair: Thank you.

I will just remind members that if the NDP-13 amendment is adopted, then CPC-1 will no longer be in play.

Mr. Dreeshen.

Mr. Earl Dreeshen: Thank you.

I have just a couple of points, Brian. In the last part, it talks about “prescribed information respecting diversity”. I’m just curious to know what “prescribed information” with respect to diversity actually means.

Second, if we were to do this, I’d like to perhaps change it from “or mental or physical disability” to just “or disability”. I understand where it’s coming from, but we are speaking about members of a board of directors and so on. I think perhaps we could simply look at “disability” versus the other part.

The third thing is that I think we talked about aboriginal and indigenous heritage specifically and whether or not that is captured when you speak of “national or ethnic origin”. I just think that’s an addition to it.

Perhaps you could flesh out whether or not “prescribed information” actually deals with some of those things, and then give your thoughts on the other two points with regard to disability and aboriginal or indigenous heritage.

The Chair: Mr. Masse.

Mr. Brian Masse: Thank you.

With regard to the first point, at the end of the day it says, “among the directors and among the members of senior management as defined by regulation”, which makes it not inclusive to what we just talked about here. This was used as a kind of footprint of what it could be.

That also answers a little bit some of your questions about our adding other different groups or descriptions. I think that’s why mental and physical disability were identified a little bit differently. There’s quite a debate about what that really is and consists of. Most recently there have been a lot of issues around mental illness. That’s where the regulatory aspect of the change is still part of this. This is kind of like a “will of Parliament” for that.

With regard to the second part, “as well as by prescribed information respecting diversity”, my understanding is that the regulations include that change. They would actually have to provide that information. The regulations actually call for that. That’s my understanding of it.

Perhaps we could have Mr. Schaan clarify, if that’s appropriate, whether or not I’m correct on that. He’ll be able to set me straight.

The Chair: Mr. Schaan, go ahead.

Mr. Mark Schaan (Director General, Marketplace Framework Policy Branch, Strategic Policy Sector, Department of Industry): Thank you.

With respect to the way the bill is laid out in terms of “prescribed information” respecting gender representation and diversity, the regulation would be guided by the legislation as passed. In this particular case, the regulations would have to indicate the prescribed information that the prescribed corporations—in this case, distributing corporations of the CBCA—would need to provide to their shareholders, in the proxy circular, on an annual basis.

The regulations would need to define and lay out, for each one of these categories, what prescribed information they would need to provide—i.e., prescribed information on the senior management and their board makeup related to age, colour, race, religion, and national or ethnic origin. Each one of those would need to be spelled out in the regulations, and the proxy circular would be required for the corporation to be able to fill out each one of those.

I hope that clarifies it.

• (0900)

Mr. Brian Masse: Yes. Thank you. I think it was very helpful.

This is consistent with your amendment, too, with regard to the ending paragraph there.

To me, since it’s already been vetted through the House of Commons, I would prefer to keep to this. If there are any suggestions for changes, I’m open to them. I would just keep the notation of it, that’s all.

I appreciate those suggestions.

The Chair: Mr. Lobb.

Mr. Ben Lobb: Thank you very much.

During the time that we discussed the amendments to this bill, at our discussions on Tuesday, countries around the world were moving ahead of us already. Iceland has had legislation on equal pay come before their government. Also, there’s an organization called the Shareholder Association for Research and Education, and what they’re doing is shaming corporations that don’t have any diversity on their boards. It’s being spearheaded by teachers’ unions and federations and other labour-led organizations.

While we’re discussing all these things and all the reasons why we can do it behind the scenes through regulation, there are organizations that are doing the job that we’re not prepared to do, or that some members of this committee aren’t prepared to do. It’s like we’re standing still, in my opinion. Legislatures around the world... Even in the United States, on equal pay, Minnesota has legislation for this, and corporations that have over 25 employees have to provide certification of their pay and their pay grids, etc.

I am still baffled, even after Mr. Lametti’s comments. No disrespect to him, but they really didn’t tell me anything more than what I heard from his Liberal colleagues on Tuesday. I was thinking that there would be some actual wording put towards a regulation or at least a framework behind it.

Again, I think that what Mr. Masse is presenting, and what our party has presented, is about legislators trying to legislate something in the law that makes a difference for people, and specifically the people Mr. Masse and Mr. Dreeshen have mentioned.

Yesterday was a pretty impressive day on Parliament Hill, which you would think would empower members of Parliament to consider putting language into law that would empower those people, those women who were on the Hill yesterday. Days like today, when I sit here and listen to all the reasons and excuses why we can't put words like this into law, make me feel that if in four years they hold a day like they had yesterday, they should do it not in the House of Commons but in the office buildings at Industry Canada, because those are the people, apparently, who are prepared to do something to make a difference. It's not the legislators who are; it's the public servants who work down the street. That's probably where we should have our celebrations next time we do that, because those are the people who are bold enough or brave enough to do something about it.

We can discuss this all day long. We can talk about other examples of how the government is going to be left in the dust. Teachers' federations, teachers' labour unions, and other labour associations and organized labour are going to do the heavy lifting for this Parliament, because this Parliament doesn't want to do it and isn't interested in doing it. From what I can see, the best offer we have is "have faith in us". They're saying, "We don't have anything to present today, but have faith in us."

We've had two months to put something before this committee as an act of good faith and we don't see it. It's disappointing. I'm not saying that it's hypocritical, but it is disappointing. We'll see what happens.

• (0905)

The Chair: Thank you.

Mr. Dreeshen.

Mr. Earl Dreeshen: My question is for Mr. Schaan on the wording that has been presented by the NDP in the subamendment. Are the terms expressed there in line with the Employment Equity Act? Do we have a dovetailing of that?

I know that we're speaking about what was presented in Bill C-16, but I'm just curious as to whether or not that is enhanced by or related to the same terminology we have for the Employment Equity Act.

Mr. Mark Schaan: This would be a significant expansion of the Employment Equity Act's four groups. The four groups under the Employment Equity Act are women, visible minorities, persons with disabilities, and aboriginal peoples. Adding "colour", "religion", and "national origin" would be quite substantively expansive.

Mr. Earl Dreeshen: If I may, Mr. Chair, the Employment Equity Act speaks specifically about aboriginals, yet we wouldn't be using that here.

Do you see a rationale for adding that to the subamendment? I'll leave that part to Mr. Masse to expand upon. I'm curious as to whether or not there would be an enhancement in going that way.

Mr. Mark Schaan: I couldn't speak to the rationale or not. I would just say that the employment equity groups were put in because they're easily defined and allow people to comply with a self-identification process.

Mr. Earl Dreeshen: Thank you.

Perhaps Mr. Masse could weigh in on that, if you wouldn't mind, on the aboriginal part. I don't think we had gotten back to it, or else I missed it.

Mr. Brian Masse: It's up to the committee to decide how it wants to proceed. The criticism we received prior to this, without any solution being proposed, was that it was too expansive or there were problems with the wording. I did research and found the human rights code adjusted in the.... There's more than just this. I'm okay with that. I think part of the debate about that is through.... If you want to have specifics related to national identity, some of that even takes in some of our aboriginal considerations there as nations.

There are several aspects of it that could also be amended in the regulations later on, too, but this makes it consistent with what has been recently passed. Again, at the end of the day, I think regulations will do that. The question is that they'll do it to some degree, but it's more enforceable if it's a law of Parliament. It's as simple as that: this is the law, this is a statement, and this is an act, a will. It's about whether taking a pass on race, on gender, and on all those things is good enough for you. I think that's what it really comes down to.

I looked for something that would be more consistent with what has been passed in the House of Commons. That's why I stuck with that formula, especially with it being the human rights code. I'm open to amendments, but again, that's where it comes from. I don't think it's a bad amendment. It's just that I was trying to come to committee here today to present a viable solution to the problem that seems to be here. Obviously, it was raised by the Green Party, by the NDP and by the Conservative Party. I think there are members here from the Liberal Party who actually questioned witnesses and spoke during witness testimony about this issue. The quotes are there. The testimony is there for people to review. They were active at that time in this debate.

I think there may be some way to go forward on this. I thought, too, that probably it was a bad way of approaching things to be inconsistent with the human rights code changes that we've had passed and voted on by members in this House. At any rate, that's where I'm at with it.

While I have the floor, Mr. Chair, I want to talk a bit about some of the testimony we received. One example is the testimony on the Canadian business corporations and co-operatives. At committee here, the witnesses talked specifically about the definition of diversity in their submission to us. I won't go through all of it, but I think it's important to note that these are organizations that made a significant attempt to make sure to caution us on leaving the definition of diversity, other than gender, open to interpretation by "distributing corporations". They said, "At a minimum, the definition of diversity should recognize the intersectional nature of identity, and encompass gender, disability, race, ethnicity". They mentioned as well that identity in terms of aboriginal status was one of the things.

There was a great discussion about this, but it was quite clear that they didn't want it be left to the regulations alone. There's more on this, but I'm hoping to hear from some Liberals on this. I don't know, Mr. Chair, if there are any members on the list, but I'm surprised by the lack of a contribution at the moment. I think it's pretty hard to come here and see this, but I'll speak before the bill.... I think that if you want to come to this committee and you want to make a difference, these are the words that we're talking about here. It's the issue of race. We've seen what's happened in this House of Commons and in the Canadian public with regard to discussion about this. Religion, sexual orientation, gender expression, and all those things are very important in Canadian society right now. Gender, of course, is really important. It's interesting to note that this is not just in our country. There are other countries that have done this.

I think the gender issue is particularly interesting. We had the events on the Hill yesterday, which I know have been noted, with the "Daughters of the Vote". I think almost every member of the Parliament had their seat taken by someone. I think maybe one person passed on the seat for their own decision.... At any rate, look at where Canada sits in the world, and then at the best examples of quotas and penalties. That shows that there are vast improvements versus "comply or explain".

• (0910)

We've decided to go to comply or explain with regard to gender, and also reporting. What we've done is that we've disengaged, for better or worse—I'm not here to argue either-or—from the one that really makes the big difference. For example, Norway, where they have legislation with quotas and penalties, is at 35.5%. France has 29.7%. Then you drop down to comply or explain, and it goes to 22%, and that's United Kingdom and Denmark. Canada is at 20%, and there was evidence presented to us that we were taking a step back.

We have an opportunity at this particular time to include.... This motion has gender and identification. When we go to comply or explain versus quotas, we've given up one of the most important legislative aspects for the minister to be able to act on this. Now with comply or explain, the better the information and the more thorough, and the more comment from Parliament, being this motion...it's to specifically target those elements. This way, we don't leave it to somebody else who's unelected and unaccounted for to decide what would be put in the regulations.

I know Mr. Schaan has talked about the regulations a bit and so has Mr. Lametti, but the reality is that the regulations are not controlled by Parliament. That's something that is not done. The minister has passed on this responsibility. He has a wonderful statement today about women and their rights and how things are better, but when it comes to having an oversight for him or anybody in the future, he's disengaged from that.

In fact, later we'll probably hear that we're going to have a five-year review of the bill, if we're lucky, because the minister chose not to put a review into the bill. That was a decision made by the government, clearly, or it was a colossal mistake. I think it was a decision.

At any rate, we have very few opportunities to actually have a say and to give direction. I don't want it to be some faceless, nameless person behind the curtain who helps to decide what regulations are going to be reporting. When they don't report those things—they have less to report in—that means we have less information for the minister to make a decision. If they come forward with regulations that it's just going to be gender, it's not going to be diversity, it's not going to be aboriginal, or it's not going to be anything else identification-wise, then how do you know if real change has taken place? You don't know, because they don't have to do it. They are voluntary decisions.

The Chair: You're repeating.

Mr. Brian Masse: No, I'm not. I'm talking about—

The Chair: You're saying the same thing.

Mr. Brian Masse: Tell me exactly what I've repeated.

The Chair: You're saying the same thing over and over actually.

• (0915)

Mr. Brian Masse: No, I'm not. I'm actually—

The Chair: I would like you to—

Mr. Brian Masse: It's different.

I think the record will show that I'm going about the various ways why we're.... This is important. If you want this succinctly, this is important. We're undermining the way that Parliament and the minister can get information to show the proof related to measuring the outcomes of a system. It's based upon faith, not based upon any type of oversight. That's what I'm specifically getting to.

There are different ways that happens. It can happen through the identification of these different elements, whether it be gender, sexuality, race, ethnicity. All of those things are important. It could be—and maybe I'm repeating a little about that—just based upon race, or it could be just based upon race and gender. It could be just based upon race, gender, and ethnicity. It could be just based upon race, gender, ethnicity, and something else. We don't know, and it could change. That's my whole point. It's based on regulations. What I'm arguing for is to actually have that included, so that the minister can measure those things.

The measurement is important. I want to talk about measurements and how we could actually see things take place. It happens in the private sector. The measurement is very critical in the private sector. We've seen this by evidence presented in the House of Commons that talks about that. There's the greater Montreal area, which leads me to diversity benchmarks and assessing the programs of diversity in leadership. These are critical. This is going to show that it's done in the private sector as well as the public sector. What we have happening here is that we have diversity of visible minorities only accounting for 4.8% of leadership positions. They can measure that. They can measure that and they can find out. What they showed was that there was actually 2.2% at the end of the day.

In the greater Toronto area, 50% of the population are visible minorities. This is sector by sector. They actually have very few representations of that, so the variance among companies is important. While 11.9% of the companies have at least 50% women on their senior management teams, 16.7% of the companies have none. How do they get that information? They get that from disclosure. There is other research as well, but I won't go into the other research. I'm not going to follow that up with more, but I think the Diversity Institute is a legitimate element. I don't know why Mr. Longfield is shaking his head, but it is a legitimate arm, and maybe he'll care to intervene.

Mr. Lloyd Longfield (Guelph, Lib.): I'm on the speakers list.

Mr. Brian Masse: Excellent.

It is one of those things that can be measured.

Mr. Longfield is on the list, then. Good. I will cede the floor after making my point.

At the end of the day, I think it's important to have measurement systems in place by Parliament that at least give some indication, so the minister can actually measure those things. Otherwise, we've moved to a model of comply or explain, and it has no conditions attached to it and very little oversight.

Thank you very much.

The Chair: Thank you.

Mr. Longfield, go ahead.

Mr. Lloyd Longfield: Thank you, Mr. Chair. It's nice to have the floor again.

About 45 minutes before the end of the last meeting, I made a comment that we need to have things around diversity put into regulations, not into legislation. Legislation nails you down to certain definitions and is very difficult to change once it's in place. We've seen for the last half hour of this meeting, and the last 45 minutes of the previous meeting, that the other side can go back and forth about the definitions around diversity, because diversity itself is hard to define. In fact, diversity, by definition, could go on forever in terms of how you could try to define it.

Our basic premise is that diversity should be under a comply or explain model and that it should be defined within the terms of regulations. Mr. Schaan indicated how that actually happens. Once you do have legislation in place, you can determine regulations around legislation.

Right now, we are trying to get legislation to the floor of the House so that we can vote on it. I'd like to see us move towards a vote on whether we move forward with the definition of diversity being in regulations or whether we have diversity determined by the amendments we have on the floor.

The Chair: Thank you.

Mr. Nuttall, go ahead.

Mr. Alexander Nuttall (Barrie—Springwater—Oro-Medonte, CPC): Thank you, Mr. Chair.

Before I comment directly on this.... Last time I did bring up something from the House that was not something I agreed with. I

just wanted to say, congratulations to the members of this committee who voted on a couple of bills last night. I thought that was very courageous, and it was very good to see.

Now I will leave that alone.

It may be in the actual print of the bill, although I couldn't find it while I was sitting here. Look, there is a similar motion next from us. Hopefully we can deal with this all at once. As we're going through the diversity question here, and basically comply or explain.... We were having a little chat just before this. When this information is being brought forward in the actual implementation of it.... Let's say you're business A and it is required of you to either hit a certain percentage or explain why you haven't. Is it delineated what the diversity is on that board in terms of the reason why we would consider that person to fit within the definition of diversity, or is it just 30% or 45% of the people on the board?

Do you know that, Madam Clerk?

I am not filibustering right now, for the record.

Voices: Oh, oh!

Mr. Alexander Nuttall: When this bill moves into action and there is comply or explain—when the actual reporting takes place—will it delineate how the term “diversity” is interpreted by each business? If, let's say, 40% of the persons on a certain board are women, do they have to comply and say why they fit within the ideals of diversity, or will they just say the number of people?

• (0920)

The Chair: I'm going to defer to Mr. Schaan for that one. I have my own thoughts on it.

Mr. Schaan, go ahead.

Mr. Mark Schaan: The way comply or explain works under the securities commissions currently is that the management circular that's provided to shareholders on an annual basis asks for the gender makeup. In the Ontario Securities Commission's case, it actually asks about the percentage of women in senior management and on the board, and then it asks for a summary of the policy in place to encourage gender diversity on the board. If they don't have a policy to encourage gender diversity on the board and in senior management, they are asked to explain to their shareholders why no such policy exists. This would mimic that but include a diversity policy.

Mr. Alexander Nuttall: This would mimic that but include a diversity policy.

Mr. Mark Schaan: That's right.

Mr. Alexander Nuttall: Go one step further for me then. What happens with this diversity policy? That's what I'm trying to get at.

Mr. Mark Schaan: If there's a policy of diversity beyond gender, the corporation would similarly summarize that for their shareholders and explain what efforts they are taking to improve diversity beyond gender within their senior management and on their board. If they don't have a policy, they would explain why not.

Mr. Alexander Nuttall: To go back to where they're complying or explaining, in their report, are they going to say what each person's background is and how each fits under the term "diversity"?

Mr. Mark Schaan: The policy is a general policy. It's not a policy on each individual candidate. The candidate proposals from the board are a separate issue that would be put before members in terms of what information they would provide, but the policy is a diversity policy beyond gender. It would be a generalized policy about how they are encouraging increased diversity within the senior management or on their board.

Mr. Alexander Nuttall: Right, but one of the things brought up earlier by my colleague Mr. Masse was with regard to the minister having the appropriate information to make decisions. If that information is not being brought forward through this bill, then I'd like to know that. I'm not sure I have a position one way or another yet.

Second to that, if we're not telling them what qualifies specifically as diverse, then the measurement doesn't really matter anyway, and we all know how much I like measurements.

Am I correct in these assertions or not?

• (0925)

Mr. Mark Schaan: This legislation allows for the regulations to set out what prescribed information related to diversity they need to provide to their shareholders and to summarize their diversity policy for their members and to provide that information to the director of Corporations Canada for the purposes of analysis.

Mr. Alexander Nuttall: So as they provide that information, it will determine the reason that each person on that board is considered to be....

Mr. Mark Schaan: It will set out the....

Mr. Alexander Nuttall: I'm trying to figure out what information we get. Do we get a piece of paper that says 40% of the members of our board or do we get a piece of information that says 8% are this, 10% are that, and 25% are other.

Mr. Mark Schaan: The legislation allows for the capacity to set out what information we ask corporations to provide, and at a minimum, a diversity policy if they have one.

Mr. Alexander Nuttall: Okay.

Mr. Mark Schaan: But it allows for the regulations to determine what specific asks we make.

Mr. Alexander Nuttall: Okay.

The Chair: Mr. Lobb.

Mr. Ben Lobb: I have a couple of points.

First of all, maybe we could have a little more discussion about a comment that you made to Mr. Masse about repeating himself. I would be very interested in seeing anywhere in any of our rules on this committee that it says you're not allowed to repeat yourself. Maybe at the next meeting we have, you can present that to us just so that we know we can't repeat ourselves any longer on this committee.

The second thing I'd like to point out is about Bombardier. How much did the Liberals give Bombardier?

Mr. Alexander Nuttall: They gave it \$376 million.

Mr. Ben Lobb: They gave \$376 million to a company that, at best, is in the second quartile for the TSX 60. For all the members who are afraid to put anything into any amendment around it, let me read to you what Bombardier says:

The Corporation's commitment to diversity is further reflected in its Code of Ethics and Business Conduct, pursuant to which Bombardier shall offer equal employment opportunities without regard to any distinctions based on age, gender, sexual orientation, disability, race, religion, citizenship, marital status, family situation, country of origin or other factors, in accordance with the laws and regulations of each country where it does business.

What's the problem? They've written it in on their own. As to the whole idea that we shouldn't describe it, they're describing it right there and they had no problem describing it. It is in their annual report forever. The whole idea that we can't spell out anything, if you're afraid of it, just use what Bombardier put in. I'm sure Mr. Dreeshen or Mr. Masse would accept a friendly amendment to either one of their amendments, and we could just cut and paste what Bombardier put in there. If corporations aren't afraid to list it, I'm not sure why parliamentarians should be afraid to list it.

I heard Mr. Longfield's point that then it's too rigid. I can't remember exactly how he described it. They've put it right in their own public documentation for the whole country and world to see, and they operate in many countries around the world.

I'll go back to my original point that I made last meeting. This bill is many years old at this point. If you want to park this bill until May or June or what have you, I'm open to that. There won't be any more dust on it now than in May or June. Then you could present your regulation or the framework you would have around your regulation, something of goodwill or good faith to show some people on this committee who would at least like to see it. That would be enough for me.

But the whole idea around "we shouldn't put anything in the law because it's going to tie the hands of the people who are running these big corporations", there it is right there, and I could probably go through many others and rhyme them off.

I'm not sure if any of my colleagues would like to comment further on this, but 27% is where Bombardier is for diversity. They're rewarded with a loan, which they said they didn't need. Maybe one of the conditions should have been that they'll work on the diversity of their board in the next couple of years before they have to repay their loan or they have to add another member to their board, something of good faith. I know that may not be in line with what others think.

The top quartile for the TSX 60 for the board is only 33%. That's our high-water mark. There's one company, a food manufacturer of all companies, Saputo, that has exactly 50%. If you read through the list—and most of us could rhyme off most of these companies—these are companies that would have tens of thousands of people who would be in Bombardier's description as diverse and would be available.

The Canadian Board Diversity Council put out a list of the top 50 people who would be qualified to sit on boards, who are diverse. Each year they put out their top list for companies that may not know where to begin. In addition to that, they list—it's either them or SHARE—that there are 3,500 people, and it may be 3,500 women, who are qualified to sit on corporate boards, yet the number of people who sit on corporate boards who would be considered diverse is well under 1,000.

● (0930)

It's more to think about.

It just is baffling that a government and a party that has said so much and has... Just to present what they have around their framework on the regulation, they could present it at any time. I'm prepared. I'm sure Mr. Dreesen, Mr. Nuttall, and Mr. Masse are prepared to park this bill for a few meetings until they're prepared to bring what they think is their regulation forward and carry on.

Certainly, the changes to the act are at least two and a half years old, probably three or four years old, probably from when people inside the department started talking about updating. It could be 10 years. I can't remember, but it's at least three or four. Mr. Schaan, maybe, could give us the update on this.

Surely somewhere inside the halls of Industry Canada, or in the legal arm, someone has talked about what a regulation should, can, or cannot look like. It has to be there. If that framework around a regulation is not there, I would say shame on the government for bringing forward something, having the minister tell us at committee about this, and then not even having anything ready.

It either is or isn't. If it is, let's bring it forward. If it isn't, then I think we should park this bill and wait until they have it ready to go.

The Chair: Mr. Masse.

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

I have some questions for Mr. Schaan about this, but I just want to preface that by saying that if some feel it's inconvenient to sit through the questions and comments that I make on this, I'm fine with that. I know that a lot of people have been waiting a lifetime for inclusion, equity, and fairness. I would think basic respect is the very least they would get, to have these questions that have been posed to me from other people, and comments I've received from testimony not only here, that we heard, but also elsewhere.

The reason I came here today with the suggestion to the government, which I thought was realistic, on Bill C-16, being an act to amend the Canadian Human Rights Act. Even one committee member, during debate, said, "It is now 2016, and it is time that we modernize our laws to truly reflect our society and our diversity." That was a Liberal member from this committee. I came here to try

to achieve that balance with a specific piece that could bridge the gap on what seems to be taking place here.

Mr. Schaan, I want to be clear, though. I think that people need to understand this. If this is not included in the regulations—the regulations will decide these things—is it possible then to have a regulation that does not include, for example, race, in terms of disclosure? If they go through with their... For regulations, it will include whatever they want it to be. Is it mandated? Does it have to include, for example, race or ethnic origin?

● (0935)

Mr. Mark Schaan: The prescribed information will be set out in the regulations. The prescribed information sets out both the prescribed information and a policy. The policy on diversity, as indicated, will give guidance that diversity includes the employment equity groups, which would include visible minorities.

Mr. Brian Masse: But it doesn't necessarily have to have that. It will give that as a policy, but the regulation can be what it wants, at the end of the day.

Mr. Mark Schaan: Yes. The regulations set out the prescribed information that the legislation gives them the power to set out.

Mr. Brian Masse: We're turning it over from Parliament...?

Mr. Mark Schaan: That's not a question for me to answer.

Mr. Brian Masse: Of course, you don't have to answer that.

At any rate, the point is that it's a statement for us, and it's a statement for Parliament to be in there. I think it's a reasonable approach that we take here with this, and if there are any other suggestions on how to deal with this, then I would be open to that.

The reality here, however, is that if we take a pass on this, we also take a pass on the enforcement provisions and the oversight necessary. We won't be able to point to a specific law that says a corporation should actually be looking at this. We'll have to point to a regulation and a regulatory body. It's a disenfranchisement of the power of authority that gives an opportunity for Parliament and the minister to have their voice—at least in a stronger sense—put forth in a model being proposed that's very weak to begin with. It's one of the weakest models in the world, comply or explain, and it's a model that's shown to have had the least amount of results. That's the reality we're faced with here.

I want to proceed with this to get the change that's necessary, so that we at least have a Parliament that says something. We've seen what's happening internationally with legislation passed specifically on these things. That we're not even going to include a voice on this is, I think, highly difficult to accept in a modern age.

I'll leave it at that for now if we proceed at this point in time, but I just can't believe we are at this point where we have a specific piece of legislation that defines this in a particular way passed in the House of Commons by a majority Liberal government, and now those members are going to vote—I guess, if they don't support this motion—against what they actually voted and spoke for in the House of Commons months ago. That's the reality at the end of the day. I don't understand that.

I will leave it at that, and thank you very much.

The Chair: Earl, are you fine?

Mr. Earl Dreeshen: Yes, I'm fine.

The Chair: Seeing no further debate, we will vote on—

Mr. Lobb.

Mr. Ben Lobb: The only other thing I'm going to add to this is to take, for example—and I'm not picking on this bank—the Bank of Montreal. That is a large bank. It's a huge employer. They are Canadian and they have other offices in North America. If you look at their diversity policy—not to be critical—it's lacking quite a bit. From what I've been able to find, there's nothing in there that spells out where they are, etc., so there's so much to do.

I have another question for Mr. Schaan, if he can tell us, which is, is there a regulation we would be able to see, say, at the next meeting, which would be the week after next on a Tuesday, that would satisfy the members? There has to be something inside your department that's been worked on. You're the director general. Is there a regulation and is that regulation, if you have one, a document we can see? Also, if you don't have a regulation in the works, why not?

• (0940)

Mr. Mark Schaan: As I indicated at the last meeting, the regulation-making process is that this legislation gives regulation-making powers to the minister. Once this bill receives royal assent, Justice will assign drafters for the purpose of drafting those regulations. Then those regulations will go through the *Canada Gazette* parts I and II process, and then it will be approved by the GIC.

The general contours of the regulations are as I've indicated, which would be that we are looking at a diversity policy that would provide guidance on diversity. The diversity would include but not be limited to the employment equity groups.

Mr. Ben Lobb: Have you had discussions at all about what that may look like?

Mr. Mark Schaan: As I say, the formal process for drafting begins once we have regulatory-making capacity.

Mr. Ben Lobb: I understand the bureaucratic lingo around that, but I'm saying to you—with all due respect—that obviously you and your colleagues were very involved with the crafting of the changes to this act, with the understanding of the need for something along the lines of diversity, in your words, as a regulation. I understand that you need direction from the minister vis-à-vis the bill, but certainly you're not telling us that this is the first time you guys have thought about what this would actually look like. There has to be some discussion. If you're going to put it in—

Mr. Lloyd Longfield: I have a point of order. This question has been asked before. This was asked last meeting as well. How many times do we have to hear the answer? You got an answer.

The Chair: Just for the record, Mr. Schaan, can you explain to us the process and how it works, because the question has been asked on numerous occasions?

Mr. Ben Lobb: To be clear, Mr. Chair, Mr. Schaan has described the process more than one time. I'm not going to argue that. My question—

The Chair: Has been answered.

Mr. Ben Lobb: Okay, this is where I'm going to be repetitive because, with all due respect to Mr. Schaan, I've asked him a couple of times. I understand that you are telling me that you won't proceed—the legal arm of it or however you want to describe it—until you have this bill back from the Senate and it's received royal assent. Okay, we all understand that. I don't need Mr. Longfield providing edification to that.

What I am trying to ask, though, is, have you or any of your colleagues had discussions on what a regulation would look like?

Mr. Mark Schaan: My answer was that the general contours are as I've described. So—

Mr. Ben Lobb: Sorry, the general...?

Mr. Mark Schaan: Contours. There would be guidance to corporations that diversity would be included but not limited to the employment equity groups.

Mr. Ben Lobb: Okay, and in that proposed regulation that you or your colleagues talked about, would you list, like Bombardier has, different groups? Is that what you are thinking or brainstorming about, that it may include—

Mr. Mark Schaan: The Employment Equity Act lists four groups under which gender is already covered, so the diversity beyond gender would include visible minorities, persons with disabilities, and aboriginal peoples.

Mr. Ben Lobb: Would there be more included?

Mr. Mark Schaan: It would be included but not limited to.

Mr. Ben Lobb: Would it be your recommendation that it should include more, more than the four you've mentioned??

Mr. Mark Schaan: My view is.... I don't have a view, but I think the view—

Mr. Ben Lobb: What would your recommendation be?

Mr. Mark Schaan: The regulation would provide guidance to firms as to how to understand diversity with respect to the policies, and as I've said, the guidance would list the employment equity groups.

Mr. Brian Masse: But not the recent changes to the [*Inaudible—Editor*] legislation.

The Chair: Thank you.

The Chair: Seeing no further debate, we will call a vote on NDP-13. It is a motion on its own. I believe the law clerk has explained that to you.

Mr. Brian Masse: I call for a recorded vote.

The Chair: Okay.

(Amendment negatived: nays 5; yeas 4)

The Chair: We're going to move on to CPC-1.

Is there any debate on CPC-1?

● (0945)

Mr. Earl Dreeshen: With this particular amendment, we've tried to encompass all of the aspects that were spoken of before. We've specifically talked about national and ethnic origin. We did talk about disability status as being one of the specific issues. Just to tie a little bit into the other that we had just voted on, rather than stating mental or physical disability, we just speak about disability status and social economic status, and so on. These were different aspects trying to illustrate the fact that if we're going to have a diversity policy, we should be able to name various items that are associated with it.

That's really where we're at in the motion we have before us. It's obvious where we're going under these circumstances, so if anyone else wants to take up the charge, we can do that. I'm not sure if there are other members who are prepared to speak.

As we looked at this, we felt ours was inclusive. We spoke about aboriginal indigenous heritage as being one of the...

One of the things I pointed out years ago, when I was on aboriginal affairs and northern development, was the time that I spent in the north, speaking with business leaders.... This is where I was first amazed. When you go to some place that you're not familiar with, and then you start talking to people and you see the kinds of skills and talent that are there, and the great opportunities, especially if given the opportunity.... I was extremely impressed. I felt it was important to state that specifically in the amendment.

I'll leave it at that, and if others choose to go on, we'll do that.

The Chair: Thank you.

Mr. Masse, you're up.

Mr. Brian Masse: I would like to move an amendment to the motion. Hopefully, it will be friendly.

I would ask that after "disability", we include "sexual orientation" as well. I think, to be fair to this motion, it actually highlights aboriginal indigenous heritage even more clearly.

That's a friendly amendment, and I would like to speak to it when I get a chance.

Mr. Earl Dreeshen: I would agree.

The Chair: Thank you.

There is no further debate, so we will vote on the—

Mr. Brian Masse: No, I wanted to speak to the subamendment. I asked to speak on that when I can.

The Chair: I thought you just did.

Mr. Brian Masse: No. I moved it, but I didn't know if there was

● (0950)

The Chair: Okay. Sorry. Go ahead.

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

I'm thankful that this motion has come forth. I think it's important to have "sexual orientation" as part of this bill. It's just like my motion previous to this, although it maybe didn't highlight something as much. It does have "gender" here, so I congratulate the.... It's not a negative thing to add.

That's part of the overall thing, so this highlighting it a little bit differently is more consistent with practices. As I said, my motion was based upon Liberal legislation that was passed in the House of Commons. We've seen lots of Liberal legislation pass that didn't necessarily often reflect the entire, full House. It could have been a compromise. I think this is important, because again, it brings up the whole issue....

I'm speaking to just the subamendment, not to the main motion. With regard to the subamendment, we've seen incredible advances in society on gender acceptance and inclusion. I could point no further than my daughter's high school, where this is actually an asset in terms of celebration and openness. It also has dealt with, many times over, issues related to bullying and other things that have taken place. This is one of those things where there's been a greater acceptance in society. A lot of Canadians have come together to move this.

In the past, I saw this first-hand. I used to play in the Cabbagetown softball leagues. That was a program where I was one of two straight players who could actually play on the baseball team. You had to try out to make the team. I actually did, despite my not being the quickest player. At any rate, it was one of the best things I ever did in my life. That was during a difficult time, in the early nineties, when you had a number of people who would speak back.

In fact, with a previous employer of mine—this wasn't in the Windsor area—at one point an intervention took place on me because I was hanging out with somebody who happened to be openly gay at that time. People literally had me go to the boardroom, during business time, to tell me to stop hanging out with my friend because he was gay. That took place in the workforce in the early nineties, when I was this new employee.

I think this is very appropriate to be stated in this legislation, because we have no tolerance for that anymore. Things have changed, but that type of activity is happening still to some degree. It's not equal just yet. I would appeal to the Liberals to support this amendment I put forth, because we have to vote on the main motion eventually. I think this would be appropriate for the main motion to have. It would be very inclusive. I would be ashamed to vote on the main motion without this, and I appreciate the friendly stature of this amendment.

I'll leave it at that. I think it's self-explanatory, in many ways. For this particular motion right here, I think it's quite obvious that this should be unanimous, I would hope, in this Parliament. It would be a statement for us actually not to include that in considering the motion, in that we would be isolating that and saying it's not appropriate.

Again, it's consistent with the human rights code and consistent with the Liberal language that was placed in Bill C-16, which is in front of the Senate and which passed the House of Commons with a Liberal majority voting for their own bill. In fact, I don't think there was any dissension at that particular time. I would hope that this would be included for the debate that later takes place on the main motion. It would be odd to "gender divide", I guess, at this particular point in time, something that's a regular stream for what we do. This would be a major step back, I think, in the cause.

I will leave it at that, Mr. Chair. Hopefully we will have this to consider for the main motion.

The Chair: Seeing no further debate—

Mr. Brian Masse: I call for a recorded vote, please.

The Chair: Let me get to it. We'll get to it.

Mr. Brian Masse: Okay. Thank you.

The Chair: Seeing no further debate, we will be voting on the subamendment, which is....

Mr. Brian Masse: After the word "gender", we would include "sexual orientation".

The Chair: It's to include, after the word "gender", the words "sexual orientation".

We'll be voting on that subamendment. It will be a recorded vote.

(Subamendment negatived: nays 5; yeas 4)

Mr. Brian Masse: I have another subamendment.

The Chair: Mr. Masse, you're up, then.

Mr. Brian Masse: Instead of the words "disability status", I would ask, as a friendly amendment, for it to be "mental or physical disability status", and I'll explain that later. I'd ask to see if that's a friendly amendment.

I'll just briefly give my case for that. I don't expect it. This is what is being proposed, and I'd like to have the floor for it, just to hear about it. It is included, but I make this amendment so it's a little more specific. I do recognize that disability is included in this. I'm just looking for further definition. I'll explain why.

• (0955)

The Chair: Are you proposing a subamendment?

Mr. Brian Masse: Yes.

The Chair: Can you just clarify that, please?

Mr. Brian Masse: Instead of the word "disability" it would be "mental or physical disability".

The Chair: You want it to be "mental or physical disability".

Mr. Brian Masse: Yes.

The Chair: Okay. Thank you.

Seeing no debate, we—

Mr. Brian Masse: I do have some thoughts and so on here.

The Chair: Okay.

Mr. Brian Masse: Thank you, Mr. Chair. I won't be too long on this.

I don't know if it will be friendly or not, but this is about consistency with what has actually been passed in the House of Commons. There was quite a debate on this in the House of Commons, to get it through. It went through the several readings, then it went through committee, then it came back, and now it's in the Senate. I would hate for the Senate, in its consideration of this bill now, to ask why a committee of the government is voting against the definitions it proposed, which passed in the House of Commons.

It will be kind of interesting, actually, when the Senate finds out that we have basically gone against the human rights definition proposed by the government previously. I think they're going to have an interesting conversation. Questions will probably arise from the Conservatives in the Senate as well. I won't say that we unfortunately don't have Senate members, because we've chosen not to have Senate members. That's another discussion, and I'm not filibustering, so I won't get into that.

I do want to point out though that as this bill is travelling through the Senate it's going to be interesting to see how they actually see this, and whether or not this could mean some amendments to the bill coming back to the House of Commons. Then the House of Commons will have to deal with it. If the Liberals are being inconsistent with disability, gender, and all those things, as well as the things that I've proposed here on a previous Bill S-12, it will be rather interesting to see whether or not that has consequences. I'm getting a little tired of trying to do favours for the Liberals here, but at any rate, I think it's very important.

Now the distinct difference in this, in terms of mental and physical disabilities, besides the issue of it being consistent, is that there has been a lot of discussion in society about mental illness and its affect on the workplace. In fact, you've even seen corporations take that up as well, by raising funds and so forth. There has been a better distinction with regard to mental illness and awareness. Before, it was seen as shame and not coming forth. Now we've seen stars and celebrities come out with mental health expressions in terms of their own personal struggles. There is one Canadian, obviously, Howie Mandel, as well as others who have chosen at personal risk to come forward and be champions of this. Now it's getting a little bit more notoriety than ever before in the sense that an awareness is there.

Awareness is also taking place in the school systems. There was a lot of bullying taking place in the past that was often related to some mental illness problems, which can resonate even from the home. There's also a whole series of problems that we now have with the use of medications and where they go. This is an issue that's complicated, because it can affect getting access to medications that are correct for a person, and the use of those medications. One of the interesting things to watch, sociologically, over the last number of years has been the progression of mental illness, now being associated with the workplace.

Why I think this is so important for the boards of directors, and for the expression of this, is that it will show again that the most important thing is action, not words. Action on this will actually get corporations to identify those champions, if they want to self-identify. It won't make them do it if they don't want to, but they will self-identify with the mental illness, and it will count on the board. Say, for example, Howie Mandel or somebody else wants to go on a board and self-disclose, he'll be able to do that and that will show role models. One of the biggest things that has taken place with regard to any type of piercing of the establishment of rule-based systems that are racist, sexist, and discriminatory are role models.

Having this in the bill, in terms of medical and physical disability, will also be an identification source that we won't just pass on to regulations. For example, even here, if it weren't mentioned, it could potentially go unmentioned in the regulations. It's one of those ones that shows as a modernization and is very important.

Again, we can't underestimate how this bill can enforce legislation and information. We've heard testimony over and over again, specifically, that having quantifiable information will lead to that diversity.

I'll leave it there, Mr. Chair. I'm hoping that somebody else might want to chime in on it, but again, I think it shows leadership.

Right now we have all these days in ribbons on the Hill. We have so many ribbons that we wear for different things. One of them is for mental illness. Here's a chance for us to do something about it, so let's do it. All we're talking about is including this in the motion. The main motion is yet to be discussed.

•(1000)

This is the subamendment we're talking about, so it doesn't mean that you are agreeing that it will go forward just yet. You're asking for its inclusion.

The Chair: Go ahead, Mr. Dreeshen.

Mr. Earl Dreeshen: Because of my original motion, I had felt that the disability status would cover what we have, but I certainly do want to take a moment to speak to the subamendment that we have.

Many disabilities are invisible, and when we look at the number of people in this country who suffer from mental illness at some time—people do go in and out of this because of treatments, circumstances, and situations—I understand the significance of it, the importance of this. Having that included in it for discussion, I believe, is very important.

Originally I was at that stage thinking that this is self-declared. The board has to present all of this information publicly to the stakeholders. If we go through what the clause actually says and where we're going with this, it becomes a public disclosure portion of it. I'm not sure how the boards would do that. We do understand how you would do that as far as gender is concerned. Then are you kind of getting into the nitpicking side of this, or would a disability status be more inclusive?

I certainly do appreciate the statements that have been presented by Mr. Masse. Again, people who are on a board—and I say, tongue in cheek, the only way I might be able to get in there is by being able to state that is my condition. But from a serious standpoint, there are people who function very well but who also have other issues they

have to work through. As the discussion on mental illness has expanded, groups like Bell Let's Talk do an amazing job, and it becomes one of those issues that people are more understanding of. The words “mental illness” are significant. “Mental disability” is where I have a bit of a question, because I don't think society has got to the stage where people look at the term “mental disability” as being the same.

With physical disability, I could roll in here and have physical issues, but I could still function in a lot of ways. When you speak about “mental disability”, we haven't yet seen that, and I don't think society has quite got to that, but “mental illness” certainly is. I'd just add that to the discussion portion. I do believe it has merit. I would sooner see “mental illness” and “physical disability”, but I understand where the argument there is coming from, and words matter, but I'll allow Mr. Masse to expand.

Mr. Brian Masse: In the spirit of co-operation, I appreciate that too. I would be happy then with just “physical disability”. If we want to go forward with that, then I understand the arguments for that.

I would actually congratulate you. You have a good part of your bill with regard to official language preference, too. There are some good things that are in here as well, but related to this, “disability” or maybe “including physical disability”....

Let's just keep it as “disability status”. I'm fine. I'm going to vote the way I want to vote. I'm not going to do a subamendment and will keep to the main amendment. I understand that it may not be supported, but I'll just stick with what we have here, and that's fine.

The Chair: Then there is no subamendment.

Mr. Brian Masse: No—well there's one that I originally made. I don't think it's going to get support, but we can vote on that.

The Chair: Do you mean going back to “mental and physical”?

Mr. Brian Masse: Yes.

The Chair: Okay, we're going to vote on the subamendment where we will put in front that the proposed subamendment is “mental or physical” in front of “disability status”.

Are you going to ask for a recorded vote?

•(1005)

Mr. Brian Masse: Yes.

(Subamendment negated: nays 5; yeas 3)

The Chair: Back to the main amendment, I am not seeing any debate on that.

Mr. Masse.

Mr. Brian Masse: I have debate.

I want to highlight that the official language component that was proposed here wasn't included. I think that was a very thoughtful amendment, because now we're going through different models. I'd just point that out. It's good to remind ourselves. On this committee, we had Liberals who didn't want interpreters to travel with us. This is an important reminder that official languages are extremely important. They're consistent not only with what we do in the House of Commons, but also with the public. As we vote on the main motion, this is something we can have that's a little different and hasn't been noted here today.

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

The Chair: As I see no further debate, we will have a recorded vote on the main motion.

(Amendment negatived: nays 5; yeas 3 [See *Minutes of Proceedings*])

The Chair: We're going to move to amendment NDP-14.

Mr. Masse, that's yours.

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

I'm trying to provide some type of accountability in this measure of the bill. We're giving shareholders more information. Saying "at every annual meeting" is a big part of it, as well as proposed paragraph 172.1(1.1)(b), which reads:

if the corporation has not adopted a policy on diversity, the reasons for not doing so, and

This gets back to diversity.

I'll start at the beginning, in terms of switching gears here, because it is connected. Proposed subsection 172.1(1.1) reads:

The directors of a prescribed corporation shall place before the shareholders, at every meeting,

So they'll place the document in front of them at every annual meeting. It doesn't become something different from that. The amendment goes on to say:

if the corporation has adopted a written policy on diversity other than gender among the directors and among the members of senior management, a summary of its objectives and key provisions;

If they don't provide a diversity thing, then they're basically out of it. In this one, the information has to be readily there for the shareholders, which I think they would kindly support. As we've seen from evidence presented here, many corporations do not represent anywhere near the diversity of their shareholders. That's very important, because they will be there at the meeting if they so choose, and they'll be voting if they want.

Proposed paragraph 172.1(1.1)(b) reads:

if the corporation has not adopted a policy on diversity, the reasons for not doing so; and

This is in the notion of comply or explain to the minister, but it's also explaining to its membership. We could hear a whole variety of reasons, and for the most part, unfortunately, the minister doesn't want to hear those reasons and have effective response to them. They could be excuses or legitimate reasons, but they'll have to provide them.

So if there's no board turnover... That's one of the reasons I argued earlier about the amendment with regard to six-year terms and then a break, or at least a day's break, that would follow the next thing. Because they'll say that if the rules say there are limits, or whatever it can be, then they can at least say they've had no turnovers in the board positions. Or if there are board vacancies that are left unfilled, they can give the reasons. They might want to explain that. If they're not meeting any diversity targets, they can say, "We have vacancies, and the reason we're not having the vacancy filled is that it will be done in three months from now. That's when we're posting an advertisement. It just recently happened." At least people will have the information. It can be explained to them, so it won't be seen as a conspiracy or something else. It might be a legitimate reason, or it could be a position of the board that's unfilled.

They could also have another reason—which could be interesting for sociological research and also improvement—which is that there are no qualified candidates. We see that as an excuse against women all the time, that there are no qualified candidates; 50% of the population is excluded. I hear this often with persons with disabilities as well. When we have such a high unemployment rate, it's the perception, not the actual skill level of the individual that is the case. I would like to see that included.

Lastly is proposed paragraph 172.1(1.1)(c):

information, if any, regarding the last audit undertaken by the corporation with respect to diversity.

Again, it will present something they can actually measure. Measurables are important. It's one of the things that I've argued for in regard to the Canada-U.S. border, for example, that the industries start measuring these new practices with regard to the implementation of border programs, to find out whether, with goods and services, there are actually quicker and better response times, versus those of when a program is introduced, and to measure that over the years. Sometimes we have these programs, starting with the Manley-Ridge accord, where there are no measurables. This will provide an historical measure for it.

That's it, in summary. I don't think this is too inconvenient for corporations to do, and I think it brings in line some of the testimony received by witnesses. Otherwise, we probably won't have anything related to that.

● (1010)

The Chair: Thank you.

Mr. Dreeshen.

Mr. Earl Dreeshen: Thank you.

Brian talked about representation of shareholders and whether a board actually reflects its shareholders. The first thing that came to my mind is, when we're talking about diversity, are we speaking about a reflection of the shareholders or are we speaking about a reflection of the general public? I haven't seen that in any of the discussion, and I never really thought about it until you mentioned what you just mentioned. If your shareholders are everybody from Alberta, let's say, do you need—and I'll just keep it geographical—to have people from other parts of the country? You understand where I'm going with that.

I don't think we've talked about whether you're representing shareholders or whether you are out there representing the general public. That leads you into an entirely different discussion. I think corporations should have the flexibility to think about that when we look at it. I think it's there. I think it's part of the "explain" portion of it. I leave it at that. Of course the discussion about Bombardier and the things it had said it was going to do makes it easier. There are example out there for corporations to have that flexibility. I'm wondering, since it is your amendment, whether you have any views on that or what you think might go further.

The Chair: Mr. Masse.

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

Thanks for the question. I didn't define it as clearly as I probably should have.

Say, for example, you have some boards...and I'm looking at the greater Toronto area, for example, in which 32% of the boards don't have any women on them. Despite being 50% of the population, if they're shareholders or they're participants, they're not represented there. My point was that the company would then have to address that to some degree. It doesn't mean anything changes in that relationship; it just shows an example. It's just like, for example, in Montreal, where visible minorities make up 20% of the population but they represent only 2% of boards and senior management.

My point is that the company would be up there not looking like the shareholders. This would actually then at least provide some explanation, and it could be good for the companies to give the reasons why. It could actually lead to some positive things. For example, we saw some of the gender role model examples that were provided here at committee about mentorship and so forth. They brought in these programs. It might lead to that, but nothing is forced on them. It's just basically that if you look at Montreal, for example, with how diverse that community is and only 2% are in leadership roles, that's just screaming for its own separate legislation, really.

That's the intent. There won't be anything forced upon...but I think it would just highlight a little more the explanation process. I think that's probably where you get some of those gender programs specifically for women to get going in the mentorship models. That wouldn't even take legislation, because there is this obvious distinct difference between the two.

Hopefully that clarifies it.

Mr. Earl Dreeshen: I have just a quick comment. I'm trying to think of some umbrella company that would be there for women entrepreneurs or something of that description. If you took a look at the board, somebody would say it needed to have at least need 30% men on it. I guess that technically is the way in which that would go. I just point that out as a bit of a nuance that's there.

•(1015)

The Chair: Thank you.

Seeing no further debate, we will vote on amendment NDP-14.

Mr. Brian Masse: Could we have a recorded vote?

(Amendment negated: nays 5; yeas 4)

(Clause 24 agreed to on division)

The Chair: We are now moving to new clause 24.1, and amendment CPC-2.

Mr. Dreeshen.

Mr. Earl Dreeshen: Thank you, Mr. Chair.

In this particular amendment, what we are looking for is an opportunity to insert a time frame into this, and I don't believe that has taken place before. Basically we want to make sure that, as it says, within three years after the day it comes into force and every five years after that, a committee of the Senate and of the House of Commons undertake a comprehensive review of the section. The intent of this...and again there is discussion about how long it is going to be before we take a look at it. We just wanted to make sure that it was presented in part of the legislation, because that's the only way in which we as the House of Commons are going to have an opportunity to express our views and to see just what has taken place.

I'll leave it at that.

The Chair: Thank you.

Mr. Masse.

Mr. Brian Masse: Yes, this is an important amendment that's quite critical for a number of reasons, but it will take years for this bill to get reviewed. I have a two-year review, which has actually been supported before by past Liberal governments in terms of updating modern legislation that would become more of the routine, actually, and the standard. Some of them have passed relatively quickly through the House of Commons without anything.

This motion here that the Conservatives are proposing is a little different from mine, but it's quite similar. There is a difference and it deals with the fact that this bill has only been reviewed twice in 40 years. I liken it to a tumbleweed that's just basically been going across the plains gathering more and more dust, whereas this change right here will distinctly identify, during a time when we've looked at corporate fraud and we've looked at issues of shareholder rights and we've looked at issues of representations on the boards by women, visible minorities, and persons with disabilities, as being important features to actually be dealt with.

The problem that we face here is that right now if we pass this bill, maybe this week or next week, we are getting into a longer period of time that it then has to go through. Let's assume that perhaps we get this passed in March, because we have two break weeks coming up, I think. Is that correct?

The Chair: Yes. We have a break week next week, and then we have a couple of more break weeks.

Mr. Brian Masse: This is my own thought. Do we have witnesses booked for further legislation? I think we have another bill from the minister—

The Chair: It's Bill C-36.

Mr. Brian Masse: How many days have we scheduled for this bill here?

•(1020)

The Chair: We actually scheduled two days for this bill.

Mr. Brian Masse: Okay, so it's not likely that we're going to make it through to today, so do we want to convene for committee business to discuss whether or not...? I'm trying to figure out the timeline that we would have here, potentially, for this bill. I'm wondering whether we should convene that meeting for a business meeting to decide whether we're going to extend time for this or delay the other bill that's taking place. Would that be appropriate?

I move a motion that we then convene for discussions of committee business.

The Chair: Well, we do have time, but you put a motion on the table—

Mr. Brian Masse: Yes.

The Chair: —and that motion is to convene to committee business in camera at this point.

Mr. Brian Masse: I'd like a recorded vote to get an idea of where we're going, so to have a recorded vote on this is important.

The Chair: Okay.

Mr. Earl Dreeshen: Could I speak to that or is it too late?

The Chair: It's actually non-debatable at this point.

(Motion negatived: nays 5; yeas 4)

The Chair: We will continue on with CPC-2.

Mr. Brian Masse: Okay. Thanks, Mr. Chair.

The reason I was doing that was because I thought maybe we could figure out.... I'll just go by a guess that it might take another meeting in terms of looking at.... I'm trying to work through here in terms of the time frame for this motion because we do have a Liberal amendment coming up on this bill, as well as an NDP amendment. We have a two-year, a three-year, and a five-year potential review of the bill, so I want to get the time frame of when this actually takes place because I think it's really important, and I'll get to the reasons for that later.

As we walk through this, though, it's clear that the minister proposed this bill with no time frame at all. That's problematic because when you've only reviewed something of this significance two times over 40 years, especially given that they've had substantial majorities in that time period, the bill has received very little interest, in general, by the Liberal governments of the day. In fact, aside from some Conservative years, who were in power in the last decade, the vast majority of this bill's history has been under a Liberal government, which was under the Chrétien regime when I first arrived here.

My point is that if we're going to take a pass on dealing with it later the problem is that there has been very little interest by the governments to actually deal with it, and that's a criticism also of my Conservative colleagues. I know they have thick skin but at the same time we haven't dealt with this bill.

I wonder whether or not it's going to be a priority. Hence, when we look at the issues that we've dealt with here, be it gender equality for women, racial descriptions, or the issue over shares and things that have been isolated from this, I find the timeline for review one of the biggest concessions that we have to the minister to actually have some empowerment.

The empowerment comes through the comply or explain. If the comply or explain process fails us during this time period, which I want to go through here, then we're stuck, as opposed to...and this is where I want to highlight to members that we have had this happen. Bills for review have popped up on industry and other committees and they can take a matter of minutes to deal with, or they can be scoped as well, so it depends on what is proposed.

We don't have to deal with this entire amendment or entire act when it comes up again. We can deal with sections of it. It could be one meeting, it could be one hour, or it could be full hearings if we find, for example, that the comply or explain model isn't working, or maybe it's working very well and then we don't have to do anything.

The problem we have here with the time frame—and I'd be curious to eventually see what the Conservatives have with regard to this—is that it comes into force and every five years the Senate and House committees may be designated. It's within three years after the day on which proposed section 172.1 comes into force and every five years after that.

Let's be clear on what is being presented to us here. It is three years and five years after that. The five years is very consistent with that of the Liberal proposal that's being amended.

Sorry, which amendment number is that?

• (1025)

Mr. Majid Jowhari (Richmond Hill, Lib.): It's Liberal-7.

Mr. Brian Masse: Liberal 7, thank you.

I was asking for two years, which I would secede if we get this done. I don't need to go through for a year difference. I think that's fine. All the Conservatives are really asking for here is having a quicker first review of the legislation the first time it goes through. That's really important there because after that it's five years. We have a chance, then, after three years. I don't think it's going to be this Parliament but it will be the next Parliament at the beginning that will do so. That was kind of my difference of it but I understand that by the time this actually gets through, gets implemented, and everything—and I'm going to walk through that—all that we're talking about in the debate here is two years, a two-year difference between what the Liberals are considering and what the Conservatives are putting forth here, and for the NDP it would have been three years. We're not off by much with regard to these amendments and motions. They're very clear.

Why do I think it's important? For example we have these issues. Obviously the minister thought this was important enough. He came to this committee and he presented us with testimony. He said, "Achieving greater diversity on boards and in senior management is an achievable and realistic goal." He also said, "Under-representation of different segments of our population and business is a drag on Canada's bottom line." So it's not simply the right thing to do, but it is also good for business.

As well, we've had committee members here on the previous definition on diversity. I won't read that because it's a little bit different, but we've had these political statements made, including most recently with Minister Bains with regard to the inclusion of International Women's Day and diversity. He issued a press release, again, and there was a media advisory before it, that, "Canada benefits when more women reach the highest levels of achievement."

I won't read it again because I've already read that into testimony, but I thought it was interesting that it has gone out.

What the Conservatives are proposing here is basically a three-year instead of a five-year review. That is important because we can have that review more quickly and in a reasonable time. I prefer the two years, myself, but let's walk through this.

Say, for example, this bill gets passed. This is why I was talking earlier about our schedule and I thought it would be important for us to meet. Let's assume that we can get this done in March, or it might be at the end of this meeting, or it might be at the beginning of the next week when we come back, but we still have a bunch of weeks that we break so we go into April.

I think that in April, if I'm correct, we have two weeks off in April. Is that not two weeks for constituency?

The Chair: Yes.

Mr. Brian Masse: Okay. The House is sitting for only two weeks, so say, for example, that we get this passed at this committee, maybe in March, or at the next meeting, whenever it might be, or at this meeting if possible. We would then have it go from here to be reported back to the House of Commons.

Maybe we can get the parliamentary secretary to talk to us about this. I would ask him how long, once we have it finished here, it would be before the government would then table this in the House of Commons. Could I cede the floor for information, if he's willing, and then get the floor back? How do we do this procedurally?

The Chair: Go ahead. Answer the question.

Mr. David Lametti: My understanding is that as soon we're done at this committee, this will be tabled in the House of Commons. There's some preliminary agreement amongst all three parties to have this in front of the House next week when we're done with it.

Mr. Brian Masse: Yes. I don't know about this preliminary agreement. It would be interesting if... I'll follow up with our House leader as well.

Mr. David Lametti: Yes.

Mr. Brian Masse: That's not the understanding I have, not by any means.

At any rate, it's still going to take some time to wind through the House. I guess the decision, then, that the Liberals have is that we would either have it wind itself through the House of Commons again for—

The Chair: Can we actually stick to the motion...?

Mr. Brian Masse: It is, because I need to walk through the timeline of how long this is going to take. We have to go

through, realistically, how long this is going to take. That's relevant to this. This is relevant in terms of two, three, and five years.

The Chair: We're dealing with the motion that's on the floor.

Mr. Brian Masse: Yes, and that is about whether or not we have a review in three years—

The Chair: There are two other similar motions on the table as well.

Mr. Brian Masse: Yes, and I'm going to walk through timeline here. I think it's fair for me to do.

There are three amendments that talk about deadlines and dates that are different in terms of this legislation being presented back to the public in the House of Commons. I think it's important for the record and for us to fully understand the approximate length of time it's going to take. There's a process here. I get a chance to explain or to at least even ask some questions later on for that, which I did....

That's why it's very important. In my opinion, it affects both the relevancy about the identifiable groups and how decisions that will be made are enforced in Canada related to gender boards, whether that's related to the other parts of the bill that have been ruled out of order—and that's fine, as some of it hasn't been ruled out of order—and what the expectations are for the compliance, as explained.

I want to walk through exactly how long this takes. I've been trying to get there. It's important because, right now, if we go into April in the House of the Commons for this, we will have May and June. May and June have longer sitting times, so there is a good potential for this to possibly exit the House before the summer. That's depending upon.... Actually, the reality is that in 2017 it can get through before summer, because at that point in time, the Liberals could use closure on the bill. They could use closure motions on the bill. That could take place—

• (1030)

The Chair: Mr. Masse, we're working on this amendment.

Mr. Brian Masse: Yes, and the—

The Chair: That's what we need to focus on. It's going to take however long it takes.

Mr. Brian Masse: No, not—

The Chair: We cannot answer that question right now.

Mr. Brian Masse: No, but I can talk about the reasons why I support this motion, and I do, because in there it has this, "Within three years after the day on which" this section comes into force. I am entitled to my right to explain what that potentially means in terms of it coming into force. That is very relevant and germane to this discussion—

The Chair: Nobody is taking that right away from you—

Mr. Brian Masse: I'm trying to work with that now.

The Chair: We're dealing with the motion right now.

Mr. Brian Masse: I am dealing with the motion, and I quote:

Within three years after the day on which section 172.1 comes into force, and every five years after that, a committee of the Senate and...the House of Commons as may be designated or established by the Senate and the House of Commons for that purpose shall undertake a comprehensive review of that section.

What this is talking about is when that happens, so I'm working through the problems and why I believe we need a quicker review, because that process that we talk about in new proposed section 172.2 is germane to when it comes up. That's why the compressed—

The Chair: The question was asked to the parliamentary secretary.

Mr. Brian Masse: Right, and then so that's—

The Chair: He stated that as soon as this is passed it will go to the House—

Mr. Brian Masse: Right, and then—

The Chair: —so I'm not quite sure where you're—

Mr. Brian Masse: It was because—

The Chair: What more information are you looking for?

Mr. Brian Masse: No, it isn't information.

This is my commentary on that, my explanation. I asked that for clarification. That's why I wanted to go to another meeting, to try to get clarification as I go through the potentials of how long this is going to take. This is very germane to this bill because it is quite indicative of when we can review it. We are legislating the time frames here. We are legislating when we can actually review this bill. That's important to me, because there's a big difference between two years, three years, and five years. We need to go through the numbers here. It's 2017, and that's why I was focusing on.... I can see the time going into the summer here, because they can put closure on it. After that, it still has to go to the Senate. We're not dealing with this bill.

This bill will not take effect until September of 2017. That is when it's in the Senate, okay? It goes into the Senate. We don't know how long it will take in the Senate, but we can do a general estimate. The Senate could take a half a year on the bill. It could take whatever, but we're likely not to see.... On average, Senate bills take more than a month or two. You're going to see that probably not take effect until 2018.

I do have a question to Mr. Schaan about that because I want to find out how long the regulation process takes.

The Chair: He'll be right back.

Mr. Brian Masse: We'll just wait, then, because I want to know how long the regulation process is going to take for that. I think it's important. It's very important.

The Chair: It's quite clear that we're not going to finish this today.

We'll wait for Mr. Schaan to come back to answer your question, but I guess we're going to have to continue on at our next meeting, which is Tuesday, March 21. Whatever we have scheduled for that day, we will have to push that. We will continue with Bill C-25 on March 21.

Mr. Brian Masse: Mr. Schaan, I'm sorry.... To be fair, I didn't even know you were gone. You're very polite.

What I am looking for is how long a regulatory review process takes. You may not be able to determine this one exactly, but can you ballpark it for us in terms of what takes place from it being gazetted? Say the legislation passes the Senate, gets royal assent—it has to go

through royal assent—am I correct that the regulatory review process then takes place? How long would it approximately take?

• (1035)

Mr. Mark Schaan: The Treasury Board guideline for the regulation-making process is between 12 and 18 months, depending. There's a normal comment period for CG part I, and then a normal comment period for CG part II.

Mr. Brian Masse: We're now into 2018, if it clears the Senate and gets royal assent. We're looking at a year to a year and a half before we get the regulatory review coming back. That makes it 2019. We'll give them half a year, if that's.... We don't know how long it's going to take.

To Mr. Schaan, again.... I'm sorry. Listen, I'm the lone seat here, so I know how it is when you leave the seat. I have to look strategically to find and get coffee.

Is that like reporting back and then it's enacted as law?

Mr. Mark Schaan: Yes, all the way through.

Mr. Brian Masse: It doesn't include anything Parliament has to do. It's just done.

Mr. Mark Schaan: That's all the way through from the beginning to the OIC approval of the new regs.

Mr. Brian Masse: Okay, so 2019 is what we're looking at.

Mr. Speaker, my point is that 2019 is probably a good guess, depending on what takes place. As I said, the half year I've given in there as an advance has to be conservative, so to speak, of the time frame—or expedient. You add three years onto that and....

This is another question, Mr. Schaan. With the regulatory review, we're at 2019, then 2020, 2021, 2022. Say it's a three-year review, or say it's a two-year, three-year, or a five-year.... Regardless of the years, what takes place at that time? Does the legislation just hatch?

Mr. Mark Schaan: I'm not sure I follow the question.

Mr. Brian Masse: Okay, so it comes up for review—

Mr. Mark Schaan: Yes.

Mr. Brian Masse: —at that time period. Does it automatically come for review now in the system, and how long can that take before it actually gets to Parliament? Say, for example, on January 1 it comes into effect and it's due for a review. What's the process of getting it for review in front of committee?

Mr. Mark Schaan: It depends on what the mechanism that's placed in the act is, so there are a number of mechanisms for review in an act. In this particular case, depending on each of the three motions, each one of them has a different mechanism. For this one it says, "every five years after that, a committee of the Senate and the House of Commons as may be designated or established" following the coming into force.

So there would be a designation being done by the Speaker to a committee.

Mr. Brian Masse: Okay. What about my amendment on this or the Liberal one? I believe mine is similar to the Conservative; I could be wrong, though.

Mr. Mark Schaan: I think yours are roughly similar.

Mr. Brian Masse: Then, if there's any difference in the Liberal one...?

Mr. Mark Schaan: They're all to be referred to a committee, so it would be a decision of the Speaker immediately at that point.

Mr. Brian Masse: We would just need to have Parliament, obviously, sitting, so it requires Parliament to be sitting, and then since it's sitting, it just goes to the Speaker from somebody from the department or somewhere. Who identifies...? For example, it's not Mr. Regan anymore. I hope it is, but at any rate, as a deputy speaker for an NDP government, but that's another story.

At any rate, who brings it to them, and what's the time frame for that? How does it not get lost if there's no government or a changing government?

Mr. Mark Schaan: That's a parliamentary procedure question that may be better handled by the legislative clerk than me.

The Chair: Can you repeat that question, please?

Mr. Brian Masse: Okay.

The bill ends, and it's the time frame, whether two, three, or five years. How does it get brought to a sitting Parliament and a non-sitting Parliament? What are the time frames for that? Who enforces that it actually comes up again? It is law, but I'm wondering if and how it can escape that process somehow. What do you do if there is no Speaker or the House is not sitting? What are the time frames, and then how much time does the Speaker have to actually bring this awareness to the House of Commons?

• (1040)

Mr. Philippe Méla (Legislative Clerk): I can take a crack at it.

I'm not sure there's any enforcement mechanism. It's up to the department, I suppose, to report. If they don't do it, and as parliamentarians realize that the reporting mechanism wasn't made, they could bring it up to the Speaker, I suppose, and make it happen. Aside from that, I'm not so sure how the mechanism works.

The Chair: To further add to that, we've had cases where other parliamentarians have actually requested the review, and it's had to go through different committees. That is the potential mechanism so you could, theoretically, come back at that review point, and if you're not seeing action, you can write a letter saying this is the time for review. We've had that in this committee as well.

Mr. Brian Masse: That's actually quite helpful. So there's nothing that automatically then triggers it to happen, but it creates the potential then, I guess, for that. I guess it puts it in a system to be raised, so it kind of creates it as on-the-shelf ready for the minister or any parliamentarian.

The Chair: I think that's correct.

Mr. Brian Masse: Thank you, Mr. Chair. That's very helpful.

I guess we need Parliament in session at that particular time to have that take place. When we look at where we're at right now, 2017.... This is why it's important, and I appreciate the questions about it. Why I wanted to walk through this is that it is actually a five-year process in itself, so that's if we did it and we started doing it right away. Adding, then, another level to this—

The Chair: That's been stated plenty of times.

Mr. Brian Masse: Yes. What I want is a quicker process for that. That's what it's about for the two- or three-year process that comes into place. It is just going to take that amount of time once it gets active. If we activate it earlier, then you're going to get a quicker return to the House of Commons.

The Chair: Are you proposing a subamendment?

Mr. Brian Masse: Yes.

I'll actually look for an amendment to say "two years".

The Chair: Okay.

Mr. Dreeshen.

Mr. Earl Dreeshen: Just speaking to that part, I think Mr. Schaan mentioned the date and how once it comes into force...and he is indicating that it's going to take 12 to 18 months for everything to go through gazetting and regulations and to be out so that corporations are then being forced to move on this. I would think that as we would have that first review and discussion, all you would be able to get from that is, okay, we did it, and here it is. I don't think you'd have an opportunity to see what would be happening in the business world or to see whether there is any.... That's why the suggestion for three years was put in there. If you drag it out to five years, you don't get to see what happens immediately. It's the first push that's going to be significant. That gives you at least another 18 months. You might have more if they get their act together and get the regulations done earlier and so on. That's the reason we chose three years, just to speak to that part. That was our rationale.

The other part was of course to get it beyond an election, so that a new Parliament would take a look at it so that we could go down that road. This was something the previous government presented to try to make sure that diversity was being respected in corporate boards. I respect Brian's experience; he's been here a long time under Conservative and Liberal governments. This was something that we as a Conservative government felt was very significant and very important. I would hope one would see from some of the things we've tried to include in previous amendments that this is something that reflects our position and philosophy.

The Chair: We're out of time.

Just to clarify, we are continuing with Bill C-25 on the 21st. Any business that was previously scheduled will now be bumped forward to another time.

We're good. The meeting is adjourned.

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