



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

43rd PARLIAMENT, 2nd SESSION

Standing Committee on Government Operations and Estimates

EVIDENCE

NUMBER 030

Monday, May 10, 2021

Chair: Mr. Robert Kitchen



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• (1530)

[English]

The Chair (Mr. Robert Kitchen (Souris—Moose Mountain, CPC)): Good afternoon, everybody. I call this meeting to order.

Welcome to meeting number 30 of the House of Commons Standing Committee on Government Operations and Estimates.

The committee is meeting today from 3:32 to 5:32, Ottawa time. We will hear witnesses as part of the committee's study of government's response to the COVID-19 pandemic.

I'd like to take this opportunity to remind all participants to this meeting that screenshots and taking photos of your screen are not permitted.

To ensure an orderly meeting, I would like to outline a few of the rules. Interpretation of this video conference will work very much like in a regular committee meeting. You have the choice, at the bottom of your screen, of either floor, English or French audio. Before speaking, please wait until I recognize you by name. When you are ready to speak, you can click on the microphone to activate your mike. When you are not speaking, your mike should be on mute.

To raise a point of order during the meeting, committee members should ensure that their microphone is unmuted and say "point of order" to get the chair's attention.

The clerk and the analysts are participating in the meeting virtually today. If you need to speak with them during the meeting, please email them through the committee email address. The clerk can also be reached on his mobile phone.

For those who are participating in the committee room, please note that masks are required unless seated and when physical distancing is not possible.

I will now invite the TBS witnesses to make their opening statements.

[Translation]

Ms. Marie-Chantal Girard (Assistant Deputy Minister, Pensions and Benefits, Treasury Board Secretariat): Thank you, Mr. Chair.

In the spirit of reconciliation, I would like to begin by acknowledging that we are speaking to you today from the traditional unceded territories.

My name is Marie-Chantal Girard, and I am the assistant deputy minister of the pensions and benefits sector. I am joined by Tolga Yalkin, assistant deputy minister of workplace policies and programs at the Treasury Board Secretariat.

In mid-March, many of the nearly 300,000 federal public servants began working from home virtually overnight.

Many continued their day-to-day tasks, delivering information, programs and services to Canadians.

[English]

A number of them were also asked to take on new work to support the government's response to the pandemic, including implementing public health preparedness and response measures, supports for citizens and businesses impacted by the crisis, and much more.

For example, more than a thousand federal public servants volunteered to staff the call centre for the Canadian emergency relief benefit.

Many other public servants are continuing to play an enabling role in supporting the delivery of government programs and services, including building up and maintaining a reliable information technology infrastructure to support remote work.

At the Treasury Board Secretariat, officials continue to support the government's response to the pandemic. They are managing the supply cycle of government planning and reporting, providing guidance to deputy heads for the management of human resources, and providing policy directions to departments in a whole range of other areas.

• (1535)

[Translation]

My colleague and I are here to answer your questions related to the human resources management of the public service during the pandemic.

[English]

The office of the chief human resources officer has been providing guidance to deputy heads on overall human resources management throughout the pandemic. In doing so, we continue to be guided by the advice of public health authorities, including the Public Health Agency of Canada and Health Canada's public service occupational health program, on all issues relating to the COVID-19 pandemic, including vaccination.

[Translation]

Like all Canadians, the vast majority of federal employees have already been or will be vaccinated according to the vaccination program in the province or territory in which they reside.

[English]

In light of the prevailing public health guidance, public service employees will largely continue to work remotely for the foreseeable future. For employees in key federal workplaces, the Government of Canada is expanding the use of rapid tests for screening purposes. Those in workplaces where there is a higher risk of exposure will be offered rapid tests on a voluntary basis, administered by trained personnel.

[Translation]

Within the Office of the Chief Human Resources Officer, there is an acknowledgement that, beyond the immediate physical health risks posed by the global pandemic, there are, and will continue to be, both short- and long-term psychological impacts for employees in the public sector, just as we are seeing in the broader Canadian society.

[English]

Steps continue to be taken, and active communications through a number of avenues are ensured so that public servants are aware of the supports available to them. These include enhanced access to mental health support, tools and guidance, and information and training sessions to help them navigate the challenges they face.

[Translation]

Temporary changes were made to the federal public service health care plan, expanding the list of covered service providers to include psychotherapists and social workers, and removing the requirement for a prescription for required paramedical services or extending the validity of the current prescription.

[English]

Temporary measures were also put in place to facilitate more flexible and alternative work arrangements and to support employees who are unable to work remotely. In addition, the COVID-19 and mental health virtual resource hub was launched. It provides free and accessible resources, supports and tools for employees, and is open to all Canadians.

[Translation]

While we continue to prioritize mental health and apply a mental health lens to much of what is done, employees face different mental health issues in their day-to-day environment. The goal is to ensure everyone finds the support they need.

The pandemic has not impacted all Canadians equally. In the federal public service, diversity, accessibility and inclusion are a priority, and much work remains to be done.

[English]

At the Treasury Board Secretariat, a number of actions have been taken over the past year to support departmental efforts in this area: first, the publication of new disaggregated workforce data and, last month, the launch of a new online interactive data visualization

tool; second, the creation of the centre on diversity and inclusion in the office of the chief human resources officer, which leads new and innovative initiatives, does recruitment and talent management, and coordinates and co-develops solutions with stakeholders; third, the launch of the federal speaker's forum on diversity and inclusion to provide a platform for diverse public servants to share their lived experience; and finally, the implementation of the mentorship plus program, which pairs employees from diverse backgrounds with executive mentors and sponsors.

• (1540)

[Translation]

Public servants provide important programs and services to Canadians, and we are continually looking at ways to improve supports and resources available to them.

As has been the case thus far, any guidance on return to work sites will be guided by science, and developed in collaboration with deputy heads and in consultation with bargaining agents. We will, of course, adjust as the science evolves.

With that, we would be happy to answer questions members may have.

Thank you, Mr. Chair.

[English]

The Chair: Thank you, Ms. Girard, for your opening statement. I appreciated it.

I would like to remind everyone on the committee that if you want to speak in both languages and go from one to the other, please pause for a second as you go to the second language, so that the interpreters can have a moment. It's to make sure we don't miss much in the interpretation. Thank you very much.

We'll now start with Mr. McCauley, for six minutes.

Mr. Kelly McCauley (Edmonton West, CPC): Thanks for being with us today.

When will the public service employee opinion survey be published? The website says it will be spring of this year.

Mr. Tolga Yalkin (Assistant Deputy Minister, Workplace Policies and Services, Treasury Board Secretariat): The results of the survey will be out in fairly short order. I don't have a pin-point—

Mr. Kelly McCauley: What's "fairly short order"? When will it be out?

Mr. Tolga Yalkin: Mr. Chair, as I said, I don't have a pinpoint date for its release. Before we convened for this meeting, we conferred with our colleagues who are analyzing the results that were collected over the period that this survey was provided to public servants, and it should be fairly shortly. We'd be happy to update the committee as soon as we have a specific date.

Mr. Kelly McCauley: Okay, thanks.

I want to go over to the use of 699.

How are the second and third waves—and it's mostly Ontario I'm talking about, because that's where the bulk of the public servants are—affecting the use of 699? Have we seen an increase at all with the two waves that have hit?

Ms. Marie-Chantal Girard: We report on a monthly basis on the use of 699, but it takes about six weeks to process the data. We've seen that following the peak we had a sharp decline in the use of 699, and in January, the last period we reported on, we saw a slight increase following the closure of schools.

Mr. Kelly McCauley: Are you seeing an increase right now?

Ms. Marie-Chantal Girard: January was the last month—

Mr. Kelly McCauley: What are you seeing right now?

Ms. Marie-Chantal Girard: The data was sent and is currently being processed—

Mr. Kelly McCauley: You haven't seen any of the data yourself.

Ms. Marie-Chantal Girard: Not since the report of January 2021.

Mr. Kelly McCauley: Help me out. If you're working from home, how would you be on 699? How would such a wave affect you if you're working at home? You said you saw an increase with the schools closing.

Ms. Marie-Chantal Girard: Yes.

We saw the use of code 699, other leave with pay, vary during the pandemic. At the beginning, of course, setting up, having the right technology—

Mr. Kelly McCauley: No, I realize that. I mean right now, though.

Ms. Marie-Chantal Girard: Yes, right now, for example, because of social distancing and the confinement restrictions, if you don't have anyone to take care of your family—

Mr. Kelly McCauley: If your kids are at home with you, you can claim 699.

Ms. Marie-Chantal Girard: No, not necessarily in a direct way. The 699 code is—

• (1545)

Mr. Kelly McCauley: In an indirect way?

Ms. Marie-Chantal Girard: After you've discussed with your manager that you've explored other work alternatives, flexible work hours, and also using other leaves that were available to you, after those options have been looked at, if there are no other possibilities, then the use of 699 is allowed.

Mr. Kelly McCauley: We still see claims for 699 because of technological or work limitations. It's been a year now. How are we

still having public servants claiming pay for not working because of technological or workplace limitations? What are those numbers? How many FTEs would you think?

Ms. Marie-Chantal Girard: I don't have the number. I have the number of 699—

Mr. Kelly McCauley: Maybe you could provide it for us.

Ms. Marie-Chantal Girard: Yes, we could, but the breakdown right now indicates that, although it was the primary reason at the beginning, it's not anymore.

Mr. Kelly McCauley: I realize that. That's why I'm asking why it's still being used after a year. Are we just not able to provide technology or access to public servants? Maybe you can get back to us.

Ms. Marie-Chantal Girard: Yes.

Mr. Kelly McCauley: In November 2020 there was a change in 699 about sick leave, and employees were required to use up their sick leave before going on 699. I understand that's being grieved by the various unions. Can you update where we are on that grievance?

Ms. Marie-Chantal Girard: Right now, when I look at the number of grievances—

Mr. Kelly McCauley: No, I'm talking about the specific grievance about the change of November 9, 2020.

Ms. Marie-Chantal Girard: I don't have the specific breakdown of when the November 2020—

Mr. Kelly McCauley: Are you aware of the grievances?

Ms. Marie-Chantal Girard: I'm aware there are policy grievances and individual grievances.

Mr. Kelly McCauley: Starting November 9, public servants were supposed to burn off their accrued sick leave first before claiming 699. I wonder how many days have been used that way. Can you provide that for us?

Ms. Marie-Chantal Girard: We'll look into it and get back to the committee on that specific question.

Mr. Kelly McCauley: I have a couple of quick questions. I'm almost out of time.

You mentioned temporary measures put in place to facilitate more flexible, alternate work arrangements and support employees unable to work remotely. What are some examples of those measures?

Ms. Marie-Chantal Girard: For employees who weren't able to work remotely, we've been working very hard to provide them with adequate equipment or improve their access to a secure system. We've also provided equipment, if they needed it—if they were under a duty for accommodation directive—so that they had the right equipment and would not fall sick when working from home.

We've also looked at the working hours, being mindful that sometimes in a couple, both are working for the federal government, so we made arrangements so they could stay productive while taking care of their young children.

Mr. Kelly McCauley: I think my time's up.

The Chair: Thank you.

Ms. Girard, if you feel you can give a more fulsome answer to that question, and if you could provide that in writing to the committee, that would be appreciated. Thank you.

We'll now go to Mr. Kusmierczyk.

Mr. Irek Kusmierczyk (Windsor—Tecumseh, Lib.): Thank you, Mr. Chair.

I think this question might be for Mr. Yalkin.

We've seen that COVID has really accelerated the future of work and how we perceive our workplace, as we've had to adapt quite significantly. I'm really intrigued by the GCcoworking initiative that was launched in 2019. It was about a two-year pilot project.

I just wanted to ask you: How has GCcoworking prepared federal departments for making sure that we continue service throughout the pandemic? What are some of the lessons that pilot project may have provided as we're preparing for the next steps?

• (1550)

Mr. Tolga Yalkin: Mr. Chair, it's a very interesting question, one I know that colleagues at Public Services and Procurement Canada would be far better placed than I am to comment on, since they are the lead department when it comes to advancing GCcoworking.

Mr. Irek Kusmierczyk: Okay. That's not a problem. I guess we'll move on to another question.

What are the engagements and consultations that the chief human resources officer has undertaken to ensure that the guidance is relevant and useful?

Mr. Tolga Yalkin: There are a number of ways, and I'm sure Madame Girard would be equally well placed to speak to how we engage various stakeholders and how we have engaged various stakeholders over the course of the pandemic as we've been evolving the guidance and approaches we've taken.

I can perhaps speak to my experience of engaging directly with many of the stakeholders, for example, bargaining agents, from whom the committee will hear in short order, who have shown themselves to be very helpful partners in informing the evolution of our approaches. In addition, though, we have engaged directly with the various networks that span the Government of Canada, including the youth council and the national managers' community.

A really interesting phenomenon in our work—especially as it relates to ensuring that we're taking into consideration diversity inclusion—are the many diversity employee networks that represent equity-seeking groups and the role they've played in informing our way forward.

Perhaps I'll end there. If there are any further questions, we'd be happy to answer them.

Mr. Irek Kusmierczyk: I agree. I really appreciate that.

I know we've heard from previous testimony, but I think this bears repeating. What measures has TBS put in place since the beginning of the pandemic to support the federal public workforce?

Mr. Tolga Yalkin: Mr. Chair, I'd be happy to take that question.

There are, obviously, a number of different ways in which Treasury Board Secretariat has supported deputy heads who have the authority and are accountable for the administration of their organizations.

For example, on the issue of equipment, a number of questions were raised early in the pandemic as to how and under what circumstances deputy heads should be considering the elaboration of policies for equipping their public servants in a pandemic. Treasury Board Secretariat provided guidance, I believe in April of last year, on equipping employees. It helped to establish consistent and uniform norms that the departments could then apply, depending on their own context.

A series of guidance has been provided on the duty to accommodate. I believe Madame Girard raised that in her remarks. That was key to ensuring that in a remote working context, we are abiding by our commitments under the Canadian Human Rights Act to ensure that employees who need reasonable accommodations are adequately accommodated.

A whole host of guidance has been provided on mental health, including a mental health hub that has been developed for employees. I believe it has garnered over 300,000 unique page views, which I think is a testament to the importance of that guidance.

Mr. Chair, I could go on, but perhaps I'll stop there. I'm happy to answer any additional questions.

Mr. Irek Kusmierczyk: I appreciate that. Thank you very much.

I'll allow my colleagues to potentially follow up on that question.

I wanted to zero in, with the amount of time I have left, on rapid testing as a component of safety measures that are put in place. According to the Government of Canada, access to rapid tests for screening purposes will be expanded to “key public sector workplaces where there is a higher risk of exposure to COVID-19 due to occupational tasks, where there is an increased possibility for an outbreak to occur, or where it is recommended by local public health authorities.”

What workplaces have been identified as having a higher risk of exposure? What workplaces currently have rapid testing available to them? Where does rapid testing come into play here in terms of our strategy moving forward?

• (1555)

The Chair: I'll ask you to give a very brief answer. If you feel like you need to give more of a response, you can provide that in writing.

Ms. Marie-Chantal Girard: Thank you. I will quickly respond to the question.

For example, it is the critical employees working in correctional facilities or at the Coast Guard. Employees whose functions clearly take them on boats and ships are examples.

Most recently, with the census being administered by Statistics Canada, some of the employees delivering the census would be targeted by the rapid testing initiative.

The Chair: Thank you very much, Ms. Girard.

We'll now go to Ms. Vignola for six minutes.

[*Translation*]

Mrs. Julie Vignola (Beauport—Limoilou, BQ): Thank you, Mr. Chair.

Ms. Girard, is any funding available to employees working remotely so they can set up an ergonomic workspace at home?

Ms. Marie-Chantal Girard: Thank you for your question.

My colleague Mr. Yalkin can provide more information in a moment.

Yes, departments and agencies have made support available to employees so they can set up workspaces that will help them work productively as they deliver the necessary programs and services. That said, the type and level of support provided varies from one organization to another. In a public service as diverse as ours, there was no one-size-fits-all solution.

Mrs. Julie Vignola: When I mentioned the ergonomic work environment at home, I wasn't talking about the ability to provide services. I was really talking about the equipment.

Has any equipment or any money to buy equipment been provided to public servants to make their home work environment ergonomic?

Ms. Marie-Chantal Girard: The short answer is yes, it has.

For example, the Treasury Board Secretariat allowed some people to pick up or order things for their work environment.

Having said that, again, the support depends on the case. On Wednesday, you will be meeting with Treasury Board colleagues who work in equipment procurement. They may be able to answer your questions in more detail.

Mrs. Julie Vignola: Okay. Thank you very much.

The compensation for the employees affected by the Phoenix pay system has been taxed. Last week, we learned that the Treasury Board Secretariat is delaying or refusing to give the Canada Revenue Agency the necessary directives to ensure that the compensation is not taxed.

Why doesn't TBS provide those directives without delay so that employees receive the full amount owed to them?

Ms. Marie-Chantal Girard: Thank you for the question.

The first point I would like to make is that the issue of taxation falls under the Income Tax Act. It is not administered by the Treasury Board Secretariat.

Second, in October 2020, an agreement was established between the Treasury Board Secretariat and the Public Service Alliance, defining the conditions and stating that the interpretation is the responsibility of the Canada Revenue Agency. That is what was stipulated in the agreement.

Mrs. Julie Vignola: So, both sides are passing the buck.

On another matter, 44% of francophone public servants have difficulty working in their mother tongue, for various reasons, whether because it's frowned upon by their anglophone colleagues or because they fear that it will harm their careers.

What is your organization doing to ensure that francophones can work in their mother tongue without fear of undue pressure from their colleagues and without fear of hindering the advancement of their career?

• (1600)

[*English*]

Mr. Tolga Yalkin: Mr. Chair, I can respond to that question.

In the context of the virtual shift to work that we saw with the advent of COVID, we took measures almost immediately to ensure that public servants could work in the official language of their choice. As committee members know, individuals who occupy bilingual positions in bilingual regions have language of work rights.

We quickly recognized that in a virtual environment it's so important for norms to be established so that the way in which people are given opportunities to use the official language of their choice is supported. We put very helpful, clear guidance on canada.ca, helping public servants navigate this environment and helping managers ensure that they provide their employees with the opportunity to work in the language of their choice. We worked very closely with PROLs, or persons responsible for official languages, in our community to ensure that deputy heads were aware of their responsibilities.

I'll also note that in October, both the chief human resources officer and the President of the Treasury Board wrote to their colleagues to underscore the importance of this issue in the context of remote work.

[*Translation*]

Mrs. Julie Vignola: Although it has been discussed, even we francophone members of Parliament do not have access to certain webinars or information sessions in French. They are only available in English. Yet the Official Languages Act is not new.

So if we, as members of Parliament, do not have access to this in French, is it also the case for public servants? Do they also have webinars, training and information sessions in English only?

[*English*]

Mr. Tolga Yalkin: I can tell you that when it comes to public servants' language of work rights, we maintain that there should be parity of access to resources, training, guidance and so on.

I can speak as a manager too, I suppose, within my own organization. Whenever we provide such resources to public servants, we always take pains to make sure that the resources are available in both official languages, so that folks can work and read and understand material in the language of their choice.

The Chair: Thank you, Mr. Yalkin.

We'll now go to Mr. Green for six minutes.

Mr. Matthew Green (Hamilton Centre, NDP): Thank you. I also want to extend my thanks and welcome to the witnesses who are here today.

I want to begin by changing the focus a bit. News reports today have dozens of people in long-term care facilities, potentially, based on military reports here in Ontario, having died from dehydration and neglect, which I think is to our country's great shame. I know there is a lot of finger pointing around jurisdiction and who is responsible for national standards, but there is one company that, through its Crown corporation ownership, is well within the purview of the TSB. That, of course, is Revera.

Revera has had, I believe, somewhere around 300 deaths within its facilities. I don't know if Revera is also included in the military report as it relates to the dehydration and negligence, but we know that back in 2007 the Public Sector Pension Investment Board purchased what was then termed a retirement residence real estate investment trust—a retirement REIT. Essentially, Revera is a real estate company masquerading as a care company. In some of my preliminary work on this it's very clear, through their own governance structure as put on the PSP website, that they report to ministers.

I have a question, through you, Mr. Chair, for Ms. Girard, who also happens to be involved in some of the pension work. What risk analysis has your department done through the Treasury Board, understanding the potential social and financial risks that could be presented through the Crown corporation ownership of Revera?

Ms. Marie-Chantal Girard: It is indeed a very sad statement that we saw this year throughout the country in senior care facilities. The Government of Canada is working closely with provinces and territories to discuss this issue further.

To your point directly, regarding PSP Investment, PSP Investment is an entity at arm's length from the Government of Canada. It is managed under its own act, the Public Sector Pension Investment Board Act. The Treasury Board Secretariat provides the PSP with directions regarding the level of risk that it wants it to take with regard to employees' and the Government of Canada's pension contributions, but does not intervene in the investment strategy of the PSP.

I will stop here, because with regard to Revera, I understand there is a court case as well, and it would not be my place to comment on that.

• (1605)

Mr. Matthew Green: I'll share with you that they report to ministers responsible for pension plans through their quarterly financial statements and through their annual reports. On PSP's website, they have touted, within their governance, active ownership of public companies. They say that they use their ownership position to promote good corporate governance practices, exercising their proxy voting rights and engaging with companies on what they call "ESG issues".

My original question was: Has the Treasury Board been apprised, through its quarterly report, of any risk assessments related to the operations of Revera through PSP? It's a very simple and direct question.

Ms. Marie-Chantal Girard: They report to Parliament through their reporting obligations under the act. They report on their performance, but again, the Treasury Board Secretariat does not direct the investment strategy with regard to the various classes of investment assets it has under its management. It could be real estate, or natural resources, or private or public class assets. We do not direct that.

Mr. Matthew Green: Mr. Chair, through you, are there any mandates within the Treasury Board that cover ethical investments and ethical investment practices? If there are, are there risk management assessments in place that would see an investment that is tracking in deaths by the hundreds during the pandemic that might raise an alarm or concern within the Treasury Board, or is the Treasury Board completely devoid of any kind of societal risk analysis as it relates to its investments?

Ms. Marie-Chantal Girard: With regard to the PSPIB, when qualifications are sought to appoint people to the management board of the PSPIB, socially responsible investment skills, knowledge and competencies are included.

Mr. Matthew Green: Mr. Chair, through you, respectfully, I have to interject. Does the witness not acknowledge any kind of responsibility for Crown corporations within the mandate of the Treasury Board, based on the mandate letters and within the policies pertaining to their investments?

Ms. Marie-Chantal Girard: I have to remind committee member that the PSPIB is a Crown corporation that operates at arm's length, and reports to Parliament on its activities.

The Chair: Thank you, Ms. Girard.

We now go to our second round of questioning. I'll just make everyone aware that to stay on time, I will be asking for responses in writing should you go to the very end of your time for questioning.

We'll start with Mr. Paul-Hus, for five minutes.

[*Translation*]

Mr. Pierre Paul-Hus (Charlesbourg—Haute-Saint-Charles, CPC): Thank you, Mr. Chair.

Good afternoon to both of you.

First, I would like to know whether you have a specific plan for the return to work of federal employees.

Ms. Marie-Chantal Girard: Thank you for the question.

With respect to the return of employees to the workplace, for the time being, I must state the obvious: we are still managing the pandemic. So we don't expect a return to the workplace, on site, in the short term. However, when we get to another stage—and we hope that will be soon—it will be done very carefully and gradually.

As the Office of the Chief Human Resources Officer has done to date, we will be looking at the different aspects to ensure that we are still working within the responsibilities that are assigned to each of the deputy heads and the collective agreements. We also want to keep health and safety in mind.

We will also be undertaking consultations, as all the directives that have been given—

• (1610)

Mr. Pierre Paul-Hus: That's actually my next question. I assume you conducted some internal surveys, and I want to know if there's any reluctance.

Let's say everyone has two doses of the vaccine by September. In principle, people should be open to going back to the workplace, since the risk will be significantly reduced. But are some people still reluctant? Have some already indicated that they would prefer to continue teleworking?

We know that, in the private sector, some employees would prefer to continue working from home, even if there is no longer a pandemic.

Is this something you are assessing?

Ms. Marie-Chantal Girard: It is actually an interesting prospect.

Once we are able to plan going back to the workplace, first, there will not be one solution that fits all. Given the number of organizations and the different mandates within the public service, it will be up to each deputy head to consider the activities and the requirements of the mandate.

Hybrid or alternative solutions may be considered. It is a matter of learning from the experience of the past year and a half. We will assess the flexibility we can offer, and this will be discussed with the deputy heads. Also, we always include the regional development councils in our consultations, to ensure that we have a Canadian perspective on things.

Mr. Pierre Paul-Hus: Do you have any data on the federal public servants who have contracted COVID-19? I have heard that about 8,000 public servants may have contracted it. That may not be the right number.

Do you have the information? If so, does the number of cases vary from one organization to another or is it similar across the board?

Have more people contracted the virus in certain departments, either because they are working on site or for other reasons?

I am guessing that you don't have the data at hand.

Ms. Marie-Chantal Girard: Thank you for the question.

I have the overall data, but I do not have the data for each department.

Clearly, from the outset, the key principles of our office, as the largest employer, were to take measures to avoid contributing to the spread of the virus and to ensure the safety of our employees.

As of April 29, 2021, 4,581 employees had contracted COVID-19. Let me be clear that this number is cumulative. It is not the number of people who had it on April 29, but rather the number of people who had contracted it since the beginning of the pandemic.

As for the second part of your question, we will have to take a look and provide an answer to the committee later.

Mr. Pierre Paul-Hus: Looking at the numbers by department, is it possible to determine whether the infection rate was higher among workers who had to stay on site, such as customs employees, than among those who have been teleworking since the beginning?

In the case of those teleworking since the beginning, were they infected by family members or in other circumstances?

I assume that those data are available. This would give us an idea of whether or not teleworking provided maximum protection from COVID-19.

Ms. Marie-Chantal Girard: Thank you for the additional question.

The source of infection is difficult to determine. That is why we have kept asking that local and regional realities be considered and that the opinion and advice of local health and safety committees or local public health authorities be sought. Having said that, I can tell you that the following directive was clear: as soon as employees showed any one of the symptoms, they were asked to go home.

Mr. Pierre Paul-Hus: Regarding buildings and offices—

[*English*]

The Chair: Thank you.

Now we will go to Mr. Drouin for five minutes.

[*Translation*]

Mr. Francis Drouin (Glengarry—Prescott—Russell, Lib.): Thank you very much, Mr. Chair.

I would like to thank the witnesses before us today.

My comments will be about a topic that has been discussed at the committee. I am fortunate to represent a number of public servants on the outskirts of Ottawa, and I would like to talk about the telework policy. I would like to know what the telework policy was before the pandemic, what it has been since the pandemic started, and what it will be after the pandemic.

Ms. Girard or Mr. Yalkin may be able to answer my question in relation to the directives that the Treasury Board Secretariat is giving to departments and agencies.

• (1615)

[English]

Mr. Tolga Yalkin: In advance of the pandemic, there was a telework directive in place, which was really based upon a different paradigm. It was based upon a notion of ad hoc and typically sporadic telework that was really employee driven. Since the pandemic, we've seen that paradigm challenged with the massive shift in remote work that we've seen across the public service, so that we can comply with public health advisories while at the same time ensuring continuity of operations and also of the services that Canadians rely on across the country and, indeed, around the globe.

As Madam Girard was mentioning, naturally, as the situation evolved, we have been observing very carefully the practices of departments, and we will continue to do so as we examine what the appropriate policy framework ought to be to structure the ongoing remote work that we will likely see in the public service going forward.

Mr. Francis Drouin: What about those public servants who had to go to work? I've observed, and it's anecdotal.... I know that traffic is not as bad in the Ottawa-Gatineau region since the pandemic, but there are still some public servants who have to go to work for X reasons. What type of directive has Treasury Board issued to departments to ensure the safety of the employee?

Ms. Marie-Chantal Girard: Thank you for the question.

[Translation]

Mr. Francis Drouin: You can answer my question in French.

Ms. Marie-Chantal Girard: Okay, then two francophones will not be speaking to each other in English.

A number of measures have been taken.

I repeat that the first directive stipulates that the work must be done from home in all cases where it is feasible.

If, because of the imperatives of service and program delivery, employees must work on site, all preventative measures must be applied. This issue has been studied by various workplace committees to reflect the reality of how each workplace operates rather than a cookie-cutter approach across the country. All personal protective equipment has been provided, signage has been installed and distance is maintained where possible.

I would add to my answer that the occupancy rate in federal buildings is approximately 25% to 30%, which is considered acceptable at this stage.

As part of the vaccination campaign, everyone is sending the message that vaccination is the solution. Employees are encouraged to get vaccinated as soon as their turn comes in the provincial and territorial vaccination strategy.

In the more critical locations, our rapid testing initiative comes fully into play and completes the range of measures.

Mr. Francis Drouin: That's great. Thank you very much.

I know that several federal buildings will be renovated. Open-plan offices seem to be the new trend.

Is a task force studying the issue today to see if it's still the right thing to do, given the increased risk in a pandemic situation?

I know it was hard to predict; it happens once every 100 years.

Ms. Marie-Chantal Girard: Thank you very much for the question.

My answer will be in two—

[English]

The Chair: Thank you, Ms. Girard.

I apologize for interrupting. In light of the time, if you feel you can provide an answer in writing, we'd greatly appreciate that.

• (1620)

Ms. Marie-Chantal Girard: Of course.

The Chair: Thank you.

We'll now go to Ms. Vignola, for two and a half minutes, plus the length of time it takes me to put it onto my timer.

[Translation]

Mrs. Julie Vignola: Thank you, Mr. Chair.

Ms. Girard, as was mentioned earlier, in November of last year, instructions were issued asking that leave code 699 be used only after other types of paid leave had been used.

Statistics show that women are mainly the ones who have to take time off for family obligations, which means that they quickly use up their entire leave bank.

How does the Treasury Board Secretariat ensure that women are not penalized by this directive?

Ms. Marie-Chantal Girard: Thank you for the question, Mrs. Vignola.

The trend you describe unfortunately applies to the entire labour market.

The use of code 699 has dropped significantly over the past year. In this context, this is why it makes sense to have discussions with managers and to consider the issue on a case-by-case basis. A broader, gender-based analysis was conducted. Discussions with managers can bring solutions, such as work-sharing or reviewing work hours. We need to be able to adjust, so that one group is not penalized more than another.

That said, it is an ongoing process over time. Single parents still face an unrelenting reality.

Mrs. Julie Vignola: Okay.

My colleagues mentioned offices earlier. We know that one of the ways the virus spreads is through outdated ventilation systems.

What measures have been taken to ensure that the ventilation systems in federal offices are effective enough to adequately protect employees when they return to the workplace?

Ms. Marie-Chantal Girard: Thank you for the question.

I am not an expert on equipment. When my colleagues appear before the committee, they will be able to give you a more detailed answer. In any case, all these factors will be examined before we consider a major, permanent return to the workplace.

In addition, public health experts make distinctions regarding airborne spread. Given that I'm not a public health expert, I would not want to get into the subtleties of this issue.

I invite you to ask the experts.

Mrs. Julie Vignola: Okay.

[English]

The Chair: Thank you, Ms. Vignola.

We'll go to Mr. Green for two and a half minutes.

Mr. Matthew Green: Thank you, Mr. Chair.

I'd like to use this time to revisit a notice of motion that I've placed. I've sent it out to your P9s. It's to hopefully get to the heart of the matter, which is controlling the controllables and having a better understanding about how we might be able to offset some of the losses we're experiencing through this Crown corporation.

I'm going to move the following:

That, pursuant to Standing Order 108(3)(c)(ix), the committee undertake a study of the Public Sector Pension Investment Board's (PSP) ownership of Revera Inc., and that the committee invite witnesses including, but not limited to, the Chair of PSP and the Chair of Revera Inc.

I will just take a moment, Mr. Chair, to speak to that. Members of this committee will recall that I tabled this earlier in the year. I think it is appropriate given that we're hearing today in the news and understanding that there is very little we can control. This is one of the things I believe we can control.

Given the purview of this committee and the conversations that have arisen today, I think we should go ahead and call the appropriate people to this committee to give us some kind of assurance that as a Crown corporation, even at arm's length, they are working within the parameters of best practices around public health and safety and workers' health and safety. I think this is the way to do it.

The Chair: Thank you for the motion, Mr. Green.

I will call for debate.

Mr. Drouin.

Mr. Francis Drouin: Yes, Mr. Chair, I want to thank Mr. Green for the motion. I know he discussed this previously. I'm just questioning where he wants to go. We'll support this, but I'm hoping he's not requesting that politicians intervene in the day-to-day activities of an arm's-length Crown corporation that is there to make investments on behalf of members.

I'm not sure, but the one question I would ask is this. Has he heard from members whether or not they've expressed their dissatisfaction, and whether or not they have communicated that directly

to the CEO and the board, who are responsible for those investments?

• (1625)

The Chair: Thank you, Mr. Drouin. I'm looking to see if there are any other hands for debate. I'm not seeing any.

Mr. Green.

Mr. Matthew Green: I don't want to presuppose any of the outcomes. I just know that reports have been that dozens of people have died through neglect and dehydration. I follow Nora Loreto, who has been working on this quite closely. I know she has reported upwards of 300 deaths coming out of Revera. I know there is a connection between Revera, as a Crown corp, and our government. I think our government is guided by basic ethical standards in investment that are clearly worthy of consideration within this committee. I'm not going to presuppose any of the outcomes. I just think it would be a good opportunity to ensure that, by bringing these folks forward, given this pandemic, we have some accountability through this committee.

The Chair: Thank you, Mr. Green.

I'm going to ask, in light of our doing this virtually, is there any disagreement to this motion?

Some hon. members: No.

The Chair: I'm not seeing any around the room. We'll take that as carried. Thank you, Mr. Green.

(Motion agreed to)

Mr. Matthew Green: I will cede the rest of my time. I know you don't normally run time, but I'll defer it to the rest of the committee for further discussion on the matters at hand.

The Chair: Thank you, Mr. Green.

We will now go to Mr. McCauley for five minutes.

Mr. Kelly McCauley: Thanks, Mr. Chair.

Thanks, Mr. Green.

Ms. Vignola, I will use your one second as well. Thanks.

Ms. Vignola was talking about the effect, obviously, of the pandemic on women in the workforce. Have you broken down the 699 between men and women? I haven't seen it in the PBO's report, but does Treasury Board have that, and would you provide it to the committee, please?

Ms. Marie-Chantal Girard: I do not have the breakdown at this point.

Mr. Kelly McCauley: Does TBS?

Ms. Marie-Chantal Girard: I will ask the question, look into that and get back to the committee.

Mr. Kelly McCauley: Okay.

When we're talking about public servants' returning back to the offices, walk us through what's going to be required to have them return. I'm not talking about CBSA, who are at their usual spots, but just the general day-to-day, for lack of better words, public servants.

Who's going to make that decision? It sounded like, you said earlier, it will be on a department-by-department basis. I'm just curious, who's going to decide? It is Treasury Board's purview, I guess, but who will decide that, based on what metrics, and so on? Obviously, it's a very large undertaking. I would assume these discussions are taking place already. Can you update us, then, if that's the case?

Mr. Tolga Yalkin: Mr. Chair, what I can say at the outset is that obviously right now departments, and we at Treasury Board Secretariat as well, are very focused on ensuring that the proper measures are still in place to protect the health and safety of the public servants who are currently working in the context of the pandemic—

Mr. Kelly McCauley: I'm not asking about their returning today. I'm asking, are we starting the planning? Who's going to be in charge of that? Who's going to be making the decisions? What are the metrics going to be based on? Again, I assume you've already started planning, because this is not something, even if everyone's vaccinated tomorrow, that's going to happen tomorrow. It's going to be a long process, so I have to assume that you've started some of the planning. If so, I'd like you to share it with us.

Mr. Tolga Yalkin: Mr. Chair, like many organizations—private sector, public sector and not-for-profit—we are watching the situation as it evolves, and we are considering how it may evolve going forward and what implications that may have for a return to work. What I can assure the members of the committee of, Mr. Chair, is that as those plans continue to develop and to crystallize, we'll be sure to make sure that the proper stakeholders—

• (1630)

Mr. Kelly McCauley: You've mentioned as these plans “crystallize”. How far along are you with these plans, then? I'm sorry, but maybe I'm misunderstanding. You seem incredibly evasive about what I think are rather straightforward questions.

Mr. Tolga Yalkin: Mr. Chair, the situation as it continues in the pandemic day to day, with the developments we see when it comes to new variants and changes, is obviously is something we're studying very carefully. We're taking into account all the different considerations that would need to inform the support we provide deputy heads in the administration of their organizations as one looks forward to what the future could look like for the public service.

Mr. Kelly McCauley: Who will be making the decision going forward? Will it come from Treasury Board, or will it be up to individual departments?

Mr. Tolga Yalkin: Mr. Chair, the way we normally function when it comes to the work we do with deputy heads is that they have authorities and accountabilities for the administration of their organizations under the FAA and other legislation as well. For our part at the Treasury Board Secretariat, we provide guidance, support and direction in some cases, in the form of policies and instruments for the core public administration.

Mr. Kelly McCauley: Okay. Thanks.

I want to just quickly pop over to the rapid testing. I'm glad it's getting rolled out. I have the women's institution in my riding, the women's prison, and the warden and unions there do a phenomenal job protecting both the inmates and the staff. I'm glad that's getting rolled out.

One of the criticisms of the rollout has been regulations that state that even very simple rapid testing has to be performed by a health care official, which really makes it difficult for a lot of offices, etc., to roll out. Have we moved past that to allow the CBSA or perhaps other institutions to have regular lay people, so to speak, administer the rapid testing—to properly put safety ahead of regulations or roadblocks?

Ms. Marie-Chantal Girard: The rapid testing is getting implemented in specific workplaces and is being increased for those workplaces as we move forward and it becomes more available—

The Chair: Okay. Thank you, Ms. Girard. If you could put that in writing, it would be greatly appreciated.

We'll now go to Mr. MacKinnon for five minutes.

[*Translation*]

Mr. Steven MacKinnon (Gatineau, Lib.): Good afternoon, Mr. Yalkin and Ms. Girard. Welcome to the committee.

My thanks to you and your colleagues for your ongoing work.

Ms. Girard, you answered Mrs. Vignola's question earlier about compensation for the damages from Phoenix, but I'd like you to elaborate.

You said that only the Canada Revenue Agency can make decisions on taxing those compensation payments, is that correct?

Ms. Marie-Chantal Girard: Thank you for the question.

Yes, since it is subject to the Income Tax Act, the issue of taxation is the direct responsibility of the Canada Revenue Agency, and the relationship is between the Agency and the taxpayer.

Mr. Steven MacKinnon: So neither the union nor the employer decided on the possibility of taxation. You have not taken a position on that.

Ms. Marie-Chantal Girard: No. In fact, the agreement mentions the issue of taxation, but it specifies that it will be up to the Canada Revenue Agency to make the decision.

Mr. Steven MacKinnon: That is what it did, right?

Ms. Marie-Chantal Girard: As I understand it, yes.

Mr. Steven MacKinnon: So, according to your position, the Treasury Board Secretariat would not be involved if there was a debate on the issue or if the decision was appealed. I don't know which court would hear that case, but the Canada Revenue Agency would be involved, and the Treasury Board Secretariat would have nothing to do with the decision.

Ms. Marie-Chantal Girard: Thank you for the request for clarification.

Yes, the Treasury Board Secretariat has established the agreements on payments and compensation, but taxation is the responsibility of the Canada Revenue Agency.

• (1635)

Mr. Steven MacKinnon: On another matter, my colleagues on the committee occasionally get upset about the infamous 699 code and seem to think that those who use it don't want to be at work or don't care about their work. But in the vast majority of cases, it is a last resort for employees.

Could you go back to the issue and shed some light on it? Can you tell us, anecdotally, who the 699 code is for?

Ms. Marie-Chantal Girard: Thank you for the question.

Actually, the guidelines provided by the Office of the Chief Human Resources Officer are aligned with the provisions in the collective agreements. The guidelines also comply with public health directives.

However, each leave request is assessed on a case-by-case basis. We have seen the situation fluctuate dramatically. At the beginning of the pandemic, of course, there was a period of adjustment, during which employees took leave using code 699. Thereafter, we saw that use drop steadily until the end of January. At that point, the high schools in Ontario closed and we saw a slight increase in the use of code 699.

Whatever the case may be, each employee has a discussion with his or her manager, who assesses all the adjustments that could be made to ensure productivity and that the employee is working to the extent possible. That is done by reorganizing tasks or hours of work.

Once that assessment has been done, the manager must make sure that leave taken under code 699 is not used for regular vacation days, such as those normally taken in the summer. Leave under code 699 is intended for employees who cannot get to work or complete their tasks, for reasons beyond their control.

Mr. Steven MacKinnon: This is anecdotal, but I have received many more requests from public servants looking for ways to get to work or for tools so that they can work from home, than stories of public servants looking not to work during the pandemic.

I have one final question.

Anecdotally once more, are you seeing any impact among employees feeling isolated from their work?

[*English*]

The Chair: Thank you, Mr. MacKinnon. I'm trying to bear in mind that we need to be respectful of the time for the witnesses.

That said, Ms. Girard and Mr. Yalkin, thank you for being our witnesses today. You have indicated that you would provide us with some possible answers in writing. Please submit them to the clerk. The clerk can then distribute them to the committee.

We will now suspend the meeting briefly while we bring in our witnesses for the next hour.

• (1635)

(Pause)

• (1640)

The Chair: Let's resume our meeting.

We will start with some opening comments from our witnesses.

Ms. Daviau, you have five minutes, please.

Ms. Debi Daviau (President, Professional Institute of the Public Service of Canada): Thank you very much.

Good afternoon. My name is Debi Daviau, and I am president of the Professional Institute of the Public Service of Canada, or PIPSC, the union that represents some 60,000 mainly federal public service professionals across Canada.

I'd like to thank you for the opportunity to present our views on this exceptionally important issue. I would be happy to answer any and all questions you may have following my presentation.

I would first like to highlight how tens of thousands of dedicated public servants have continued to faithfully serve Canadians since the start of the pandemic. For example, PIPSC members built the systems to deliver the financial support programs desperately needed by their fellow Canadians. They helped thousands of stranded Canadians to return home. Our members worked miracles to get personal protective equipment to those who needed it. We built the technical infrastructure to allow other public servants to continue their work from the safety of their homes. Our health care professionals took to the front lines, and our scientists pivoted to focus on fighting COVID-19.

Right now a small percentage of our members still remain in their regular workplaces. They provide critical services, for example, health care in prisons and in remote communities, meteorological forecasting and IT support. Overall, though, approximately 90% of our members are currently working from their home offices.

In general terms, we are reasonably satisfied with how the government has handled the crisis's impact on its employees. Our representatives at all levels, from steward to me as president, have been in regular and frequent contact with their ministerial or departmental counterparts to identify specific concerns and fix specific problems.

There have been no layoffs of our members, and in some cases we've been able to come to an agreement with management to ensure the organization's continued operations and viability until the crisis is behind us for good.

I can't pretend there haven't been issues with individual departments or even local managers misinterpreting or simply ignoring Treasury Board directives. Yes, there have been a number of inconsistencies across Canada when it comes to implementing safety protocols and around our members working from home, but overall, I'll give the government a passing grade so far.

At this point, the main concern is one of adapting to the new work reality and to what the "new normal" will be like for the public service. It's about giving employees the choice to work at home or in an office, whether a satellite location or their regular workplace.

This means ensuring proper employer support for home offices and telework, making sure employees working from home have the equipment they need to do their job. For those who can't or don't want telework, it means ensuring that any future Government of Canada workplaces are designed with safety and health considerations at the forefront.

Just as important, it also means a big change in the public service work culture. It's no secret that many managers still don't trust their employees to work remotely, despite their demonstrated success in continuing to serve Canadians for the past year and a half. This will require a great deal of management training.

Also, because of the incredibly negative impact the pandemic has had on people's mental health and their work-life balance, the employer must develop new tools for ensuring the wellness of public service employees.

That's our overall reaction to the government's approach on COVID and its effects on employees to date. However, I also have some very specific points that I'd like to bring to the committee's attention today.

They are related to identifying which existing collective agreement provisions need to be modified or tweaked to ensure that public service managers have the ability to be flexible with employees while still respecting our contracts.

Our first concern on that front is about leave with pay, also known as code 699, which is getting lots of airtime today.

The vast majority of federal public servants have been able to work through this crisis without requiring extra leave. However, those who need more flexibility because of caregiving duties, to deal with health risks or who cannot perform their tasks at home, can use code 699 to apply for their leave.

At the beginning of the pandemic, there was more use of code 699 than now, because many federal public servants didn't have access to the tools to do their jobs from home at the time. I know that historically public servants are many commentators' preferred targets, but despite what you may have heard, to date the use of code 699 has in fact been minimal—a drop in the bucket, so to speak. When it's needed, it's needed. It's that simple.

● (1645)

It's also a fact that women, caregivers and those with health risks need access to code 699 leave to cope with the pandemic. It's broadly recognized that the burden of child care and financial

repercussions in the COVID era has disproportionately fallen on women, but the Treasury Board proceeded, even after conducting a gender-based analysis and over the objections of bargaining agents, to make changes to code 699 that introduced a distinction between health issues and caregiving duties. The net result is that it's now more difficult for our members to access 699.

We find this so wrong that we have written to the President of the Treasury Board, the Minister of Finance and the Minister for Women and Gender Equality, urging them to reverse this decision. We have also filed policy grievances on this issue, as have other bargaining agents.

Our second concern is about the duty to accommodate. At this point, it's very clear that the employer's duty to accommodate extends beyond the traditional workplace to include remote work and telework. We need to determine the most appropriate and reasonable accommodation in individual cases. This could include a combination of existing provisions augmented by temporary measures. Clear and concise guidelines on this are needed right away.

Our third concern revolves around hours of work provisions. They must be adapted in the future to reflect the high reliance on remote work, both during the pandemic and in the foreseeable future.

Before I conclude my remarks, I want to emphasize how critical it is for the Treasury Board and individual departments and agencies to continue to consult and work closely with bargaining agents to ensure that all these points are being addressed. The government's response to the pandemic and its treatment of federal workers has been commendable so far. Let's not change that now.

I'd like to thank you for your time. I would be pleased to answer your questions, as would my senior adviser, Emily Watkins.

The Chair: Thank you, Ms. Daviau. I appreciate that. We want to be respectful of your time and your commitment to being in this meeting, so we want to be as tight to the five minutes as possible.

We will go to Mr. Aylward for five minutes, please.

Mr. Chris Aylward (National President, Public Service Alliance of Canada): Thank you, Mr. Chair. I want to thank the committee for the opportunity to participate today.

My name is Chris Aylward. I'm the national president of the Public Service Alliance of Canada, representing over 140,000 federal public sector workers.

I would like to begin by commending the federal government for its continued financial support to Canadians and businesses impacted by COVID-19. Many of the 140,000 members of the federal public service are proud of their ongoing work to help deliver this support, and proud of their contributions during a time that remains difficult for many across the country.

Our members at the Canada Revenue Agency and Service Canada have helped process tens of millions of applications for financial assistance for individuals and businesses, and are continuing to do so every day.

Border services officers deal with potentially infected travellers daily; food inspectors are in grave danger of outbreaks at meat-packing plants, and personnel in federal penitentiaries face similar threats.

With the restrictions brought on by each new wave of COVID-19, they have done this work around the clock when needed, with their children by their side, with family members to care for, and with the constant stress of changes that the virus has brought to the daily lives of each of us.

During my appearance before the committee last May, I noted that the government, as an employer, had been in unprecedented regular communication with our union as the pandemic unfolded. I am pleased to report that these open lines of communication have been maintained.

These open channels of co-operation have allowed us to facilitate greater support to our members, so that they might not only provide critical services to Canadians but also address the myriad of workplace problems generated by the pandemic.

A key and ongoing concern for PSAC members, and in fact for all public service employees, is the government's commitment to the health and safety of its employees. The pandemic is far from over and it must remain a top priority.

Despite some exceptions that we continue to work through, we acknowledge that the federal government has worked hard to keep the vast majority of our members safe during this pandemic. The measures put in place by Treasury Board have been in consultation with PSAC through respectful dialogue.

This largely effective collaboration has permitted the establishment of important new measures, including the vaccination framework and planning for the easing of restrictions.

The shortcomings in health and safety were largely apparent for our members working in specific sectors, notably border services officers and our food inspectors, fisheries inspectors and transportation inspectors. Safety measures were at times lacking or too slow in their implementation.

Moving forward, whether on the front lines or in offices, our members need to know that protective measures and training will be in place, and that personal protective equipment will be in stock and available. The availability of rapid testing should also remain an ongoing priority for those performing on-site work.

It must also be noted that many of our frontline workers were not given priority access to vaccines by provincial authorities. We hope

the federal government can work with its provincial counterparts to avoid this in the future. The race between vaccines and variants will determine the outcome of this pandemic as it unfolds, and our workers need every protection available afforded them.

The PSAC is also continuing to work in full collaboration with Treasury Board as co-chair of the centre of expertise on mental health in the workplace.

One key lesson from the last year is that the flexible leave provisions negotiated between federal public sector unions and the government have been key to allowing workers to weather this crisis while continuing to deliver for Canadians.

Provisions such as the 699 leave have allowed thousands of workers to care for children when child care centres and schools shut down at various points in the pandemic. They allowed workers to keep their communities and family members safe, and to care for those who fell ill, including themselves. Rather than plunge these workers into personal and financial chaos, and rather than dragging the public service and our economy right along with them, they allowed these dedicated employees to work flexible hours and take the time they needed to address the hardships created by the pandemic.

That's why it has been disappointing, however, that the government has attempted to restrict the use of 699 leave across the public service, despite clear evidence that it is largely being used only when necessary.

Now, more broadly, PSAC is pleased the government has continued to respond to this crisis with progressive measures to support Canadians. Actions such as expanding access to employment insurance, the CERB, and supports for students, parents, seniors, women's shelters, food banks and emergency housing, have all been welcome and much needed.

• (1650)

The federal government's expenditures are an investment in Canadians and the future of this country. This pandemic has shown that public services are unique and indispensable. We cannot return to austerity measures, an austerity mentality and cutbacks to social services and programs. Instead, let's ensure the wealthiest pay their fair share while we work to rebuild and remake our country, and indeed the world, into something much better.

Thank you, Chair.

The Chair: Thank you, Mr. Aylward.

If the witnesses provide their speeches to us, we will have them translated and distributed to the committee so that members can have them in writing.

We'll now go to Ms. Stewart.

Ms. Sharleen Stewart (President, Service Employees International Union Healthcare): Thank you very much.

I want to start off by wishing every nurse in our country a happy National Nursing Week—registered practical nurses, RNs, all of them. They really carried us through a pretty traumatic year.

Members of the committee, my name is Sharleen Stewart. Thank you for hearing from me today.

SEIU represents over two million members across the United States, Puerto Rico and Canada. I proudly serve as international vice-president of our union and president of SEIU Healthcare, which represents 120,000 people nationally and 60,000 in Ontario. They are all frontline health care workers.

As I stated at this committee last summer, our elder care system has failed. It has failed working women, who make up the vast majority of frontline staff. It has failed seniors, who were robbed of dignity and life. It has failed their families, who just yesterday marked Mother's Day, mourning mothers and grandmothers who died in isolation. In short, it has failed everyday people.

On the other hand, the past year has rewarded others: shareholders who collect dividends from corporations purporting to deliver care and executives at real estate investment trusts—otherwise known as REITs—masquerading as care corporations, who earned big performance bonuses as death, suffering and economic depression descended over the women they employ.

SEIU Healthcare lost five workers in Ontario alone from COVID-19, because they went to work in service of their community. I'd like to read their names into the record: Christine Mandegar, Arlene Reid, Sharon Roberts, Maureen Ambersley and Lorraine Gouveia. All of them were women, and all were women of colour. Meanwhile, three publicly traded nursing home chains—Chartwell, Sienna and Extencare—have collectively paid out over \$230 million in cash to shareholders in these past 12 months.

I provide this contrasting overview to demonstrate whom the system serves and whom the system fails. It serves nursing home chain owners and it fails families.

Members of this committee, I want to thank you and your respective parties for engaging with SEIU over the past year. I have had meaningful conversations with MPs from most parties, including Elizabeth May, Jagmeet Singh and Prime Minister Trudeau. You've been open and you've taken collective action.

We know that over eight cents out of every dollar spent to respond to COVID-19 is a result of decisions by MPs in Ottawa, and we thank you for that, but what is done with those federal dollars in emergency response when transferred to the provinces should concern us all.

Let's take our largest province as an example. Provincial regulations have been cut to eliminate minimum care standards for seniors. Provincial regulations have been cut to eliminate background checks for new staff.

This is skilled work. It is hard work, and it is work that must be protected and rewarded. When a province caves to the lobbying of the for-profit industry, we get more part-time work, lower pay and

no accountability. We need new national standards that focus on people and care, not the real estate holdings of the nursing homes industry. We cannot allow more money for provinces to make a bad system bigger. We need standards to make a bad system better. As the recent report from the Ontario commission on long-term care indicated, we don't need to study the studies. We need to act.

Members of this committee, I ask that you champion national standards in your caucuses and in your provinces, and provide money, with strings attached, to do the following. First, increase staffing levels so that work is safe and the care is dignified. Second, put in standards that pay personal support workers and all health care workers a living wage. Third, put in standards that ensure full-time jobs where benefits are the norm and not the exception. Fourth, create financial penalties for nursing home chains that fail to meet care standards. Fifth, transform operations from a private system to a public system, like that of our trusted hospitals. These five items are not only popular among voters of all parties; they are also good public policy.

Thank you so much. I'd be happy to take any questions.

• (1655)

The Chair: Thank you very much.

Now we'll start questions, with six minutes from Mr. McCauley.

Mr. Kelly McCauley: Thanks, Mr. Chair.

Welcome, witnesses.

Ms. Daviau and Mr. Aylward, how weird it is to have you back and not be talking directly about Phoenix. Someone else might bring it up, but I won't. Thanks for joining us today.

I have a couple of quick questions for you.

I'm wondering if both of you could update us on the policy grievances about the changes that TBS made in its directions to management near the end of 2020. I asked Treasury Board, but I was unable to get any answer. I'm just wondering if you're able to update us on how far along you are with that.

Are you getting any satisfaction? Could you give us an overview, please?

• (1700)

Mr. Chris Aylward: Thank you, Mr. McCauley. I'll start this off.

We have hearing dates. Our policy grievance was denied by Treasury Board. It has since been sent to the Federal Public Service Labour Relations and Employment Board. We asked for an expedited hearing. We have hearing dates now, starting in late August.

As a note, the Canadian Human Rights Commission has also asked to be heard during that policy grievance. It wants to be able to present the impact that this leave, and the lack of this leave, has shown.

That's where we are. We have hearing dates before the Federal Public Service Labour Relations and Employment Board in late August.

Mr. Kelly McCauley: Great.

Ms. Daviau.

Ms. Debi Daviau: It's not very different. We haven't yet had our hearing, but we're certainly on the same path as that identified by PSAC.

I just want to note that we surveyed our members about the use of code 699. We surveyed members specifically on the denial of 699, which you might find—

Mr. Kelly McCauley: Yes. I was going to ask about that.

You could maybe both chime in on this. It seems to be at the manager's discretion, whether to have people take their vacation leave.

Can you give me an idea, in ballpark numbers, how many people are being told to burn off their vacation, how many are on sick pay and how many requests are being accepted? Is that possible—ballparkish?

Ms. Debi Daviau: I can't really give you ballpark numbers.

I can tell you, though, proportionally, women were two times more likely to be denied this kind of leave, on average. Women who had no other equity group, other than being female, were about 1.7 times more likely to be refused. Women from the LGBTQ2S community were 2.2 times more likely to be refused; racialized women, 2.8 times; indigenous women, 3.5 times more likely to be refused; women with disabilities—

Mr. Kelly McCauley: Okay. I just—

Ms. Debi Daviau: That's just to highlight, because we don't have the overall numbers. It's impossible for us to ascertain it. That would be something the Treasury Board has to give you.

Mr. Kelly McCauley: Well, I asked for that information. I'm hoping they will provide it, because they said they have quite extensive info. They've been less than forthcoming so far.

Mr. Aylward, do you have similar numbers?

Mr. Chris Aylward: As Ms. Daviau said, we can't put an exact number to this, for sure.

You are right, Mr. McCauley, that it is up to individual managers to approve or deny leave. That's one of the unfortunate parts of this, as we've seen.

I can tell you, though, that the numbers are far lower than they were in the early days.

Mr. Kelly McCauley: Do you mean far fewer are approved or far fewer are declined?

Mr. Chris Aylward: Far fewer are being requested.

Mr. Kelly McCauley: Okay.

Would you be able to get back to me, both of you, with departments, for example, such-and-such department is approving them all; such-and-such department is not? If you have that, I'd appreciate it.

I want to skip over to something about critical workers getting vaccinated.

I mentioned earlier that the women's institution is in my riding. Their job is very difficult. I've been meeting with them for years. They do a phenomenal job under very trying circumstances.

Who, among Corrections Services Canada personnel, has not yet been vaccinated in that critical worker area?

Ms. Debi Daviau: We were able to get the employer to identify priorities for our health care workers. Unfortunately, because the system is rolled out provincially, that also relied on the provinces following those regulations. We had some troubles in Nova Scotia recently, I believe—initially, also in B.C.—but we're slowly getting those resolved.

Some of the other concerns we have are about people doing critical frontline work who haven't been identified as priorities by the feds, so they're left to fend for themselves in their provinces.

Mr. Kelly McCauley: Because I'm short of time, do you think both of you could send us just a simple letter, saying these are the critical areas; these are specific jobs or specific sectors, just so we're better aware?

I have one final question, because I'm sure I have only about a minute or two. I just want to get general feedback, again anecdotal or just general feedback, on how you see workers who.... You discussed a need to change between those who want to come back and those who want to continue to work from home. For those who wish to return, whether they have to or because of a general desire, are you in talks with TBS about making that happen? What do you see having to happen before people can start returning to the workplace?

• (1705)

Mr. Chris Aylward: There are a couple of things that have to happen. First of all, the rapid testing has to remain a priority. If we're going to start putting non-critical workers back into the workplace, that has to remain a priority. I can tell you, getting workers back into the workplace is not the priority. Getting the work done and keeping the workers safe are the priorities.

Mr. Kelly McCauley: I realize that, but I'm thinking about eventually, down the road.

The Chair: Thank you, Mr. McCauley. Thank you, Mr. Aylward.

I will now go to Mr. Jowhari, for six minutes.

Mr. Majid Jowhari (Richmond Hill, Lib.): Thank you, Mr. Chair, and thank you to all the witnesses for your testimonies.

I'm going to start with Ms. Stewart.

First of all, thank you for acknowledging that this week is Nurses Week and also for highlighting the individuals who lost their lives.

In your testimony back on May 8, 2020, you told the committee that long-term care workers are predominately women, and especially women of colour. Also, in your testimony you indicated that you had a number of opportunities to have dialogue with the government. In any of those conversations with the government did you discuss the collection of race- or ethnicity-based data in the health care sector?

Ms. Sharleen Stewart: First I want to thank, like I said, many of you with whom I had conversations, and I want to acknowledge that they were very collaborative conversations. We definitely did talk. May seems so long ago when we all look back at what we were identifying.

Some of the conversations we had were around prioritizing the communities, which you're starting to see happen now. Vaccines are a prime example of it, where they are going into those vulnerable, marginalized communities. Yes, we definitely had conversations about how the pandemic has shone a light on health care issues, but there are also community issues that we are starting to talk about now. We've had some really good conversations, and you're starting to see some improvements in some of those communities, but it is a real issue that we cannot drop after we grab a hold of this pandemic. We have to talk.

Mr. Majid Jowhari: To be more specific, did you have conversations on the collection of race- or ethnicity-based data in the health care sector?

Ms. Sharleen Stewart: We had conversations with some of the federal employees, not so much the MPs, about how we start to collect that—

Mr. Majid Jowhari: What about the government? Have you had conversations with the government?

Ms. Sharleen Stewart: We have had them with staff from the government.

Mr. Majid Jowhari: In the same appearance, on May 8 last year, you recommended the steady supply of personal protective equipment, and job stability and benefits for public health workers. You also recommended mandating a higher staffing level for long-term care homes. Around \$1 billion was announced for long-term

care in the Speech from the Throne and another \$3 billion in budget 2021.

What are your thoughts on that? How satisfied are you with those announcements?

Ms. Sharleen Stewart: Again, the announcements are a start, but there is a lot of work to do. There's going to be a need to put a lot of dollars into stabilizing the sector. Again, you saw some improvements in Ontario where they legislated higher levels of care staff or hands-on care for hours, but the promise isn't going to be fulfilled for years. The commitments are good, but the action has to be much broader. Funding is an issue, definitely.

Mr. Majid Jowhari: Are you saying the funding still remains an issue after \$4 billion of investment?

Ms. Sharleen Stewart: It's now putting it into action, like transferring it into the provinces and having them be accountable to make sure the money goes where it's directed.

Mr. Majid Jowhari: Thank you.

Have you had an opportunity to talk to your members to see whether they are receiving adequate levels of personal protective equipment in long-term care centres?

Ms. Sharleen Stewart: Yes, we did, just as recently as this week. There still remains some concern over N95 accessibility. The unions are trying to get the government to agree to making it mandatory that all frontline workers have access to and use the N95.

In some of the long-term care facilities, infection prevention and control is still an issue. They continue to have to rely on agency staff. As you know, as the federal government we're bringing in a lot of support from other provinces. Again, infection prevention and control training is critical. Some of the newer trained nurses coming in as well, and PSWs, are not versed in that and they're not up to par. That is adding additional work to the existing staff to make sure they are trained adequately in infection prevention and control measures.

We've had concerns, even with the downloading of hospitals into long-term care, about making sure those long-stay patients have been vaccinated as well. It continues to remain a struggle with PPE, with IPAC and with vaccinations.

• (1710)

Mr. Majid Jowhari: Thank you.

I'm going to go to Madam Daviau.

According to the Government of Canada's website, about 4,581 federal public servants have reported cases of COVID-19 as of April 28. How many of those have been your members? Do you have any data around that?

Ms. Debi Daviau: No, unfortunately, I don't have data on that. I would imagine that by proportion, maybe about a quarter of those would be our members.

Mr. Majid Jowhari: Understanding that most of the members are working from home or working remotely, what are your thoughts about that many getting COVID?

Ms. Debi Daviau: It's actually quite a small number over the size of the public service. Public servants are no different from all Canadians. They still have to go out for essential reasons and take care of their essential business. They still have to care for others who are sick. They have kids in school who are sometimes bringing COVID home from school. Families who work as health care workers are bringing it home.

The majority of the cases are not transmitted in the workplace, but it is nonetheless reported as being a public servant who got COVID.

The Chair: Thank you, Ms. Daviau. Thank you, Mr. Jowhari.

We'll now go to Ms. Vignola for six minutes.

[*Translation*]

Mrs. Julie Vignola: Thank you very much, Mr. Chair.

Ms. Daviau, just now, we were discussing the Phoenix pay system and the compensation being taxed. Ms. Girard told us that the decision on that taxation was up to the Canada Revenue Agency. For a number of weeks, I have been receiving letters asking for Mr. Duclos, the President of the Treasury Board, to come to an agreement with the agency. Each claims that the ball is in the other's court, you might say.

Can you explain the problem about taxing the compensation to us? I know it does not seem to have a direct connection with COVID-19, but public servants are devoted, committed people who have adapted quickly. Taxing that compensation seems to be sending them a message that they are going to be penalized, no matter what.

I would like to know your opinion about the situation between the Canada Revenue Agency and the Treasury Board Secretariat.

Ms. Debi Daviau: I will answer your question, but I feel that Chris Aylward could then give you a better answer than mine.

[*English*]

The issue is that we got into a legal settlement. Normally, legal settlements are not taxable. We appreciate the position of the Treasury Board that this is a decision that must be taken by Canada Revenue Agency since it's a decision based on income tax law, but we know that a lot of discussions have occurred between the two parties in coming to this decision. From our perspective, at least the damages portions of these settlements should not have been taxable.

I really think, to do it justice, you may want to ask this question of Chris Aylward of PSAC. They've been in the trenches fighting on this very issue.

Mr. Chris Aylward: Thank you for that, Debi.

Yes, it's a great question. Last fall, the Public Service Alliance of Canada negotiated a settlement for [*Technical difficulty—Editor*] suffering. That happened last fall.

We had an opinion from the CRA saying that they believed those monies were taxable, because it was in the settlement of a grievance. There was a meeting on February 3 between the Canada Revenue Agency, PSAC and Treasury Board, and it was agreed at that meeting that PSAC and Treasury Board would issue to the CRA an agreed statement of facts. I'm going to say that again, an agreed statement of facts, not opinion, not analysis, an agreed statement of facts.

Treasury Board has failed to sign that agreement of facts. We just received the letter from the CRA two weeks ago and the CRA said that, as agreed, it would review its decision if it received an agreed statement of facts. It went on to say that since that hadn't happened, it would not review its opinion on the matter.

You're absolutely right. The Treasury Board has failed to agree to this statement of facts, and we're asking our members to write to Minister Duclos to ask him to sign the statement of facts. As I said, it's a statement of facts. They're not opinions; they're not analysis. It clarifies what is in the agreement, and that's all it does. The Treasury Board is refusing to sign that agreed statement of facts, and that's what's the issue here.

• (1715)

[*Translation*]

Mrs. Julie Vignola: Thank you. Your answer makes things a lot clearer for me. I will be able to better structure the answers I will be giving to the hundreds of people who are writing to me.

Let me go back to the vaccines.

Currently, what percentage of the employees you each represent has been vaccinated?

I know it may be recent, but has there been an improvement in working conditions since the vaccination phase began?

Perhaps Ms. Daviau can answer first, then Ms. Stewart, then Mr. Aylward last.

[*English*]

Ms. Debi Daviau: I don't know specifically the percentage of my members, again. It's probably in line with the Canadian totals, but I would have to say that, if anything, it's maybe made it a little worse. It's increased the unknowns. There are some people who are having symptoms as a result of having had the vaccination shot, and they aren't able to secure code 699 leave to cover off the time period they might be sick following a vaccine.

For the moment, there have been no changes to the workplace, and no assurances about changes in workplace configuration or other health and safety concerns that have been mentioned throughout this testimony.... For the moment, the vaccinations have not played into improving the situation, but hopefully, as we crest the peak here, they will.

Ms. Sharleen Stewart: It's been varying between sectors. Long-term care obviously was the first to get it, and then hospitals are now getting their first vaccination. Today we had a good announcement that they're going to move them up to priority for the second one, so that they're fully vaccinated, but the ones who have been forgotten are the frontline home care workers. I mean, they have missed cues all along the way, and they are going into personal homes, as you know, so they need to be made a priority, and they need to get vaccinated right away.

The vaccine isn't the issue. I would say probably right now we're looking at about 60% of workers who have been vaccinated, but it's really hard to get information from the employer on how many have. The issue now, even during Nurses Week, is not so much the vaccine; it's the conditions of work. The last year has been horrific for them, so that's more of an issue than the vaccinations.

The Chair: Thank you, Ms. Stewart.

We'll now go to Mr. Green for six minutes.

Mr. Matthew Green: Thank you.

It's certainly not lost on me that today marks the first day of National Nursing Week. I want to take this moment to thank all the incredible frontline nurses and health care workers across the country. I know that SEIU has a pretty significant nursing division and represents 60,000 workers.

I am also struck by the fact that we are almost a year to the day from some really poignant testimony that Ms. Stewart provided to this committee at the outset of this pandemic. I wish we could have been here under better news. I can recall the interview I conducted with the secretary-treasurer, Tyler Downey, when he first announced the loss of Christine Mandegarian, and of course all the pain and anguish that all the health care workers are experiencing across the country in terms of the absolutely disproportionate loss. I want to state that right now. It's estimated that 80% of all the deaths due to COVID-19, 25,000 deaths, are connected to long-term care facilities.

I was struck by the opening remarks of Ms. Stewart, when she named the members who have been lost from her local. I want to take a moment away from some of the administrative questions that have been asked and I want to give Ms. Stewart an opportunity, on this first day of nursing week, to honour those workers we have lost and perhaps share a bit more with the committee. I feel that in the order of magnitude of the loss, sometimes the individual stories are lost to us.

If Ms. Stewart agrees, perhaps she could share a little more detail about the people who died just because they went to work.

• (1720)

Ms. Sharleen Stewart: Certainly. Thank you for that, Mr. Green. It is really emotional. I have had too many conversations

with families, calling them and asking what the union can do for them, and hearing their stories about their mothers and sisters passing away. These were women who passed away. It is a predominantly female sector.

Sadly enough, too often their families tell me that these women were really concerned about the personal protective equipment that they weren't getting. They were concerned about the conditions in the workplace. You know, the flags were being raised for decades and for months before these women died.

Again, all of the SEIU members, and most of the frontline health care workers, were women, and women of colour, and marginalized women in marginalized communities. They were immigrants. Many of them were single mothers. They struggled before this pandemic, but they continued to go to work. In many cases, their families begged them not to go to work. They were afraid they would get sick and bring it home, but they always put their residents first. No matter what, when they were in the news, that was the number one thing. They had hearts of gold. They cared so much about their residents. These workers are those residents' families, probably 75% of the time, but when I hear the stories about them....

You know, they are women and mothers who just want the dream of having a full-time job, one job—one job—so they can raise their children as single mothers and have a living wage. They don't want to be rich. They want a living wage, with benefits, with retirement security and with paid sick time. They often ask why the care economy, which is predominantly women, is not respected and dignified in the same way our male-dominated work is. Nobody should ever go to work and not return home, or return with a bad infectious disease. The solutions are so simple.

I honour them at every opportunity I have.

Mr. Matthew Green: I share that honour with you. I would go further to say as a comment—and I won't ask you to comment on it unless you so choose—that I have called on the government to consider the application of the Westray law where there are instances of criminal negligence that have led to workplace death through either negligence or just as you've identified. It seems like, time and time again, the stories that come back are about workers who were asking for safe work environments and who were denied, through financial pressures, their ability to withhold or to refuse work, although legally they are allowed to do that.

I hope to have another round, but I'll share with you now that the way the publicly traded, for-profit sector has taken wage subsidies and paid out in dividends rather than providing and doubling down on the living wage and on the fuller-time, more secure employment, I think is going to go down as part of this national scandal. I hope that legislatively, as lawmakers, we can have within our frameworks accountability—again, through the Westray law, but I would also go even further, to extend it to political decision-makers—people who might have interfered from province to province on evidence-based expert advice and withheld funding or additional aid in the course of this pandemic. I hope there is an accountability framework in place so that this never happens again.

Mr. Chair, I know my time is running out. I will come back with some questions in my second round, just about what the standards might look like in a non-profit, taking the profit out of long-term care.

Thank you.

• (1725)

The Chair: Thank you, Mr. Green.

That ends our first round.

We will now go into the second round.

Mr. Paul-Hus, you have five minutes.

[Translation]

Mr. Pierre Paul-Hus: Thank you, Mr. Chair.

My thanks to the witnesses for joining us today.

I have received complaints from colleagues about personal protective equipment. The people involved work for the federal public service, including Canada Post, and the protective equipment they received was not adequate. The management of the procurement during the pandemic ran into some problems, especially with certain types of equipment. That led me to introduce a notice of motion to the committee a few days ago. Now that the required time frame has passed, therefore, I propose the following motion:

That the committee, as part of its study on the government's response to the COVID-19 pandemic, invite representatives from Tango Communication Marketing, as well as relevant officials from Health Canada and Public Services and Procurement Canada to appear to provide testimony on the procurement of KN95 respirators by the Government of Canada.

As you know, last week, we learned in the media that the Government of Canada had sent \$81 million to a Montreal company, Tango Communication Marketing, for the purchase of masks that turned out to be ineffective. No one even received the masks. Health Canada rejected them. We lost \$81 million on one contract and we do not even understand how that happened.

We feel that it's important to shed light on the matter and to understand why the federal government handed over the money without knowing about the quality of the product.

[English]

The Chair: Thank you, Mr. Paul-Hus. You've tabled your motion.

I will call for a debate.

Mr. Drouin is first, and then Mr. McCauley.

[Translation]

Mr. Francis Drouin: Thank you very much, Mr. Chair.

We on our side have no problem at all with the motion itself, but I just have one procedural question. We know that this case is probably going to end up in court, so it may be that some witnesses decline to appear, in order not to incriminate themselves before our committee. I would therefore like to ask the clerk what options we have, in those circumstances, to have witnesses appear if they refuse to come.

[English]

The Chair: Thank you, Mr. Drouin.

Mr. Clerk.

The Clerk of the Committee (Mr. Paul Cardegna): If I understand your question correctly, Mr. Drouin, you're asking what provisions or what powers the committee has to have witnesses appear. Or, are you asking more about the effect that the current...? The federal government is currently in a legal battle with the company Tango Communication Marketing. I didn't quite catch your question—I beg your pardon.

Mr. Francis Drouin: Mr. Paul-Hus's motion invites Tango to come before us, but they.... I know I'm not their lawyer, but I'm just presupposing that they may not want to appear before our committee, given the fact that their case is in a court. I'm just wondering this: In such circumstances, what are the options available to our committee?

The Clerk: It is true that there is a *sub judice* convention that exists that usually says that Parliament shouldn't deal directly with issues that are before the courts. However, there's quite a lot of leeway within that in the sense that it is a convention; it's not a hard and fast rule. It is something where members are advised to be careful when asking questions or when inviting witnesses. The sense is to not have Parliament prejudice a process that's already going on before the courts, in order to maintain the integrity and the independence of both branches of government, the legislative and the judicial.

That said, there are ample examples of committees inviting witnesses who were involved in legal issues. It's really an invitation. It's incumbent upon the witness to decide whether they want to appear or not. I would advise the chair and all members that in dealing with a situation where the *sub judice* convention is relevant, members should exercise significant caution when asking questions, to ensure that they are not putting the parliamentary process in a situation in which it may have an inadvertent influence on the process that is ongoing on the legal side.

The committee is still well within its powers under the standing orders. If a witness refused, the committee could still issue a summons for them to appear, but that is a last resort. Usually I would suggest that you invite the witness first.

It's difficult for me to say what would happen at this point, because I'm not sure if the witnesses will be forthcoming and wish to appear before the committee. However, when I was considering this motion, I did advise the chair, as I would advise all members, that caution should be used by the committee members when pursuing this, to ensure that there isn't seen to be any sort of infringement on the court's rights.

I hope I've answered your question. Thank you.

• (1730)

The Chair: Mr. Drouin, just to go further to you, if you are comfortable with that, I can tell you that I have looked at the *sub judice* convention and the rulings that have been made in the past. Recognizing that the avenue is there, we would need to proceed with caution, as the clerk has indicated, and make certain we're not putting anyone into a without prejudice type of issue along those lines.

That said, I feel that in this situation, as indicated, we should allow the debate and continue at this point.

Mr. McCauley.

Mr. Kelly McCauley: Thanks, Mr. Chair.

My concern was more long along the lines of what Mr. Drouin had put forward. If I hear the clerk correctly, it sounds as though we're fine with the motion; we just have to be careful with questioning.

The Clerk: If I may, Mr. Chair, on that point, to my mind there are essentially two separate issues here: whether the motion can move forward; and if the motion is adopted, what process does the committee follow when it's asking questions?

I would advise the committee to be cautious at all times when dealing with an issue that is before the courts. That said, there's nothing that prohibits the committee from inviting this group to appear, and there's nothing that prohibits the chair from a ruling one way or the other.

Again, if the chair rules either admissible or inadmissible, any member could challenge that ruling. That said, I would advise caution, based on the idea that the committee wants to make entirely

sure that it does not appear to be trying to influence or prejudice the process currently happening before the courts. It's really up to the committee to decide how it feels it is appropriate to exercise that caution.

Mr. Kelly McCauley: I think that clarifies it, and I thank Mr. Drouin for bringing it up, because it's similar to what I was going to ask.

Thanks, Mr. Clerk.

The Chair: Thank you.

Is there any further debate? I'm not seeing any.

With that, I would ask that if anyone is in disagreement with this motion to indicate that at this point in time.

(Motion agreed to)

The Chair: Thank you, Mr. Paul-Hus.

With that said, Mr. Paul-Hus, we are basically at the end of our time frame and we want to be respectful of our witnesses. The unfortunate part is that to continue with the questioning would extend this well past our time frame. It has been a long day, and I would basically like to thank the witnesses for being with us today. I appreciate it.

Ms. Stewart, your comments are very well appreciated. My wife is a nurse, and I can tell you she's been involved quite extensively over the past year and a half, so I am extremely aware of not only the tremendous work that our nurses are doing all across this country, but also the huge mental health impacts upon them in that avenue. I appreciate your comments along those lines.

Ms. Daviau and Mr. Aylward, thank you for your presentations.

Thank you, everybody.

Ms. Watkins, I see you here, and we appreciate your being here with us.

With that said, thank you, everybody, for attending today.

I declare the meeting adjourned.

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