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# **Standing Committee on Industry, Science and Technology**

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**EVIDENCE**

**Tuesday, December 12, 2017**

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**Chair**

**Mr. Dan Ruimy**



## Standing Committee on Industry, Science and Technology

Tuesday, December 12, 2017

• (1205)

[English]

**The Chair (Mr. Dan Ruimy (Pitt Meadows—Maple Ridge, Lib.)):** We're back.

Monsieur Bernier, you have the floor.

[Translation]

**Hon. Maxime Bernier (Beauce, CPC):** First of all, we have before us the motion for which I gave notice on November 23:

That the Committee review the *Bankruptcy and Insolvency Act (BIA)*, the *Companies Creditors Arrangement Act* and the *Investment Canada Act (ICA)*; and that the Committee invite relevant stakeholders to appear before the end of 2017 in order to provide members with information about the impact on pensioners of companies involved in bankruptcy proceedings such as Sears Canada and U.S. Steel.

I gave notice of this motion in November so that we could study it before the end of 2017. Today is December 12, 2017. I would like to note before the Committee that, twice, I tried to have this motion passed but to no avail.

I am still pleased that we are now taking the time to talk about it. At the same time, I am disappointed that we do not have time to discuss the issue before the end of 2017, because a number of pensioners of companies like Sears Canada are very worried about their pensions and would like the committee to study the matter as soon as possible.

However, what is most important, in my opinion, is that we can talk about it and that, if this doesn't happen before the end of December, it at least happen during 2018. I would like the committee to pass the motion.

I will therefore await the recommendations of my colleagues.

[English]

**The Chair:** Mr. Julian.

[Translation]

**Mr. Peter Julian (New Westminster—Burnaby, NDP):** Thank you, Mr. Chair.

I strongly support this motion. The only obstacle is obviously our time frame. We cannot meet on the issue before the end of 2017 unless we organize meetings before Christmas or on Christmas Eve. However, were we to hold such a meeting before the end of February 2018, that would give us the opportunity to invite witnesses.

This question is certainly an important one. I hear about it from people in my riding, New Westminster—Burnaby. These are former employees of Sears Canada. There, the bankruptcy has an impact on their pension.

I believe that, were we to ask Canadians if they wanted us to undertake this kind of study, the answer would be a resounding yes. They would say that it is essential to do so.

I support this motion, in the hope that we will be able to amend it to set a more appropriate time frame.

[English]

**The Chair:** Mr. Longfield.

**Mr. Lloyd Longfield (Guelph, Lib.):** I appreciate the efforts to get this in front of the committee. I'm really pleased that we were able to finish the reports we were working on. We did that together. We met with the chief science adviser, and that was a productive meeting as well, so we did some good work in the meantime.

When we look at this study in relation to specific cases that are before provincial and federal courts, we don't add value at that point. Our value is in looking at the act itself to set the strategic direction and to have direction that we can give the review agencies that are tasked with working with specific cases.

Exactly a year ago today, the INDU committee was given the opportunity to review Canada's insolvency laws. It was called "Fresh Start: A Review of Canada's Insolvency Laws". On December 12, 2016, we looked at that as a committee, and said it's a statutory review. We decided at that time that we weren't going to do the review. The next review period comes up in 2019, which will be a detailed review. It will take some solid study, as we were discussing with the potential study on copyright.

At this time, I don't see a lot of changes other than the cases before the review commission, but that will go on every year. Every year there will be some bankruptcies that get contested, and it's a question of what changes need to happen within the act. Last year, we didn't see any need for changes. All parties agreed we were just going to go ahead with the act the way it sat, so I would prefer to study it during the normal statutory review period of 2019.

• (1210)

**The Chair:** Is there any further debate?

Seeing no further debate, we'll vote.

**Mr. Matt Jeneroux (Edmonton Riverbend, CPC):** Make sure that it's a recorded vote.

**The Chair:** Okay.

(Motion negatived: nays 5; yeas 4)

**The Chair:** Do you want to do the other one too? We have time.

We have a second motion before us.

**Hon. Maxime Bernier:** Yes. The motion is:

That the Standing Committee on Industry, Science and Technology conduct a review of Canadian Standards Association (CSA) as a regulatory entity mandated with the drafting of a variety of safety and engineering legislation in Canada, in addition to the entity's behaviour within the market as private company; and that the Committee reports its findings to the House.

Why am I asking for that kind of study?

We all know that CSA is a regulator and also that CSA is working as a private entity. I received some feedback from people across the country who are saying that the CSA acts in the market as a monopoly. They are charging fees for some of the regulations they are asking other industries to implement.

They're in charge of the regulations for elevators, things like that, very detailed regulations. The private sector has to follow that, but we don't, as a government, vote for that. It's a private entity, but it has been in force in the private sector, so I think that we have other corporations that are questioning the board of the CSA. We must have and they don't have people outside this—such as Industry Canada—on the board of CSA and other private people. It's the same people for a couple of years now.

I want to ask a lot of questions about their transparency, about the board, the way they operate, the way they approve the new regulations, and the consultations that they're doing with their new regulations.

That can be interesting for the committee to have a look at.

**The Chair:** Are there questions? Is there debate?

**Mr. Lloyd Longfield:** I was a little surprised by this one. What you're saying helps. The other countries have very similar organizations that operate as the exclusive safety standards regulator, like the UL in the United States and the CE in Europe.

I'm not sure how we're different from those groups, how they are operating, how the fees are set, and transparency. I'd like some time to look at that.

Could we have a little bit of time to look into that, so that we can see how solid this study could be? I haven't had a chance to look at that yet.

•(1215)

**The Chair:** Let me add something to this, which I found interesting. I was asking the analyst whether this is under our purview and he said yes. He said this is actually a copyright issue.

**Mr. Francis Lord (Committee Researcher):** They have the copyright to the standards. That's why.

**Hon. Maxime Bernier:** They own the copyright. There's a lot of concern at the same time with the way the board is acting when it is consulting. I agree with Lloyd, we should take some time to look at it. We can invite them to discuss our copyright as well, or something like that.

There's a problem with the structure, and some of the people that are managing the corporation. I'm not questioning the idea of having a safety regulator, but I'm challenging the way they are carrying out their functions.

**The Chair:** Mr. Longfield.

**Mr. Lloyd Longfield:** In my previous life, I worked with CSA to approve products that we were manufacturing in Canada. There's also ULC, where you can get joint approvals on both sides. If it does fall within copyright, it could be an interesting thing to get a briefing on how it is governed.

**Hon. Maxime Bernier:** Mr. Chair, we can take some time to look at it. Maybe, when we are back in January, we'll have a discussion if we need another study specifically on that, or include a motion for other studies that we would be doing on copyright.

**The Chair:** We'll have Mr. Baylis and then Mr. Sheehan.

**Mr. Frank Baylis (Pierrefonds—Dollard, Lib.):** To Maxime's point, and what Lloyd touched on, Underwriters Laboratories has ULC. It's not a monopoly. You can go through ULC. You don't have to go through CSA. CSA has always been problematic in terms of take it or leave it.

I wouldn't be against looking at it from a copyright perspective, but for us to think we could drill down and change something so fundamental and ingrained as how CSA works.... It's completely in line with UL and ULC, and these other regulations.

I'd be open to it if it touched on the rights and regulations they own, and how much they sell them for. That's something I could look at. A structural thing on the CSA would be very heavy to look at. It does not have a full monopoly, although it behaves like that.

**The Chair:** Mr. Sheehan.

**Mr. Terry Sheehan (Sault Ste. Marie, Lib.):** I've worked with the CSA in my previous life through the trades and some other things, and what it does with the training standards. Various tradespeople have to be up on their standards to be able to fix elevators or whatever. I agree with that premise. You introduced it as a notice of motion. We could bring it back and see if it's covered under copyright or something else.

**Hon. Maxime Bernier:** It's the structure of the fees that are being charged. That was the question raised with me. If we can have a look at it, we can have another discussion when we're back.

**The Chair:** We can resume consideration when we return in January.

Mr. Julian.

**Mr. Peter Julian:** I would like to thank the committee and wish all the members a merry Christmas. You're a very warm group. As a replacement coming here, I always receive a warm welcome.

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

On that note, happy holidays to all, merry Christmas, happy Kwanzaa, happy Hanukkah, all that kind of good stuff.

The meeting is adjourned.







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