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(HANSARD)

Tuesday, March 16, 2021

The Honourable GEORGE J. FUREY,
Speaker

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THE SENATE

Tuesday, March 16, 2021

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

[*Translation*]

SENATORS' STATEMENTS

THE LATE RHÉAL CORMIER

Hon. Rose-May Poirier: Honourable senators, I rise today to pay tribute to an Acadian ambassador, a true hero and a great source of pride for the community who, unfortunately, passed away on March 8. As soon as the name Rhéal Cormier is mentioned, a proud smile lights up Acadians' faces. It is simply incredible that a little guy from Cap-Pelé, who began his career as a baseball pitcher by throwing stones at the mailbox, went on to play in the major leagues for 16 seasons, especially considering that less than 1% of players drafted by a major league baseball team make a career there. However, a young Acadian from a village with a population of just over 2,400 managed to do just that.

Rhéal Cormier began his career with the Moncton Mets at the age of 18, where he was noticed by Bill Lee, a former Expos player, who took him under his wing. He then represented Canada at the 1988 Olympics and was drafted by the St. Louis Cardinals that same year. Three years later, on August 15, 1991, he played his first game as a starting pitcher. It is like something right out of a movie, for an Acadian to make his start in the major leagues on National Acadian Day — and he won the game besides. I can assure you that the Tintamarre was particularly loud in 1991. He went on to play in Montreal, Boston and Philadelphia before finishing his major league career in Cincinnati in 2007.

During his time with the Expos, he was the first francophone to pitch in an opening match for the team. After his major league adventure, Rhéal returned to the Moncton Mets in hopes of making a comeback and competing in the Olympics a second time in 2008. At the age of 41, after pitching in the major leagues, he signed on with his local team to give back to the community and the team that gave him his first shot. Few former professional players have gone back to their roots like Rhéal did and shared their love of baseball with young and old alike. That is one of the great things about Rhéal. He has always been a down-to-earth guy despite his stardom. He left Acadia as the little guy from Cap-Pelé who pitched rocks at the mailbox. He pursued his dream, and when he came back from his adventure, he was the same little guy from Cap-Pelé.

Honourable senators, please join me in celebrating the exceptional and inspiring life of Rhéal Cormier and extending our sincere condolences to his family and friends during this sad time. Thank you.

[*English*]

CANADA'S WINE INDUSTRY

Hon. Robert Black: Honourable senators, I rise today to highlight an issue facing the domestic wine industry in Canada.

As you may know, the sector has grown tremendously over the last 15 years, but wine has been produced in Canada for over 200 years. It was in 1866 that the first commercial-scale winery opened in Canada, situated on Pelee Island in my home province of Ontario.

Like many other industries, the grape and wine industry has been deeply impacted by the ongoing COVID-19 pandemic. However, many of these small businesses are feeling pressure — and not just from the pandemic. In 2018, Australia requested consultations with Canada concerning measures maintained by the federal government and the provinces of British Columbia, Ontario, Quebec and Nova Scotia governing the sale of wine.

Australia is concerned with the excise tax exemption that supports our domestic producers, which was implemented in 2006. It is important to note that the exemption applies only to those products that are made from 100% Canadian grapes.

Through the Agriculture and Forestry Committee's work on the value-added sector, it was clear that in order to further close the export gap between primary and value-added foods, and to take advantage of the international appetite for Canadian products, financial investment must be made to foster innovation; — for example, programs like the excise tax exemption.

According to Wine Growers Canada, the excise exemption has supported investment in more than 400 new wineries and 300 winery modernizations, stimulating 40 million litres of 100% Canadian wine sales growth from 2006 to 2018.

Last summer, the Canadian government reached an agreement with their Australian counterparts wherein the exemption will be formally withdrawn from our domestic wine producers by the end of June 2022.

I recently met with the Grape Growers of Ontario to discuss the industry's next steps to ensure that small- and medium-sized operations are supported during this challenging time. They highlighted that the exemption has had an enormous impact on the sector's ability to grow and compete against dominating international companies. In 2006, there were 86 VQA wineries in Ontario; today there are 183.

• (1410)

Honourable senators, I know many of us enjoy the products of our provinces' fruitful endeavours. I am hopeful that we will do what we can for our craft producers, whether that is picking up a bottle from the domestic section to enjoy responsibly, visiting a local winery when it is safe to do so or speaking up in support

from your seat in the chamber. We must work together to ensure that trade policy doesn't come at the expense of good domestic policy that supports our local industry.

At this time, I would like to figuratively raise a glass to those in the Grape Growers of Ontario who are working on a proposal to address these concerns, and are collaborating with the industry and government to ensure that a trade-compliant and trade-safe resolution is reached, which will in turn support craft producers across the country who are persevering during this challenging time. Thank you. *Meegwetch*.

STEVE KONCHALSKI

CONGRATULATIONS ON RETIREMENT

Hon. Mary Coyle: Honourable senators, I rise today to celebrate Steve Konchalski, known locally, across Canada and internationally as Coach K, and a consummate coach he is.

In 2009, Steve was declared the winningest coach in Canadian university sport history, having achieved his 735th career victory as head coach of the StFX X-Men basketball team.

Coach K came to Nova Scotia from New York to play for the Acadia Axemen, leading that university team to its first national title in 1965. While he went on to Dalhousie University to earn a law degree in 1969, Steve Konchalski's talents and brilliance ended up being better deployed on the basketball court than in the courtroom.

In his 46 years of coaching, Coach K led StFX to nine Atlantic titles and three Canadian championships. I remember well the thrill of the 2000 and 2001 back-to-back national championships. I loved witnessing Coach K's focus, keen strategy and attention to his players as they brought their skills and energy together to make the magic happen. It was really something remarkable to behold.

Steve Konchalski also served Canada's National Team for 31 years in a number of capacities, notably as assistant coach for 16 years, including three Olympic Games, and as head coach of Team Canada for four years.

Raptors broadcaster and former NBA player Leo Rautins, who played for Coach K when he was National Team assistant, said:

> He was intense. People forget Steve was a player too, right? . . . He's a New York kid. So he's got that street ball in him.

Jay Triano, lead assistant with the Charlotte Hornets said:

> I feel so fortunate that he was an assistant every year that I played on the Canadian national team. Not just a great coach, but a great man. Everyone who played for him left a better player and better person.

Steve Konchalski is a basketball rock star, a local and national hero and a member of the Canadian Basketball Hall of Fame as well as of the Nova Scotia, StFX and Acadia sports halls of fame.

As a great coach, of course he loves to win, but this morning he said that his greatest satisfaction is his continued relationships with all his players and their successes after StFX.

As Steve Konchalski retires from StFX at the end of this month, I want to salute him and wish him a long and happy retirement with his wife Charlene MacFarlane, children Julieanne, Christopher and Maria and grandkids Francis and Luther. I also can't wait to hear what his next basketball adventure will be. Given Steve's record, it will be a winner. Thank you. *Welalioq*.

[*Translation*]

THE LATE RAYMOND LÉVESQUE

Hon. Jean-Guy Dagenais: Honourable senators, I would like to take a moment today to pay tribute to Quebec poet and singer Raymond Lévesque, who passed away a few weeks ago at the age of 92 after contracting COVID-19.

I certainly did not share Raymond Lévesque's separatist ideology, but his poems and songs have marked Quebec's cultural history for over 50 years. Songs like *Bozo les culottes*, *Quand les hommes vivront d'amour* and *Les trottoirs* have been covered by some of the greatest singers, both in Quebec and in France. Jacques Brel, Barbara, Gilles Vigneault and Robert Charlebois have sung Raymond Lévesque's songs.

His career began shortly after the Second World War. Like many talented French Canadians of the time, he moved to Paris in the mid-1950s, where he sang for several years in the bars of Saint-Germain-des-Prés. It was mostly there that he met the greats of French song. French producer Eddie Barclay helped him record his first album, which included several songs performed by the actor Eddie Constantine.

After returning to Quebec in 1959, he and some fellow artists founded the first "boîte à chanson" in Quebec called Chez Bozo. The success of the place was quickly copied, and several similar establishments emerged in various towns and cities in Quebec, allowing many singers to perform and develop their talent.

Raymond Lévesque was one of the greats of French song in Quebec, right up there with Félix Leclerc, Gilles Vigneault and Claude Léveillée.

At the end of the 1970s, he suffered profound hearing loss and ended his career as a singer, turning to writing poetry instead.

A staunch nationalist and separatist long before René Lévesque, Raymond Lévesque was at the forefront of the first referendum campaign in 1980. He routinely took to the stage with politicians to recite his patriotic texts to warm up the crowd before the political speeches.

In fact, Raymond Lévesque was using his words to awaken francophone Quebeckers to take their rightful place in the society of the time, which was still being held back by the Duplessis years and the Church.

He was a man of conviction, so much so, that in 2005 he turned down an award from the governor general of the time, Michaëlle Jean. He said that she had reneged on the idea of two nations in Canada in her acceptance speech and that she was in fact the Commander-in-Chief of the Canadian Forces, who had been called in to enforce the War Measures Act in October 1970.

Moving on from his political convictions, let us go back to the music. In my eyes, his biggest song, *Quand les hommes vivront d'amour*, was inspired by his time in Paris. He wanted to condemn the racist treatment of the Algerian people. Surprisingly, the lyrics, which I invite you to read, are still very relevant in 2021. That is why I join my voice to those who have already said that Quebec has just lost a great poet.

[*English*]

ARTBEAT STUDIO

Hon. Patricia Bovey: Honourable senators, I rise today to pay tribute to a special Winnipeg arts organization, Artbeat, and to thank several individuals who have been at its centre. I congratulate Ernie and Lucille Bart and their son, Artbeat's founder Nigel Bart, for their foresight, determination and dedication.

Since 2005, this impressive program, studio and community space has provided creative inspiration and facilitated mental, spiritual and economic health for those in need. Their commitment to mental health support and recovery has been stellar.

Now retiring, board members Ernie and Lucille have since the outset volunteered and served selflessly. Ernie established a thriving studio central; Lucille also served as Executive Director. I extend a heartfelt thank you to both. Artbeat is integral to Winnipeg's creative scene. With their dedicated staff of five, Artbeat unquestionably adds to the quality of life and self-confidence of many. Practising artists contribute through their mentorship, support and passion.

Artbeat also connects with other organizations, like Arts AccessAbility Network Manitoba and Brandon University's psychiatric nursing program, ensuring a wide-ranging collective reach, benefiting people in various parts of Manitoba.

Through COVID, Artbeat inaugurated their online workshops and delivered special art kits to participants. Artbeat knows the importance of maintaining direct connections with their clients. Without that determination and contact, I hate to think what the negative effects might have been for many.

Executive Director Uyen Pham says:

> We focus on building community at Artbeat studio. Being part of something that is much bigger than the world you know is going to lift your spirits and increase your quality of life.
>
> I've seen the impact this can have on a person's mental health, and it is immeasurable. The sense of belonging, the creation of art next to another person creating art, knowing that person is also living with mental health challenges, has profoundly increased one's self-esteem and outlook on life. I imagine a world where there is an Artbeat in every city, where creative expressions can heal and empower the mental health of many.

The intersections of art and mental health are growing. I have spoken about Kingston's art programs. Recently I spoke with B.C.'s Alliance for Arts + Culture about their recent research in the field, and with leaders of Montreal's two-year-old Artruism Group, which is gaining ground and making a difference to those with mental illnesses. So, too, is the Quebec Medical Association-Le Musée des beaux-arts de Montréal partnership. I also attended a training session with proponents of the U.K.'s Social Prescribing Network.

• (1420)

All these organizations share the same goal: improving mental health through the arts.

I applaud those taking the risk to help folks in need. I stand with those who believe the arts are integral to mental health. I encourage communities working in creative and rewarding ways.

Colleagues, arts programs are building mental health capacities. They are important and rewarding. Thank you.

DAUGHTERS OF THE VOTE

Hon. Donna Dasko: Honourable senators, how do we increase the number of women elected to our parliaments and legislatures? One thing we must do is encourage young women to take an interest in politics and to see it as a worthy and rewarding career.

Last week, a nonpartisan NGO called Equal Voice took a major step in that direction. Over the course of four days, 338 young women aged 18 to 23, 1 chosen from every federal riding across the country, met virtually to learn about Parliament and public policy. They heard from all of Canada's party leaders, parliamentarians; those who work in politics, and from a diverse, multi-partisan and coast-to-coast panel of women senators. They also took their seats virtually in the House of Commons.

The delegates gathered as part of the program called Daughters of the Vote, a program created by Equal Voice in 2017 and is normally held every two years, in person, in Ottawa.

I thank Senators Martin, Laboucane-Benson, Miville-Dechêne and Bernard for serving on our insightful panel, which was very well received by delegates. Many thanks to Senator Saint-Germain for her warm welcome to francophone delegates. I am confident that these young women left the conference with a sense of purpose and a sense that politics and public life can be rewarding.

However, colleagues, we cannot wait until the next generation of women steps forward to change politics. We must elect more women now.

In the 2019 federal election, all political parties increased the number of women they nominated, and that was commendable. Unfortunately, that translated into a modest 29% of our Parliament being female in that election. Canada is now ranked fifty-second in the world in terms of our representation of women. We must do better.

A federal election will likely be held sometime this year. Under the radar, parties are now nominating their candidates left, right and centre. Parties, I say this: What are your plans? Tell us what your plans are to nominate women, especially in your key ridings. And I say to the parties: Make a commitment now to do better than last time. That is the only way to make progress.

Meegwetch. Thank you.

ROUTINE PROCEEDINGS

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

FIFTH REPORT OF COMMITTEE PRESENTED

Hon. Sabi Marwah, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Tuesday, March 16, 2021

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

FIFTH REPORT

Your committee, which is authorized by the *Rules of the Senate* to consider financial and administrative matters and, pursuant to the *Senate Administrative Rules*, to prepare estimates of the sums that will be required from Parliament for the services of the Senate, has approved the Senate Main Estimates for the fiscal year 2021-2022 and recommends their adoption.

A summary of these Estimates is appended to this report. Your committee notes that the proposed total is $115,563,738.

Respectfully submitted,

SABI MARWAH
Chair

(*For text of report, see today's* Journals of the Senate*, p. 393.*)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

(On motion of Senator Marwah, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

[*Translation*]

ADJOURNMENT

NOTICE OF MOTION

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, March 23, 2021, at 2 p.m.

[*English*]

NATIONAL RIBBON SKIRT DAY BILL

FIRST READING

Hon. Mary Jane McCallum introduced Bill S-227, An Act respecting a National Ribbon Skirt Day.

(Bill read first time.)

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

(On motion of Senator McCallum, bill placed on the Orders of the Day for second reading two days hence.)

CRIMINAL CODE

BILL TO AMEND—FIRST READING

Hon. Salma Ataullahjan introduced Bill S-228, An Act to amend the Criminal Code (trafficking in persons).

(Bill read first time.)

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

(On motion of Senator Ataullahjan, bill placed on the Orders of the Day for second reading two days hence.)

HEALTH-CENTRED APPROACH TO SUBSTANCE USE BILL

BILL TO AMEND—FIRST READING

Hon. Gwen Boniface introduced Bill S-229, An Act respecting the development of a national strategy for the decriminalization of illegal substances, to amend the Controlled Drugs and Substances Act and to make consequential amendments to other Acts.

(Bill read first time.)

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

(On motion of Senator Boniface, bill placed on the Orders of the Day for second reading two days hence.)

INTER-PARLIAMENTARY UNION

SESSION OF THE GOVERNING COUNCIL, NOVEMBER 1-3, 2020—REPORT TABLED

Hon. Salma Ataullahjan: Honourable senators, I have the honour to table, in both official languages, the report of the Inter-Parliamentary Union concerning the Two Hundred and Sixth Session of the Governing Council, held as an Extraordinary Virtual Session from November 1 to 3, 2020.

EDMONTON INTERNATIONAL AIRPORT

PETITION TABLED

Hon. Paula Simons: Honourable senators, I have the honour to table a petition from the residents of Alberta calling for Edmonton International Airport to be named after Max Ward and to be referred to as Edmonton Max Ward International.

• (1430)

QUESTION PERIOD

JUSTICE

BILL C-7—MESSAGE FROM COMMONS

Hon. Donald Neil Plett (Leader of the Opposition): Honourable senators, my question today is for the Government Representative in the Senate. Senator Gold, we are fast approaching in this chamber whether or not to support a message from the House of Commons on Bill C-7. Leader, did the Minister of Justice or any other minister or representative of the Trudeau government contact, call or lobby honourable senators to accept the message from the other place on Bill C-7? If so, were any promises made by the Trudeau government in order to get the support of senators? And if so, what were those promises?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question, senator. I'm not aware of any such calls nor any such promises.

Senator Plett: Well, I guess I'm asking you to find out and give us that information. I am not asking you for privileged information. If your government made promises to some senators about Bill C-7, I would like to know what they are. All honourable senators should know, and indeed all Canadians should know, what those promises are, quite frankly, before we vote.

I'll ask you again, could you get the information on whether the Trudeau government contacted senators to get them to accept the House message, and were any promises made to get that support?

Senator Gold: Thank you for your question. I will endeavour to make some inquiries, but I can assure you that this government has been transparent, both in committee and in the public sphere, with its belief that Bill C-7, as amended by this chamber and as modified in the message, is in the best interests of Canadians, and in particular, Canadians whose constitutional rights will now be respected.

Senator Plett: That is not the question.

[*Translation*]

NATIONAL DEFENCE

SEXUAL MISCONDUCT AND SEXUAL HARASSMENT IN THE CANADIAN ARMED FORCES

Hon. Pierre-Hugues Boisvenu: My question is for the Government Representative in the Senate.

Senator Gold, yesterday, my colleague Senator Dagenais asked a question about the testimony of the Minister of National Defence. You replied as follows:

> The minister's testimony made it quite clear that he did not just sit back and do nothing. On the contrary, he acted responsibly, as it would have been inappropriate for him to play the role of investigator in this matter. The minister suggested that the ombudsman take the matter to the appropriate authorities.

At the same time, we learned that the Minister of National Defence refused to meet the National Defence and Canadian Armed Forces Ombudsman seven times. If the minister did everything he could to address complaints about General Vance, why did he refuse to meet the ombudsman seven times?

Hon. Marc Gold (Government Representative in the Senate): I thank my honourable colleague for his question. I am not aware of the details you mentioned. I will repeat that the Minister of Defence plays an important role, but there are other appropriate authorities and processes for addressing complaints when official complaints are filed.

As the minister explained several times, he acted in a responsible manner by discussing the matter with the Privy Council and forwarding them the information he had.

DECLARATION OF VICTIMS RIGHTS

Hon. Pierre-Hugues Boisvenu: I met with the National Defence and Canadian Armed Forces Ombudsman a few weeks ago and I did some checking. You were in the Senate in 2019 when we passed legislation to add the Declaration of Victims Rights to the Code of Service Discipline.

If both the defence minister and the ombudsman, who, as recently as this week, asked for independence from the defence minister, are unable to handle cases of sexual assault by high-ranking officers, can you explain why the Declaration of Victims Rights, which was passed in 2019, has not yet been implemented by the Canadian Armed Forces?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. You are absolutely correct that the legislation including the Declaration of Victims Rights passed by Parliament is an important step forward. I do not have any information on why it has not been implemented, but I will inquire.

We must not confuse the issue, however. The ombudsman has a role to play, but complaints must be handled appropriately, in accordance with the rules, and that includes the fact that there must be an official complaint before anything can move forward.

[*English*]

JUSTICE

CONSULTATION WITH BLACK AND INDIGENOUS CANADIANS

Hon. Rosemary Moodie: Honourable senators, my question is for the Government Representative in the Senate. Senator Gold, a few weeks ago the government introduced Bill C-22, an act that would repeal a number of mandatory minimum penalties. We have been fortunate enough in this chamber to have debated this topic many times thanks to Senator Pate's Bill S-207. We know that mandatory minimum penalties distort our justice system by removing discretion from justices and that they have been a significant part of racism in the judicial system, in part in the over-representation of Black and Indigenous Canadians in prison.

Senator Gold, when working on a measure that is touted to help Black and Indigenous people, it would have been expected that the government would have engaged with stakeholders, leaders and individuals impacted by these systems. Did the government engage with Black and Indigenous Canadians before introducing this bill? Could you please name the specific groups and individuals who were consulted?

Hon. Marc Gold (Government Representative in the Senate): Senator Moodie, thank you for raising this issue. Having given me advance notice of the question, it allowed me to inquire with the government, and I'm pleased to report the following First, the government did hear from on-the-ground experts, advocates from Indigenous and Black communities, provincial and territorial partners, as well as members of its own Indigenous and Black caucuses on the necessary improvements in the criminal justice system. The government has also heard the calls for reform from organizations and commissions such as the Parliamentary Black Caucus, which includes senators and MPs, the Truth and Reconciliation Commission of Canada and the National Inquiry Into Missing and Murdered Indigenous Women and Girls.

I've been further advised, honourable senator, that Bill C-22 does, in fact, reflect the variety of those views expressed. Finally, the government remains committed to advancing reforms in the criminal justice system that will deal with inequities in that system, while of course holding offenders to account and protecting victims.

Senator Moodie: In comment, Senator Gold, as part of the Parliamentary Black Caucus and having spoken to many of my colleagues, I am hard pressed to find a person who was actually consulted on this. Is the government taking any steps now that the bill has been introduced to engage with Canadians on this matter?

Senator Gold: Honourable senator, with regards to your question, now that the bill has been introduced, I believe that it is in the parliamentary process, which is going to be the forum for its study and deliberations. I will make inquiries about any further engagement that the government may be contemplating and report back.

HEALTH

NATIONAL VACCINE REGISTRY

Hon. Stan Kutcher: Honourable senators, my question is for the Government Representative in the Senate. Senator Gold, this pandemic has cast a harsh light on many issues related to mounting a coordinated and effective national response in the realities of the federal system. For example, inconsistencies in public health messaging, testing, vaccination rollouts and challenges in getting key data.

One very important data issue is the tracking and sharing of the vaccination status of individuals who may be travelling across or outside of Canada. We do not have a national vaccination database or a national vaccine registry, and this pandemic has made it very clear that we need one. Can you tell us what the federal government is doing to encourage the development and deployment of a robust national vaccination database?

• (1440)

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question, raising this important issue and acknowledging the complications that are introduced by our federal system and that health is exclusively a provincial jurisdiction.

The challenge in having national data on this is that although some provinces have immunization tracking systems, the systems don't speak to each other from an IT perspective — regrettably, not an uncommon problem that businesses and governments face as the systems evolve differently over time.

That said, the government has been in discussion with its provincial and territorial counterparts and partners to develop a national tracking system. Bearing in mind, of course, the importance of balancing and accommodating our protected rights to privacy and ensuring that the data is collected, tracked and accurate.

VACCINATION PASSPORT

Hon. Stan Kutcher: Honourable senators, there has been increased discussion about having a COVID vaccination passport. As someone who has spent decades working in sub-Saharan Africa, I am very familiar with the essential public health value of the International Certificate of Vaccination or Prophylaxis. Mine includes yellow fever, polio, Tetanus/Diphtheria, Cholera, hepatitis A and B and Japanese encephalitis.

Entry to some countries is not possible without such documentation. Senator Gold, is Canada considering something similar when it comes to COVID vaccination? If so, what is being considered?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. The government is aware, and senators must be as well, that some provinces and territories are already exploring options for certifying a person once they are vaccinated.

With regard to the issue at the central level, the Prime Minister recently commented that while the issue is being discussed and considered — as it is in other countries— a vaccination passport or certificate raises questions of fairness, privacy and discrimination. These are things that need to be factored in.

It has also been suggested often that a passport would be useful from a public health perspective to deal with international travel. In that regard, the government continues to recommend to Canadians that they not engage in non-essential travel.

EMPLOYMENT AND SOCIAL DEVELOPMENT

FUNDING FOR EQUITABLE LIBRARY ACCESS

Hon. Pamela Wallin: Honourable senators, in the 2020 Fall Economic Statement the government withdrew its commitment to support the Centre for Equitable Library Access which provides reading material to Canadians with disabilities. By 2024, they plan to cut its annual $4 million contribution altogether. The decision was made without any warning or consultation and comes at a time when the disabled community is already facing major challenges.

With this cut, the centre will likely be closing their doors, which means no access to educational materials and supports to those with disabilities. In fact, it means no audio books for the blind.

I gave notice of this question, Senator Gold, so let me go ahead and ask it: Who made this call? Why was the decision made to cut such an essential service — something that represents such a small portion of an annual budget but fundamentally changes the lives of so many?

Hon. Marc Gold (Government Representative in the Senate): Thank you, Senator Wallin, for raising this question. I was not aware of the question in advance, and I apologize if it slipped through the cracks. I will certainly make inquiries and report back as quickly as possible.

Senator Wallin: I'm sorry, my office did send this question to yours. Can you please commit to making sure this decision is reversed or, at the very least, come back to us with an explanation as to why this funding was cut?

Senator Gold: Thank you. I certainly will commit to making inquiries and reporting back as soon as I can.

FOREIGN AFFAIRS

FUNDING FOR UNITED NATIONS RELIEF AND WORKS AGENCY

Hon. Linda Frum: Senator Gold, on February 8 I asked you why the Trudeau government had not halted its funding of UNRWA, which had been distributing hateful and anti-Semitic educational material to its students. Three weeks before that, on January 22, Minister Gould responded to the revelations about UNRWA by stating that your government would be launching an investigation. She also pointed out that UNRWA had acknowledged its error and implemented corrective action. However, a report by the NGO IMPACT found that UNRWA never stopped distributing the hateful material but simply removed it to a secure platform.

It has been nearly two months since the minister announced her investigation. Can you tell us what the results of that investigation are so far? What conclusions have been reached, even if tentatively, and are any of the government's findings at odds with the findings of IMPACT?

Hon. Marc Gold (Government Representative in the Senate): Senator, thank you for your question. I have not had answers back from the minister. I will follow up and endeavour to get an answer and report back to the chamber as soon as I can.

Senator Frum: Senator Gold, also in February Minister Gould in the other place was asked about the continued distribution of hateful educational material by UNRWA in spite of the so-called "corrective action" she took back in January. In answer, the

minister made an excuse for UNRWA, saying that while there is no place for hate and incitement to violence, at least UNRWA is providing children with an education.

Senator Gold, distributing hateful educational material is not an education but indoctrination, and continuing to distribute it after you said you would stop is not an accident; it's a policy. Finally, repeatedly relying on the excuse that you need to further investigate something about which others have already provided ample evidence amounts to complicity.

Senator Gold, as the minister said, your government believes there is absolutely no place for hate or incitement to violence in UNRWA's educational materials. Why, with this latest revelation, will your government not suspend any and all Canadian funding of that organization pending the outcome of your investigation? Don't you think that would be the best way to back up your government's words and send UNRWA the right message?

Senator Gold: Thank you for your question and for your commitment to ensuring that Canadian funds are used appropriately. It's one that I share. I will have to make inquiries and report back as soon as I can.

EMPLOYMENT AND SOCIAL DEVELOPMENT

FUNDING FOR EQUITABLE LIBRARY ACCESS

Hon. Judith G. Seidman: Honourable senators, my question is for the government leader in the Senate and is quite similar to the question Senator Wallin asked you earlier.

We know that this federal government is phasing out funding to two organizations that help Canadians with disabilities — the Centre for Equitable Library Access and the National Network for Equitable Library Service.

The cut will have, as she suggested, a devastating impact on the development and distribution of books in accessible formats for Canadians who are blind, have learning disabilities or who have physical conditions impacting their sight such as Parkinson's disease.

The amount of funding being cut here is $4 million — a small amount in the Government of Canada's overall spending. You have, I think, agreed to come back and let us know why the government cut this funding for Canadians with disabilities. My question is whether the government will reverse this decision.

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. I can only repeat my commitment to find out about the cuts and to report back what I can as quickly as I can.

Senator Seidman: Thank you.

With the pandemic it's even more of an issue. The National Network for Equitable Library Service says that the decrease in funding for the upcoming fiscal year will:

> . . . further compound the effects of the COVID-19 pandemic, which is having a disproportionate impact on those with disabilities across Canada.

• (1450)

Both of the organizations impacted by these cuts say the federal government's decision was taken without consultation or any advance warning.

Senator Gold, could you tell us why your government did not consult with the Centre for Equitable Library Access and the National Network for Equitable Library Service? As well, could you tell us why they were not informed that their funding would be terminated during the ongoing pandemic?

Senator Gold: I will make all of those inquiries. Thank you.

[*Translation*]

HEALTH

COVID-19 VACCINE

Hon. Jean-Guy Dagenais: My question is for the Government Representative in the Senate. The list of European countries that have suspended the use of the AstraZeneca vaccine is growing. It's now up to roughly 20 countries, including the four largest on the continent. Meanwhile, Prime Minister Trudeau continues to say that there is no danger to Canadians, noting that our AstraZeneca vaccines do not come from what he called the same batch. That response does not sound very scientific to me.

Something else really concerns me. Health Canada is normally weeks if not months behind the United States when it comes to approving some health products. However, in the case of AstraZeneca, the United States hasn't approved this vaccine yet, and AstraZeneca won't even be submitting the reports needed to secure approval until April.

Leader, can you assure us that the Prime Minister isn't taking any risks in order to boost his political image as a great vaccinator? On what scientific basis did we approve this vaccine, one that the U.S. still refuses to declare safe for its population?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. Vaccine safety is a matter of the utmost importance. The Government of Canada makes decisions based on scientific evidence and the advice of its

scientific advisers. According to the information available and the advice provided, the AstraZeneca vaccine is considered safe. Today we learned that, according to the first European study on the blood clot issue, millions of doses of this vaccine have already been administered, most of them in England. Apparently, there is no link between the blood clot issue and the vaccine. We will soon be getting the results of further investigation into the issue.

According to information provided by scientists, there is no connection and no risk in Canada or elsewhere. All Canadian authorities have stressed the risk-benefit balance. Based on scientific advice, every authority in the country, including the Premier of Quebec and the Prime Minister of Canada, is encouraging Canadians to trust these vaccines and all vaccines available in Canada.

Senator Dagenais: I will repeat what the Prime Minister said. He said that the vaccines destined for Canada were not from the same batch. Do you honestly believe that AstraZeneca developed a different vaccine for Europe than the one it is offering to Canada and the United States? The U.S. is still waiting for more information before approving this vaccine.

Senator Gold: Thank you for the question. We're not talking about a different vaccine. There isn't even any evidence to confirm that there was a problem with the vaccine. Apparently, there is an approximately 20% higher risk that people with COVID-19 will develop this blood problem. Further research is currently under way. It's only natural for authorities to take the time to ensure the vaccine is safe. That's what Canada did. In fact, the government was previously criticized for not approving the vaccine as quickly as other countries. You can't have it both ways. Here in Canada, we are taking our time and focusing on our scientific skills and abilities in order to make appropriate decisions for Canadians.

Hon. Claude Carignan: My question is on the same subject. Can you confirm that Canada is not currently negotiating with AstraZeneca to increase the number of doses we are receiving? Can you confirm that Canada is not taking advantage of the cancellations in Europe to buy surpluses of this vaccine, which Europeans do not necessarily feel is safe, and importing them here in order to vaccinate Canadians?

Senator Gold: Thank you for your question. Every day, the Minister of Public Services and Procurement works with her team to make sure Canada can get the vaccines it needs to protect the population as quickly as possible. I do not have any information about any negotiations on the issue that you talked about, but please believe me when I say that the well-being of Canadians is at the heart of the decisions our government makes. Any vaccine that is to be purchased by Canada and distributed within our country must undergo rigorous, independent testing by Health Canada. Believe me when I say that the government is working 24-7 to protect us.

[*English*]

JUSTICE

BILL C-22—IMPACT ON BLACK AND INDIGENOUS CANADIANS

Hon. Kim Pate: My question is for the Government Representative in the Senate. I apologize — I didn't know I would get a chance to ask this so you don't have advance notice, although the Minister of Justice has been asked twice.

In addition to the issue that Senator Moodie raised in terms of the list of who was consulted, particularly from Black and Indigenous communities, we would like to know what the numbers of those who are Black and Indigenous are in terms of who has been convicted of the offences which will be amended by Bill C-22 if it's passed, as well as the statistics on the anticipated reduction in the numbers of prisoners who are Black and Indigenous based on the plan to pass Bill C-22. Thank you very much.

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. I don't have the answer, and I am not the best-placed person, nor, perhaps, is this even the best forum for that legitimate question to be answered. I invite you to ask those questions to the minister and the officials when we have the opportunity to do so when the bill comes to us for consideration. Having said that, I will make inquiries and try to provide the information.

Senator Pate: Thank you very much. Any assistance would be much appreciated, as we have requested it twice already and thus far have not been able to receive the information.

FOREIGN AFFAIRS

EXPORT OF DEFENCE TECHNOLOGY TO TURKEY

Hon. Leo Housakos: Senator Gold, earlier this week, I asked you about revelations contained in documents tabled in the House regarding Justin Trudeau's decision to grant Turkish President Erdoğan an exemption from our military export ban to that country — an exemption with very serious consequences because we now know that the equipment was used to kill innocent civilians in the Nagorno-Karabakh conflict. Also, there have been media outlets that have received similar documents through access-to-information requests that the humanitarian crisis was barely mentioned in the 400 pages of documents on that issue.

Is this government really interested in the humanitarian crisis that is going on in that region or not?

Hon. Marc Gold (Government Representative in the Senate): The answer is yes. Upon learning of the allegations, officials were directed to investigate and those investigations are under way.

• (1500)

ORDERS OF THE DAY

CRIMINAL CODE

BILL TO AMEND—MESSAGE FROM COMMONS—MOTION FOR NON-INSISTENCE UPON SENATE AMENDMENTS AND CONCURRENCE IN COMMONS AMENDMENTS—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Gold, P.C., seconded by the Honourable Senator Boehm:
>
> That, in relation to Bill C-7, An Act to amend the Criminal Code (medical assistance in dying), the Senate:
>
> (a) do not insist on its amendments 1(a)(i), 1(a)(iii), 1(b) and 1(c), with which the House of Commons has disagreed;
>
> (b) agree to the amendments made by the House of Commons to Senate amendment 2;
>
> (c) agree to the amendment made by the House of Commons in consequence of Senate amendments 1(a)(ii) and 3; and
>
> (d) agree to the amendments made by the House of Commons to Senate amendment 3; and
>
> That a message be sent to the House of Commons to acquaint that house accordingly.

Hon. Carolyn Stewart Olsen: Honourable senators, I rise today to speak to the message received from the House of Commons on Senate amendments to Bill C-7, dealing with the final consideration of an extensive overhaul of Canada's legalization of medical assistance in dying.

As a retired emergency room nurse, death and suffering are not unfamiliar to me. You can believe me when I say I've seen some of the worst things that can be done to a person and perhaps some of the worst things people can do to themselves.

Since MAID is now the law of our land, our job here as legislators is to ensure that Canadians have reasonable, safe and humane access to this most difficult of choices, but that's not our only job. I consider that by tweaking and returning this amendment as accepted, I do not believe the House of Commons has shown the common sense we expect from it, nor does it, I believe, reflect the majority of Canadians' opinions.

As I followed the debate on Bill C-7 and its amendments, the concern at the top of my mind was to be sure that we can deliver the legislation that strikes an appropriate balance between protecting Canadians and satisfying the decision of the lower court. We must also protect those Canadians for whom all reasonable treatment options may not have been explored and those for whom, for whatever reason, may not be able to make an informed choice.

Unfortunately, I believe we have now gone down a road to considering mental illness as sufficient by itself for grounds to open the door to a medically assisted death. This is troubling to me because mental health is not an exact science that can be compared in the same way as how we assess our ability to treat people who are terminally ill. As one physician noted in the *Journal of Ethics in Mental Health*:

> . . . I am not an agent of death. By virtue of vocation and oath I am an agent of hope. I have promised to do my best to relieve physical and emotional suffering, and when my art, skills and tools are believed by my patient to be inadequate, and life is felt to be no longer worth living, then each person can signal their answer to the question, "to be or not to be."

If we approve mental illness as a sole precondition for seeking medically assisted death, we have opened the door to death being prescribed as the treatment for desiring to die. This imposes significant ethical challenges for many health professionals.

The government's argument is that these changes ensure the quality of treatment as we are all owed, but I question if we have adequately considered that, for many, the real issue is not access to an assisted death but access to assisted life.

Colleagues, access to psychiatric care, to palliative care, to pain clinics, access to sufficient social assistance, these are all things that differ widely depending on where you live in this country and these are all things which have a large role in determining if a patient will choose MAID.

The Canadian Mental Health Association concurs. They told the Senate in November 2020 that until the health care system can adequately respond to the needs of mentally ill Canadians, assisted death should be off the table. The question of quality of life is not a simple binary situation that begins with living and ends with death. Governments have a large tool box of decisions available to them to improve the options accessible to those who are struggling with mental illness, and we should be encouraging them to work harder to utilize these powers.

The Centre for Addiction and Mental Health, Canada's largest mental health teaching hospital, established a working group for considering MAID, and after two years of deliberation — that period sounds familiar — they concluded that we should not allow MAID to be accessed by those suffering solely from mental illness.

As I noted earlier, mental health is not an exact science. The evidence is far from clear that mental illnesses are incurable.

In a 2017 policy paper, CAMH notes:

> The grievousness of an illness is subjective and there is no doubt that mental illness can be grievous to individuals. . . . The irremediableness —

— the inability to treat or cure an illness — "on the other hand, is an objective determination which should be based on the best medical evidence available."

CAMH further concludes that there is generally no evidence to suggest that there is an objective threshold which we can refer to that would say, "Here's a mental illness that is impossible to treat or cure." Given the deeply personal experience that many patients have with mental illness, it will be difficult to set a standard for any one person that can predict a trajectory of decline. Someone who seems impossible to treat today may be curable tomorrow.

An academic piece dealing solely with experience of mental suffering concurs by saying:

> . . . we believe that in practice it is highly unlikely that euthanasia would ever be a proportionate response to mental suffering, and that allowing it would amount to an unacceptable medicalization of problems that are not medical in nature.

Senators, I cite these quotes because they have been produced over a two-year period by people who are objective, know the subject matter and have delved deeply into it already. So I'm not sure that we can do better than the amendment that we have sent. That's why I cannot accept this message.

The objective of MAID in its original form was not to remove people from treatment who could be cured, but to provide a humane option for those who have no hope of medical relief from their condition. The problem of opening MAID to those suffering solely from mental illness is not unique to Canada. Oregon's 2008 Death with Dignity Act guidebook noted that:

> . . . the practice of the Oregon Death with Dignity Act through 2006 did not adequately protect all mentally ill patients from receiving prescriptions for lethal medications and there is need for more vigilance and systematic examination . . . .

In Belgium, a petition was signed by more than 360 doctors and academics who were calling for tighter controls on euthanasia for psychiatric patients. This also reflects the position of the American Psychiatric Association, whose December 2016 position statement noted they do not support psychiatrists prescribing or administering, "any intervention to a non-terminally ill person for the purpose of causing death."

Senators, returning to my experience as a medical professional, it was always my duty to offer a patient the best care and treatment available. It's also my duty to treat them with dignity and respect their informed choices about their health. I do not see evidence that would suggest that mental illness can be considered, by itself, an end-of-life condition. The science on this has a long way to go before we can say with any certainty that there is a consistent, objective standard we can apply.

As legislators we are here to protect Canadians, and sometimes that means protecting those who can't protect themselves. We should reject the inclusion of mental illness — and I truly wish the House of Commons had done so — as the sole determinant for a medically assisted death until the original legislation has been reviewed by the promised committee and we have more certainty that the science has been settled. I cannot support the message from the House of Commons. Thank you, senators.

• (1510)

Hon. Frances Lankin: I'm pleased to have the opportunity today to speak on the message from the other place with respect to Bill C-7, An Act to amend the Criminal Code (medical assistance in dying).

I appreciate the speech that Senator Stewart Olsen just made. I think that the thoughtfulness with which all senators have approached this from differing perspectives has been contributory to the quality of the debate and to the deliberation to think through and consider these things.

I have given this a lot of thought and I've arrived at a different place in that I do intend to vote to concur with the message from the House of Commons and I want to set out a couple of reasons why. None of that negates the importance of the other views that have been put forward or the integrity of the arguments that are being made.

Just before I go into my reasons for this, many other speakers have spoken words of thanks to all who have been involved, from staff to many senators, and the witnesses. I want to associate myself with those comments and offer my sincere thanks to all who have done a lot of really important work on bringing this forward and bringing forward what I think has been an incredibly important and importantly constructed debate.

For a moment, let me comment on that. Let me also thank the leaders, facilitators and the Government Representative in the Senate in their discussions for having agreed to program this bill for deliberation in the Senate Chamber in such a manner as to have continuous, flowing debate, where we can hear each other, where we can respond, where we can ask questions at the time and where we will all know when it will be on the agenda. It just makes sense. In all my years in the Ontario legislature, we always knew what was coming up and how long it would be debated in any given week. That doesn't mean we knew what the conclusion date of a debate would be, but rational and coherent deliberations were an important part of how we approached this.

I personally am someone who believes that all of our bills should be scheduled in such a way, through discussions with the leadership group. I thank them very much for approaching this bill in this manner and I put a plug in for the future, hoping they will do so more frequently. I think it enhances the quality of debate and deliberation greatly.

When we come to debate on a message from the House of Commons, for me, there are very different levels of the bar that have been set, or different guideposts we must consider as we come to a conclusion. One might be quite opposed to certain provisions of Bill C-7 from a lot of perspectives. For some it's conscience or religion; for some it is, as the previous senator spoke to, their experience, background and profession. For some it's personal. There are lots of reasons why we may support or object to any of the policy intents of the bill. That has been well deliberated and well talked through, and in the end we don't have a unanimous view of this and neither do Canadians. That's not to be expected and it's not to be a concern that we don't have a unanimous opinion. Of concern, and the threshold we've met, is we have had a very extensive debate of those issues.

For example, on the issue of physician conscience, we have debated that. We have come to a conclusion. It is not, at this point in time, a matter of debate or deliberation again as to why we would accept this message or not. I'm not for a minute suggesting that someone in the Senate who has a moral or conscious objection not have their vote guided by that, but it is not within the bar or the guideposts of what we look at when we look at this message and we're determining how we might vote on this message. Another example might be the safeguards. For some the safeguards are sufficient and for some they're not. I personally voted for Senator Batters' amendment to restore the 10-day reflection period. That was defeated in the chamber. I disagree with that decision of the chamber but it's not part of what we're voting on today and that has been determined by our chamber.

One area where it's not quite that simple is when you look at the issue of constitutional or Charter arguments. I was fortunate enough to be a member of the Senate when we debated Bill C-14, the predecessor bill establishing the medical assistance in dying provisions within the Criminal Code, or updating them to create the regime of medical assistance in dying. At the end of the day, when senators objected based on constitutional and Charter reasons to the restrictions or constraints that were being put around accessing and eligibility for MAID focusing on the qualifiers of reasonably foreseeable death or terminally illness, many of us felt that would run afoul of the Constitution and the Charter, given the Supreme Court ruling that had directed us in the first place and set us down the road of establishing Bill C-14 and establishing MAID.

It was a very strong feeling. And when the message came back rejecting that amendment from the Senate, it was very difficult to come to a determination of how far we could push that. I'm not going to use the language that some people do about ping-pong back and forth. This is a serious shared responsibility between two chambers of Parliament, the two components of Parliament. There are different roles that we play and different emphases of what we put our thinking towards or our determination-making guideposts.

In this case, in Bill C-14, it was such an issue of concern that we struggled as a Senate. In the end, we agreed to accept the government's assertions or their message back. In doing that, we left open the question of whether or not that constitutionality in fact would be met. Many of us predicted that we would see a court decision like *Truchon*, which would bring us back to this point and it has. But is wasn't for sure. We never know what courts will rule and in that case, I think quite inappropriately, the Minister of Justice at the time — before we even finished our deliberation and voted, sending the bill back to them with amendments — cut out the possibility of considering that amendment. So I don't believe they took into account what we had to say, but I do believe they were, from the beginning, asserting that this was constitutional. In keeping with that, the minister decided to prematurely, in my view, announce that.

What we have before us is slightly different. The government accepted our amendment about the delay in coming into force on the provision of mental health as the sole condition that would prevent eligibility. They accepted our amendment. They extended the suspension of the coming into force from 18 months to 24 months. I actually agree with them. I was more comfortable with that. The amendment we passed was 18 months. I believe there is time for much important work to be done during that period of time.

I also say it's different because here we don't know exactly what would have happened had this made it to the Supreme Court. This was a Quebec court ruling. It was one judge. There wasn't a reference, for whatever reason, after. So the question is even more open, in my mind, for Bill C-7 than it was for Bill C-14 on the constitutional grounds, and therefore I am prepared to accept the government's decision on this and, in fact, as I said, they have gone a long way to meet our concerns, going further than we did.

I'm very disappointed that Senator Wallin's amendments have been rejected. I agree that it is a complex issue, of course, but this has been hammered out in provinces around consent to treatment legislation and around capacity to consent. All the elements of what is required have been determined provincially. We need to bring that together and apply it to the actual medical assistance in dying. But as I said in my third reading speech, there's a great difference between the processes that are in place, federally and provincially, as they stand now, and we don't have access to this under the federal Criminal Code at this point in time. But there isn't much difference, except the inhumanity of saying a person can refuse treatment and can, as in my experience with family, both starve to death and deprive themselves of hydration, as opposed to seeking medical assistance in dying. However, we will have the opportunity to deal with that in this study. I look forward to and hope I will be able to join that committee and be part of this.

• (1520)

Your Honour, I will wrap up with those comments to assert once again that I support the motion of concurrence with the message from the House of Commons. I appreciate that, in a minority government, the government and parliamentarians in the House of Commons have gone a long way to listen to and respond to the issues raised by the Senate. I am pleased that this is another step forward, but there is still much work to do. Thank you very much.

Hon. Denise Batters: Honourable senators, what Parliament has done with this assisted suicide bill is shameful. The Trudeau government, supported by the Bloc Québécois, halted debate after only seven and a half hours of debate on a Senate amendment to allow access to state-sanctioned suicide for people

suffering with mental illness. Because mental illness as a sole underlying condition had been specifically excluded from medically assisted death in the original Bill C-7, the House of Commons had not previously studied or debated the issue at all. It is reprehensible that the amount of House time devoted to such a monumental change in our country's social policy is less than one day's work shift for many Canadians.

This entire debacle illustrates that we have a Prime Minister who is governing without a moral compass, leading a cabinet of ministers more interested in ducking their heads to keep their jobs than they are in standing up for Canadians. In the same week Prime Minister Trudeau breathlessly celebrated International Women's Day, and his government held a two-day virtual summit on women's issues, he forced through this extremely harmful amendment that will disproportionately affect women. With this mental illness amendment, many vulnerable, mentally ill women in Canada will have access to the guaranteed lethal means to end their lives instead of being provided the support and help to live and thrive.

While we've known for a while that Justin Trudeau is a fake feminist, this government's mental illness amendment also proves he's a fake mental health advocate. I guess we shouldn't be surprised. When Justin Trudeau was an MP, he charged local mental health associations $20,000 a pop as his speaking fee. This is horrendous, especially since he was an MP and speaking to groups like that about important issues of public policy is actually part of his job.

His Liberal caucus members followed his lead, including those who had previously won national mental health awards: Carolyn Bennett, Sean Fraser, Patty Hajdu, Seamus O'Regan, and even the Chair of the Parliamentary Mental Health Caucus, Liberal MP Majid Jowhari. They all fell into line to vote against people with mental illness when their political fortunes in Justin Trudeau's Liberal caucus were on the line.

To add insult to injury, Prime Minister Trudeau forced through this amendment on the COVID National Day of Observance and the anniversary of Canada's ratification of the UN Convention on the Rights of Persons with Disabilities, a convention which three UN human rights experts, including two Special Rapporteurs, told us Bill C-7 violates. You can't even make this stuff up.

Bill C-7 betrays so many groups of people that Prime Minister Trudeau likes to pretend he supports, including women, Indigenous peoples, persons with disabilities and Black and racialized Canadians. And now the Trudeau government has added people with mental illness to the list. This amendment will be devastating for these vulnerable people.

When Bill C-14 was introduced five years ago, the Trudeau government was forced to stand down on including mental illness in that bill. That was, of course, when Jody Wilson-Raybould was justice minister and Jane Philpott was health minister. When those two ministers were ousted from the Liberal cabinet, it seems that courage and common sense left with them.

Instead, we have an activist, expansionist justice minister, David Lametti. He voted against Bill C-14 because he felt it didn't go far enough. When asked about this issue in a recent media interview, he stated that, 30 years ago, he clerked for Supreme Court Justice Peter Cory, who was a dissenter in the *Rodriguez* assisted dying case. Clearly, this formed a key part of Minister Lametti's early legal philosophy — this has been his mission for 30 years.

It did strike me as odd that Minister Lametti would not hit lob ball questions when I asked him to defend the constitutionality of the mental illness exclusion in Bill C-7. I defended the constitutionality of that part more vigorously than he did. He also failed to correct the GBA+ gender analysis of the bill. And then, miraculously, the majority Trudeau-appointed "independent" Senate amended the bill to expand the boundaries for assisted dying much, much further than originally expected. Lickety-split, the amendments rammed through the House of Commons in only seven and a half hours.

Prime Minister Trudeau used the supposedly independent Senate to play the heavy for what he and Minister Lametti wanted to do — radically expand assisted suicide.

During and after last fall's pre-study on Bill C-7 at the Senate Legal Committee, many ISG senators were opposed to the bill on behalf of persons with disabilities, Indigenous peoples, Black and racialized minorities and people with mental illness. But, by February of this year, it was a whole different story. All of a sudden, ISG senators who had been dead set against expanding assisted suicide were open or at least resigned to it.

Even though many ISG senators had raised numerous concerns during the pre-study, almost the only amendments proposed by the ISG were minor ones, with the notable exception of Senator Kutcher's 18-month sunset clause on the mental illness exclusion.

On the first day we discussed amendments on Bill C-7 in the chamber, Senator Kutcher spoke first and moved his sunset clause amendment before we had even delivered our general speeches on the theme of mental illness — an order that made little sense. But it served the Trudeau government's purpose of framing the debate about MAID for mental illness and ultimately produced the outcome the justice minister had wanted all along: expanding assisted suicide to people suffering with mental illness. The ISG sponsor of the bill and the Leader of the Government in the Senate stared at the floor when the time came to defend the mental illness exclusion in the legislation. Curiouser and curiouser!

The government has played fast and loose in its communication about the studies on mental illness it promises once Bill C-7 is passed. It is shocking that the government is opening access to MAID for those with mental illness before they have even studied the issue. And while the original Senate mental

illness amendment was open-ended, the government amendment before us today is much more prescribed. This makes it crystal clear that the expert panel will not determine whether to expand MAID to include mental illness but rather how to include it — a significant difference.

The government has used parliamentarians' confusion on this issue to its own advantage, to the point where I think many MPs and senators aren't even clear on what they are voting on. When I asked government leader Gold to clarify this for us yesterday, he couldn't — or wouldn't — even after three separate attempts.

The Bloc Québécois, who propped up the Liberal government to invoke closure and ram the government mental illness amendment through the House of Commons, didn't understand what they agreed to, either. In a press conference, BQ leader Yves-François Blanchet indicated that any debate about the mental illness amendment would be sent to an ad hoc committee. Other Bloc MPs stated their completely mistaken belief that the 24-month sunset clause would be used to determine whether mental illness would be included. Justice Minister Lametti's responses have been highly evasive on this topic, trying to placate what I have reliably heard was a large number of Liberal backbenchers extremely nervous about his mental illness about-face.

So I ask you, honourable senators, in voting for this amendment to expand access to MAID, are you 100% certain what you're voting for? As with assisted suicide, there are no do-overs here. Make no mistake, this amendment will not give parliamentarians additional time to discuss whether to expand MAID for mental illness; it will only give us a "how to" manual. But the impact this bill will have on vulnerable Canadians, especially those suffering with mental illness, will be immeasurable and irreversible.

Some senators maintain that medical assistance in dying and suicide are completely different. I totally disagree. The only difference is that suicide is taking one's life by one's own hand, and MAID leaves the taking of one's life to a medical practitioner. As Dr. John Maher said:

> Those who claim suicide is impulsive and violent, while MAID is well thought out, peaceful, and dignified, are arbitrarily redefining what suicide is. . . . Suicide is taking steps to cause your own death, whatever the steps.

An article on the National Right to Life News website says:

> 75% of people plan their suicide, and many are completed with care and consideration of the impact on first responders and others. The characterization of all suicides as compelled, impulsive, and violent is factually wrong and perpetuates media stereotypes. What is clear is that suicide is a raw agony for loved ones. The trappings of medical comfort and the mutual pretense of moral exoneration that the staging of the MAID event promises cannot diminish this sorrow. In fact, it can serve to inflame the wound through the betrayal by both medicine and state.

I am entirely unconvinced MAID for mental illness would be, as some senators have proposed, "better" for families. I know all too well what it is to be a family survivor of suicide, and I can assure you my grief would not have been any less agonizing if medically assisted suicide had been an option for my own husband. I'm sure I would have blamed a horrible, uncaring government and incompetent medical practitioners for facilitating death as an option for him.

• (1530)

A few weeks ago, I did an interview about the expansion of assisted suicide for mental illness on the Saskatchewan talk radio call-in show "John Gormley Live." We heard from people who had suffered from mental illness. They would have accessed MAID then if it had been made available, but now they have recovered and live fulfilling lives. Callers like Tom said:

> If I choke up a little talking to you, stick with me . . . I've suffered with mental illness for close to 40 years. I've contemplated suicide more than once. It's not an easy place to be . . . There's times when, yeah, I really wish it was an option, and there's times I'm glad it wasn't because I might have taken it.

Another listener, Erica, said:

> I pulled my car over and I'm texting and I'm in tears. As a 20-year-old young woman, I became incredibly mentally ill. I was hospitalized for months. . . . I went from a young woman who had her life ahead of her to someone who lost her family because they could not care for me. . . . One therapist mentioned I may never live independently again. . . . I had no will to live. And then I found the right treatment and the right medication and a reason to live. Twenty-five years later, I live a life of gratitude. I'm a good mother to my children. I have two degrees. I'm employed successfully. I own a home . . . I have not fallen ill since I received my proper treatment.

Jeff texted:

> I am totally against the bill to allow assisted suicide for the mentally ill. I'm now afraid for my son. Several years ago, he begged us for months to take him to Europe to end his life. It was legal in some countries then. He's tried different meds. He's now relatively stable. If he has a relapse or goes off his meds, which often can happen, he now has this as an option??

Another listener, Lorne, emailed me to express his frustration. He said:

> I went to my doctor to get a referral to seek some help with my depression. He increased my dosage of meds.
>
> Took a month to get a phone call from a counsellor, which was today. They called and cancelled the appointment. In person appointments are not on with COVID.
>
> The intake worker said to see a psychiatrist is months down the road and could not give me a date.
>
> And then the government wants to kill people like us??

These are the people I'm standing up for on this issue. These are the voices I always try to bring to this debate. These are the people I will never stop fighting for. So now that Parliament has opened Pandora's box, where is this heading?

Very few jurisdictions around the world have approved MAID for mental illness, but, of those that do, depression and anxiety are often cited as leading reasons for access. Psychiatric MAID in the Netherlands has been granted for patients who have a variety of psychiatric conditions, including substance abuse, eating disorders, autism, prolonged grief, obsessive compulsive disorder, kleptomania and hypochondria. In one study, 56% of psychiatric patients had refused at least some treatment. In 2019, 34 cases of euthanasia were performed simultaneously on both members of a couple.

In case there's any doubt where this issue is going next in Canada, Minister Lametti stated recently, ". . . we are going to go ahead with the mental illness issue and the minors issue at the next stage."

"The minors issue"? The next frontier is children. It's shocking.

There is no doubt in my mind that Bill C-7 will be found unconstitutional because it is discriminatory to persons with disabilities. We'll see if Minister Lametti accepts the next legal challenge to the constitutionality of this bill from a lower court judgment on that basis as readily as he accepted the *Truchon* decision.

Honourable senators, I woke up the morning after the House of Commons passed the assisted suicide bill, Bill C-7, last week, and I thought, "Was that a nightmare? Did that really happen last night?" I turned on CPAC, and it was broadcasting the Senate Legal Committee hearings on this bill. On the screen, I saw the face of witness Jonathan Marchand, a person with disabilities who compared his life in a long-term care home to that of an inmate in prison. He implored us not to pass this bill, given that it will discriminate further against Canadians with disabilities by giving them easier access to a certain death than the supports necessary to live.

Seeing Jonathan's face made me even sadder. Not only has Parliament failed Jonathan and millions of Canadians like him by passing Bill C-7, but this chamber — and now the House of Commons — have blown this bill wide open by expanding assisted suicide to include Canadians with mental illness.

Honourable colleagues, if you cast your vote to pass this bill, I hope you will stop and remember the faces of the many Canadians you are turning your back on. You want to provide Canadians with a beautiful death, but why not give them the means to a beautiful life instead? Assisted suicide might end the chances of life getting worse, but it also eliminates the possibility of life ever getting better. We can't give up on vulnerable Canadians. Please don't vote to sunset their lives.

Thank you.

Hon. Gwen Boniface: Honourable senators, I rise to speak in support of the message in Bill C-7.

I will be brief in my comments. I believe we have made some progress for senators and the Senate alike.

All Senate amendments are being addressed in some way in the message. Although the government didn't accept Senator Dalphond's amendment to clarify the language, they are creating an independent review, as he stated yesterday, which will encompass his concern.

In respect to the amendment on advance directives, Senator Wallin covered that eloquently yesterday; I don't need to repeat it.

The other three amendments sent to the other place have since been accepted by them, though those have since been further amended.

No matter how you look at it, I believe the government has taken Senate concerns into consideration. I want to commend senators on the job they have done.

While the message isn't exactly what I wanted to see, and I'm sure there are others who share that view, the crux of our issues have been addressed. Simply put, we sent our concerns to the House of Commons, they took those concerns under consideration and accepted some of what we put to them.

I will now speak specifically about the amendment to the review process. As you know, I seconded Senator Tannas's amendment calling for a tight timeline to review the Criminal Code provisions. After hearing from 81 witnesses at our pre-study, and another 64 witnesses during the study of the bill itself, it is clear that more conversation needs to occur, especially since the parliamentary review set to commence in June 2020 was not initiated.

The detailed changes the government made to Senator Tannas's amendment, in my opinion, show their willingness and determination to strike a joint committee and get the parliamentary review rolling. Clearly, the government has heard that call and the call of many witnesses and has taken it seriously.

As senators will recall, the amendment initially brought forward by Senator Tannas proposed a few things: a joint committee consisting of 5 senators and 11 MPs; 1 chair position for a senator; a 30-day timeline for the committee to be

established after Royal Assent; and a reporting requirement 180 days, at the latest, after the date on which the committee is established.

The government accepted this joint committee idea but reduced the number of MPs from 11 to 10. This is proportionally better for senators, and I agree with this change. There remains a Senate co-chair on the joint committee, and the establishment of the committee is unchanged at 30 days after Royal Assent of Bill C-7.

The government did change some of the provisions in the review. They added particularities for the number of MPs per caucus and quorum requirements for votes or receiving evidence. As for the Senate, we are to determine our own membership. They also extended the reporting deadline to one year rather than the 180 days proposed in Senator Tannas's amendment. I believe this is acceptable, as I suspect they want to have the parliamentary report in their hands as an informational tool to help with the drafting of whatever new provisions will go forward.

Following on Senator Tannas's question to Senator Petitclerc yesterday, I am disappointed that they did not accept the clause which would have ensured that future governments would continue the review. The biggest change to the review provisions can be found in the newly written 5(1), which states:

> A comprehensive review of the provisions of the Criminal Code relating to medical assistance in dying and their application, including but not limited to issues relating to mature minors, advance requests, mental illness, the state of palliative care in Canada and the protection of Canadians with disabilities must be undertaken by a Joint Committee of both Houses of Parliament.

This new wording is certainly welcome because it broadens the review to include those study topics found in the previously mandated Bill C-14 review provisions. Basically, it is bringing the immensity of that review forward into Bill C-7, including palliative care, which we heard a lot about. However, this time it comes with a firm timeline to begin the review, as well as the composition of the joint committee.

• (1540)

You will also note that the review includes Canadians with disabilities, which is an important addition. This is tighter than the review as drafted in Bill C-14, in my mind, and we now have a clear timeline and many critical topics to study. This is exactly the impetus for this amendment. Honourable senators, we asked for a vehicle and we now have it.

As Senator Gold stated in response to Senator Tannas's amendment in previous debates, a Senate-initiated review could have been accomplished, and he made inquiries to that effect. However, I think that a joint committee is a better route to take. Both houses of Parliament have put hours upon hours of work into Bill C-7 specifically, and MAID more generally. This is especially the case since any amendments we see to the MAID regime going forward will be, in part, based on the work accomplished during the review, and any potential legislation down the road will likely be debated in the House first. A joint committee process speaks more to our complementary function than a Senate-run special committee with no involvement from our elected colleagues in the House.

Senators, we may not see another instance where our concerns are addressed as we see here today. This is a difficult, divisive and challenging subject that evokes many contrasting views both from within the chamber and also from Canadians. We, the Senate, have had some of our concerns addressed. Let's allow the work ahead to begin. Thank you, *meegwetch*.

Some Hon. Senators: Hear, hear.

Hon. Judith G. Seidman: Honourable senators, I rise today to speak to the message from the other place on Bill C-7, An Act to amend the Criminal Code (medical assistance in dying), and to provide reason as to why I cannot support it.

Our primary duty as parliamentarians is to examine, debate and, if necessary, amend legislation. While we do so, we must take into consideration two important components of a bill: its principle and its scope.

The "principle" is the "object or purpose which the bill seeks to achieve." According to both the House of Commons guide to amending bills and *Senate Procedure in Practice*:

> The principle of the bill is fixed when the bill is adopted at second reading. Any amendment contrary to the principle of the bill is inadmissible.

The "scope" of the bill would then be related to:

> . . . the parameters the bill sets in reaching any goals or objectives that it contains, or the general mechanisms it envisions to fulfil its intentions.

As Speaker Kinsella reminded the Senate on December 9, 2009, in a Speaker's ruling, which has guided the Senate many times since:

> An amendment must respect the principle of the bill it seeks to amend, must be within its scope, and must be relevant to it.

This principle is enshrined on page 141 of *Senate Procedure in Practice*, and it states:

> It is a fundamental principle that "[a] committee is bound by the decision of the House, given on second reading, in favour of the principle of the bill, and should not, therefore, amend the bill in a manner destructive of this principle."

In my own second reading speech on Bill C-7, I outlined the historical context that led to the introduction of this piece of legislation and urged the Senate to remain focused on the sole purpose of Bill C-7, as a response to the Quebec Superior Court decision. The task before us was clear: How to comply with the *Truchon* ruling in a way that respects the autonomy, liberty and dignity of competent individuals who suffer from grievous and irremediable disease and at the same time protects the most vulnerable.

Yet, over the course of the last few weeks, we have moved significantly beyond this task and introduced amendments that can be said to exceed both the principle and the scope of the bill we were confronted with in Bill C-7.

Honourable senators, changes that will significantly alter Canada's 2016 prescribed MAID regime require serious examination and study. It is for this reason that we had amended Bill C-14 to include two important provisions:

The first is an independent review led by the Minister of Justice and the Minister of Health on issues relating to requests by mature minors for medical assistance in dying, to advance requests, and to requests where mental illness is the sole underlying medical condition.

The second provision is the establishment of a committee, either in the Senate, the other place, or both houses of Parliament, five years after the day on which this act received Royal Assent, designated to review the provisions of Bill C-14 and the state of palliative care in Canada.

Honourable senators, it is important to note that the first provision has already been completed.

On December 12, 2018, the Council of Canadian Academies released the three final reports of the expert panel, one on each type of request: *The State of Knowledge on Medical Assistance in Dying for Mature Minors*; *The State of Knowledge on Advance Requests for Medical Assistance in Dying*; and *The State of Knowledge of Medical Assistance in Dying Where a Mental Disorder is the Sole Underlying Medical Condition*.

The expert panel's final reports reflect a broad range of knowledge, experience and perspective from health care professionals, diverse academic disciplines and advocacy groups. These reports were meant to form the basis of the statutory five-year review that was to begin in the summer of 2020.

Honourable senators, we cannot ignore, nor abrogate, our responsibilities as parliamentarians, as legislators. We must review the three final reports of the expert panel released by the Council of Canadian Academies and feel assured, first of all, that we have met our obligations according to the provisions of Bill C-14.

Amending a new piece of legislation to enforce an authority given by an existing piece of legislation — in this case, the statutory five-year review of Bill C-14 — in my mind undermines the authority of Parliament and sets a dangerous precedent.

Colleagues, it is for this reason that I did not support Bill C-7 as amended by the Senate at third reading, and why I cannot support it as it is written today in the message from the House. Thank you.

Some Hon. Senators: Hear, hear.

[*Translation*]

Hon. Pierre-Hugues Boisvenu: Honourable senators, I'm pleased to rise again to speak to the message from the other place in response to Bill C-7 on medical assistance in dying. I want to note that we've had excellent debates in this chamber. They have been very calm and very responsible. Bill C-7 was sent back to the House of Commons after the Senate made several amendments that significantly expanded the scope of the bill that was passed by the other place.

The Senate adopted five amendments that dealt with two main topics: the exclusion of medical assistance in dying for persons who suffer from mental illness as the sole underlying reason and advance requests for persons with neurocognitive disorders.

In my eyes and in the eyes of the public, the most important amendment, before it was rejected by the other place, was the one concerning neurocognitive disorders. I have received dozens of very moving testimonies from people suffering from Alzheimer's who can't understand how, still today, we can allow families to suffer for sometimes years at a time. What's more, these people told me that they had no intention of becoming completely dependent on their loved ones. These patients want to be freed from their suffering in dignity and, unfortunately, this bill does the opposite by condemning them to a dehumanizing death.

Dr. Georges L'Espérance wrote the following in his op-ed in *Le Devoir* on March 12:

> Cognitive neurodegenerative diseases are organic and degenerative in nature and they present with cognitive symptoms. People with such diseases have limited and relatively predictable life expectancies. The prognosis is also predictable, and symptoms always continue to progress. The markers are fairly easy to identify. Social support is widespread. Some of the most well-known of these diseases would be Parkinson's or Alzheimer's.

• (1550)

By refusing to allow advance requests, our Parliament has condemned these people to years of distress and is forcing them to look for alternatives, such as suicide. Most of all, Parliament is denying them access to a right that is recognized in this bill.

I have been speaking to a patient with Alzheimer's for two months now, and he gave me permission to share what we have spoken about. His name is Yves Monette. He was born in the 1960s, but he doesn't remember much about that time now. He's had Alzheimer's for nearly five years, and his health has declined as of late as dementia took hold. He became incontinent, which has triggered many bouts of depression. He is considering going to Switzerland to access medical assistance in dying since he has been left out of this bill. He will have to spend all of his life savings to assert his right to die in dignity, in a foreign country, far from family.

Yves writes to me every day, and I often have to decipher his words to understand what he's saying. I nevertheless can see that he is suffering and is disappointed about being ignored. This echoes the feelings of Sandra Demontigny and the dozens of

others who spoke to me about their suffering and about their fear of not being able to die in dignity. They simply do not understand.

I find it unfortunate that the government didn't give further consideration to the provision of Bill C-14 that required an in-depth study of advance requests. Esteemed colleagues, over the past five years people have been dying of Alzheimer's or dementia without any power to make end-of-life decisions. Their families were condemned to watching them deteriorate and die suffering. This bill extends the suffering of these people to the entire family, whereas they would prefer to spare them the agony.

In my opinion, Bill C-7 was an opportunity to resolve the issue of advance requests, which would have allowed all these people to choose the manner of their death and to be at peace with themselves and their families. Unfortunately, the government decided otherwise by rejecting Senator Wallin's amendment, which would have included advance requests in the bill. The government plans to reassess the issue during the parliamentary review of Bill C-14, which is supposed to begin this year. However, as you know, it is already March. With the pandemic and rumours of an election, it is possible that the parliamentary review will be delayed. This will increase the suffering of many patients who had hoped to die with dignity with the passage of Bill C-7.

I'm also opposed to the way the government chose to put an end to discussions on Bill C-7 in the other place. The Minister of Justice moved a closure motion to put an end to the debate so that the bill would be immediately sent back to the Senate. As I said at the beginning of my speech, the Senate sent the bill back to the House of Commons with a larger scope than what was initially set out.

The government agreed to Senator Kutcher's amendment, but made a change to extend the time limit on the mental illness exclusion to two years. The opposition parties, with the exception of the Bloc Québécois, called for more time to conduct an in-depth review of this amendment, because they found it to be questionable. In order to do their job properly, parliamentarians need time to address subjects as sensitive as MAID. In that respect, my thinking has changed a lot over the past few weeks as a result of the many messages I've received from people with psychological illnesses and from families who have a loved one with this type of condition. Unlike with neurodegenerative disorders, there is no medical or social consensus in this regard, and we have a long way to go and a lot of research to do before establishing a course of action that safeguards against abuse of any kind, particularly for the most vulnerable members of our society.

The Council of Canadian Academies, the CCA, was consulted on the bill. In its report entitled *The State of Knowledge on Medical Assistance in Dying Where a Mental Disorder Is the Sole Underlying Medical Condition*, the CCA dedicated an entire chapter to the profile of individuals with mental disorders. The report makes it clear just how legally and medically complex each individual case is. I would like to quote some excerpts from the report:

> Because mental disorders are diverse and heterogeneous, and because they affect individuals in different ways, the implications of each eligibility criterion will vary for different people. This variability is also linked to people's individual support networks. The course of a mental disorder and its impact on a person is a complex interaction among the disorder, the individual, and their social environment.

The Senate amendment, which was agreed to by the Minister of Justice, now seems risky to me, in that it could lead people to choose death in cases where I feel it should not be seen as a solution to their suffering. Medical science for the treatment of these illnesses is evolving rapidly, and the dividing line between what is curable and what is incurable seems to me to be far too thin for us to decide today that these patients may have access to MAID two years from now.

I would like to quote another excerpt from the Council of Canadian Academies report. It reads as follows:

> There is a unique challenge in assessing decision-making capacity for [MAID] in people with mental disorders: their desire to die could be a symptom of their condition . . . . Although most people with mental disorders do not want to die, suicidal ideation is a common symptom of some mental disorders (e.g., major depressive disorder). Of course, a desire to die may also reflect a person's autonomous and well-considered decision to end their life, even if they have a mental disorder. A desire to die in a person with a mental disorder is not necessarily pathological or non-autonomous. However, it may be difficult even for experienced clinicians to distinguish between (i) an autonomous, well-considered decision to die in a person with a mental disorder, and (ii) a pathological desire to die that is a symptom of that person's mental disorder.

My reluctance is also based on how quickly MPs and we here in this chamber have dealt with this matter. This amendment is so important and its repercussions are so enormous that it should have included a requirement for the government to introduce a legislative amendment requiring both chambers to hold public hearings on the subject after the two-year period. In my view, this amended bill will have two consequences for the public. First, it will make Canada the most permissive country when it comes to assisted suicide. Second, this law, once passed, will perpetuate the perception among many Canadians that MAID is a mere formality.

For all these reasons, and in solidarity with those who have trusted us to listen to their wishes, I cannot accept the message from the other place.

(On motion of Senator Martin, debate adjourned.)

[*English*]

CANADA—UNITED KINGDOM TRADE CONTINUITY AGREEMENT IMPLEMENTATION BILL

SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Harder, P.C., seconded by the Honourable Senator Gold, P.C., for the second reading of Bill C-18, An Act to implement the Agreement on Trade Continuity between Canada and the United Kingdom of Great Britain and Northern Ireland.

Hon. Robert Black: Honourable senators, I rise today to speak to Bill C-18 as it relates to the continued trade relationship between Canada and the United Kingdom and Northern Ireland, as they navigate their exit from the European Union.

As senators, we all know the important role that the United Kingdom plays in Canada. In fact, it is because of the Governor General, the Queen's representative here in Canada, that we have our seats in this very chamber today.

To that end, our relationship has been and will continue to be intertwined. We share a system of government, a monarch, a common language and traditions, among many other things. Many Canadian citizens, including myself, can trace their ancestry back to England, Scotland, Wales and Northern Ireland.

Our nations have a long history of trade that spans hundreds of years. From the start of the historical fur trade to the present-day exports of precious metals, minerals and wood, among other products, the United Kingdom and Canada play integral roles in a mutually beneficial import-export relationship. In fact, the United Kingdom is Canada's most important commercial partner in Europe and our fifth largest globally.

According to Social Sciences and Humanities Research Council, Canada exported and invested more in the United Kingdom than in any member of the European Union when they were part of the EU. Similarly, the U.K. exported and invested more in Canada than any other member. In fact, the United Nations Comtrade Database on international trade reported that Canadian exports to the United Kingdom and Northern Ireland were valued at over US$14.8 billion in 2020. Ontario-U.K. trade alone accounted for C$19.6 billion in two-way trade in 2019, making the U.K. Ontario's second-biggest export market. This is a market that cannot be ignored and must be both prioritized and strengthened going forward.

• (1600)

Canada is the fifth largest exporter of agricultural and agri-food products in the world, exporting proximately $56 billion a year. According to the Canadian Agri-Food Trade Alliance, also known as CAFTA, roughly half of everything we produce is exported as either primary commodities or processed food and beverage products.

It is also important to note that agriculture and food account for 11% of Canada's GDP and almost 10% of Canada's total merchandise trade. Food processing is by far the largest manufacturing employer in Canada, supporting over 250,000 jobs across this country. As you may know, the United Kingdom is a net importer of most food products. As they navigate their exit from the European Union, Canada has a unique opportunity to forge a path in the British agri-food market by offering our high-quality products with potentially fewer regulatory barriers than those of EU members.

While this government continues to work with its British and Northern Ireland counterparts towards negotiating a new comprehensive free trade agreement, I would like to call attention to the importance of addressing the existing issues in previously made trade agreements.

For the Canadian agricultural industry, these trade agreement talks with the United Kingdom and Northern Ireland are a chance to right wrongs in the existing trade deal with Europe, particularly in relation to the Canada-European Union Comprehensive Economic and Trade Agreement, or CETA. In fact, CAFTA has previously highlighted that over 90% of Canada's farmers are dependent on exports, as is about 40% of our food processing sector. It is imperative that our government work to support this industry. CAFTA expressed its support for the Canada-U.K. Trade Continuity Agreement as a stopgap measure, but they rightly remain critical of the elements of the deal that reinforce barriers and challenges hindering Canadian exports.

I am pleased to see that a variety of stakeholders, including the Business Council of Canada, the Canadian Chamber of Commerce and Canadian Manufacturers & Exporters, have emphasized the importance of this transitional agreement and provided recommendations to strengthen, modernize and grow Canadian trade. It is critical that this government take their feedback into account when continuing negotiations.

I recently reached out to a number of agricultural stake holders, including the Canadian Federation of Agriculture, Grain Growers of Canada, Canadian Cattlemen's Association, Dairy Farmers of Canada and Manitoba Pork, among others, to learn more about industry perspectives on the trade continuity agreement.

I would like to emphasize several industry perspectives and priorities that emerged during these discussions and should be on the record in this chamber. There is agreement on the importance of maintaining uninterrupted market access to the U.K. through mechanisms that are put in place to avoid disruptions of exports to the United Kingdom and Northern Ireland. There is the possibility of increased growth opportunities for the Canadian agri-food industry and for benefiting from strong Canadian support for free and open trade. It was noted that there was a positive precedent set by the incorporation of the commitment to recognize Canada's disease-control zones should there be an outbreak of a foreign animal disease. They highlighted a number of other concerns surrounding beef and dairy trade as it currently stands as a result of CETA, and the Grain Growers of Canada noted that the agreement ensures that preferences gained under CETA for the grain industry are maintained.

The Canadian Cattlemen's Association specifically noted that looking beyond the transitional agreement, Canada must establish and maintain reciprocal access to avoid trade imbalances, such as that which is occurring between the EU and Canada. The organization also stressed that Canada should seek to establish a full systems approval to encourage trust and compliance between both parties and to have the U.K. come in line with international guidelines by removing the EU-imposed requirements to raise cattle without modern technologies.

The Canadian Federation of Agriculture raised an interesting point that the United Kingdom recently applied to join the Comprehensive and Progressive Agreement for Trans-Pacific Partnership or CPTPP. I, along with many other agvocates, will be watching this closely to see how it will unfold in the context of this continuity agreement.

Finally, the Dairy Farmers of Canada advised me that they are supportive of Bill C-18 because it doesn't provide any further access to their domestic market. However, it remains critical to ensure no further access is granted in any permanent free trade agreement with the U.K. As I mentioned earlier, the United Kingdom is seeking to join the CPTPP, and the Dairy Farmers of Canada noted that, should the U.K. be successful, they should not be granted any additional access to our domestic market through this agreement or by any other means.

Overall, agricultural stakeholders and organizations highlighted that it is in the best interest of all parties to pass this bill in order to maintain stability in the post-Brexit market. They also shared that while they would have spoken about their concerns at the Standing Senate Committee on Agriculture and Forestry, the important thing right now is to ensure continuity for the time being and to strengthen negotiations for a future agreement.

Honourable senators, I have risen on a number of occasions in this chamber to address the issues facing Canadian agricultural exports and the challenges they face with restricted access to the European market.

That said, I am pleased to hear that, according to the Minister of Small Business, Export Promotion and International Trade, this trade continuity agreement fully protects Canada's dairy, poultry and egg sectors and provides no incremental market access for any supply managed products.

It is evident that all relevant stakeholders, including industry and government representatives, must be consulted to best reflect the needs of the Canada-U.K. bilateral relationship and its interests. We have an opportunity to have better access to an international market that will strengthen sectors within Canada. In order to further strengthen our domestic industries, we must be able to capitalize on our competitiveness and seize those opportunities abroad as they come about.

Since Confederation, Canada has maintained and enjoyed a close-knit relationship with Britain and Northern Ireland in numerous sectors, including trade and foreign investment, and security and defence.

Honourable colleagues, it is clear this relationship is integral to all three nations. This bill will ensure we continue to access and enjoy the commodities that others provide. I look forward to a continued prosperous relationship with the United Kingdom of Great Britain and Northern Ireland.

At this time, I would like to express my support for this bill and commend both governments for working quickly to ensure that imports and exports continue to flow easily without challenges during this period of transition.

I conclude by taking this opportunity to wish everyone in the United Kingdom, Northern Ireland, Ireland, Canada and around the world a happy St. Patrick's Day. While we won't be able to celebrate as we normally would, I am certain that many of us will be connecting virtually to commemorate this event. Thank you. *Meegwetch*.

Hon. Leo Housakos: Honourable senators, I rise today to speak to Bill C-18, An Act to implement the Agreement on Trade Continuity between Canada and the United Kingdom of Great Britain and Northern Ireland. Overall, I'm relieved that we have an agreement. Trade with the United Kingdom is vital for Canada. It is important for Canadian businesses and workers.

In 2018 and 2019, Canadian merchandise exports to the EU, including the United Kingdom, averaged $46.6 billion. In 2016, before Canada signed its Comprehensive Economic and Trade Agreement with the European Union, those exports to the EU totalled $40 billion. In other words, after CETA was signed, merchandise exports increased by 16.6%.

Britain's share of those exports is critical. Total merchandise exports to Britain alone totalled $18 billion in 2018 and 2019, or about 38% of the total value of our exports to the EU.

The United Kingdom is the largest market in Europe for Canadian exports. Globally, it is the third largest destination for Canadian exports, and the U.K. is our second largest services trading partner. Last year, the value of service exports totalled $7.1 billion.

If one considers both exports and imports, two-way trade between Canada and the U.K. totals more than $29 billion. The U.K. ranks as Canada's fifth most important trading partner. It is our fourth largest source of foreign direct investment, with a total value of $62.3 billion just in 2019.

Colleagues, I'm referencing these statistics for several reasons. First, we are living in turbulent times globally. Political tensions between the major powers are increasing. If we consider our political and trading relations with China and in East Asia, for example, greater uncertainty and trade disruptions seem probable. This means that it is likely that certain of our more stable trading partners will become more important for Canada going forward. These may be the stable markets that we will have to increasingly rely on. The United Kingdom is one of those stable markets. In my view, we should be paying considerably more attention to solidifying, broadening and deepening our access to this market.

• (1610)

As a country, we have placed considerable attention in the past several years on protecting and deepening our trade relations with the European Union. In many respect, the Comprehensive Economic and Trade Agreement between Canada and the European Union was a culmination of efforts undertaken by the former Conservative government to provide Canadians with greater opportunities in international markets.

What we need to recognize is that for Canada, the United Kingdom is the most important part of the European market. In terms of our exports to the EU, the U.K. alone constituted nearly 40% of our total exports to that trading bloc. That's why, when the United Kingdom decided to leave the European Union in 2016, we should have immediately made it a top priority to conclude a new and separate bilateral trade agreement with that country. But we did not do that, colleagues. In my view, that was a major failure and I will speak more about that in my remarks going forward.

First, I do nevertheless want to reiterate why I believe this agreement is important. First and foremost, it is important because it preserves and extends the gains Canada was able to make in CETA to our bilateral trading relationship with the U.K. Under this agreement, 99% of Canadian products exported to the U.K. will become tariff-free. That is tremendously important. Our supply management products will also be protected on a similar basis as they are under CETA.

Canadian service suppliers will have priority access to the U.K. government procurement market. This market is estimated to be worth $118 billion annually. And CETA provisions with respect to dispute settlement, labour and the protection of the environment will be maintained, as they are in CETA.

In my view, all of these provisions are important, and I think considerable credit has to go to our trade negotiators.

However, I also believe that we got lucky. I say that because it's clear that there was very much a last-minute scramble to get this agreement done. I believe the reason for that scramble was a complete lack of engagement by the current government in this negotiation. That is why the Trade Continuity Agreement with the U.K. has essentially only preserved what the Harper government negotiated with the EU in very different circumstances.

When minister Ng spoke in the House of Commons on this bill back in January, she said, "The last thing Canada and the United Kingdom would want to do is create any uncertainty for businesses and workers."

But colleagues, unfortunately, the government did precisely that. I will remind colleagues that in September 2017, when the former prime minister Theresa May visited Canada, she said:

> . . . CETA should be swiftly transitioned to form a new bilateral arrangement between UK and Canada after Brexit. . . .
>
> We want to ensure that when we leave the European Union, for businesses and people, that change is as smooth and orderly as possible.

But by then, Canada had already abandoned that agenda. Two months prior to Prime Minister May's visit, Britain's Secretary of State for International Trade, Liam Fox, confirmed to a British parliamentary committee that Canada was "hedging their bets." Why were we doing that? Why was that the case? Evidently it was because neither Prime Minister Trudeau nor Minister Freeland liked the decision that the British people had taken on the referendum on Britain's future in relations to the European Union. They didn't like Brexit, so they waited before engaging in comprehensive trade negotiations to see where the internal British political debate would go.

That was a major mistake. Other countries were not waiting, colleagues. In that period, while Canada was dithering, countries and groups, including Colombia, Ecuador, Peru, the CARIFORUM countries, Chile, Côte d'Ivoire, Iceland, Norway, Israel, Japan, Jordan, as well as others, concluded their own trade agreements with the U.K.

All the while, Canada was on the sidelines. I would argue that Canadian businesses have been paying the price of uncertainty ever since. It's no more different a mistake than we did during the North American free trade deal, when the U.S. offered to negotiate bilaterally with us and we refused. What did they do? They negotiated with Mexico and invited us to the party after the fact.

In approaching its negotiations with the United Kingdom in the way they did, the government ensured the outcome that we got. In fact, instead of being implemented in time for the end of 2020, as businesses required, the government's delays ensured that this became impossible. We are very fortunate that just three days before Christmas, Canada and the U.K. were able to conclude an interim agreement to ensure continued preferential trade treatment for Canadian goods. I underline "interim." This deal has been in limbo for no other reason than the government has taken a consistently sluggish approach to negotiating and implementing it. It is abundantly clear why this has happened. Quite simply, it is because neither the Prime Minister nor his senior ministers took trade continuity with the U.K. seriously. If they had, work on the trade agreement with the United Kingdom would have begun much earlier than it actually did. We would not, as Liam Fox said, have hedged our bets.

Recently, the Prime Minister even had the nerve to suggest it was the British who were dragging their feet in the negotiations. He put the blame for delays on them, saying that they lacked the

capacity to negotiate a complex deal like the TCA with Canada. This is characteristically ham-fisted.

We have seen such approaches to foreign and trade policy consistently from this government and from this Prime Minister. We saw it first in India, where the Prime Minister has set back our relationships for decades. Then we saw it at the Trans-Pacific Partnership meetings in 2017, where both the Australians and Japanese were stunned at the Prime Minister's performance, a performance which nearly sidelined Canada in the Trans-Pacific Partnership negotiations.

Most recently, we have witnessed it in our own national humiliation at the hands of the Chinese. This is the same government that has loudly proclaimed that Canada is back on the international stage. In reality, what we have actually seen is continuous bungling on the international stage and on foreign affairs issues.

With respect to our international trading relationship, I fear it is Canadian businesses and workers who are paying the price. A number of Canadian business organizations have criticized the government's approach to the consultations that are so vital in the trade negotiation process.

With respect to Canada-U.K. negotiations, the House of Commons committee interim report notes that both the Lobster Council of Canada and the Canadian Labour Congress indicated that consultations have been inadequate. The Canadian Association of Importers and Exporters indicated that it was not consulted or made aware of the export-related requirements that would exist on January 1, 2021, had a Canada-U.K. agreement been ratified by then.

The government's poor engagement on this file has undoubtedly contributed to the fact that problems around the non-tariff barriers that continue to affect the agriculture and agri-food industries remain unresolved in this agreement.

What concerns me now is this is the same government that, over the next three years, will lead us into the negotiations of the proposed comprehensive agreement between Canada and the U.K. Let's see if they hit those targets. If those negotiations are to be successful in benefiting Canada, the government must adopt a new, more comprehensive approach.

When Mr. Matthew Poirier of the Canadian Manufacturers & Exporters association testified before the International Trade Committee of the House of Commons last month, he emphasized it was vital for Canada to have a clear strategy in place in order to both achieve success in our negotiations and also to effectively capitalize on international trade agreements like this one, once they are concluded.

That is not a new piece of advice. In fact, our own Senate Trade Committee has been calling for that very thing for several years. Yet we seem to be hearing the same concern about the absence of an effective implementation strategy again and again.

As Mr. Poirier explained, such a strategy is vital because there has been a notable decline in Canada's value-added export performance. Specifically, Mr. Poirier said:

> . . . manufacturing exports have been declining steadily for five years, even after we signed CETA. Canada can no longer afford to ignore the lost economic potential that the decline in value-added exports represents. It's simply not sustainable.

Colleagues, I submit that if this country is going to be successful in reversing such trends, then the government is simply going to have to start to pay more attention to our trade relationships. We simply can no longer afford the eleventh-hour agreements, the inadequate consultations and the absence of public transparency that we have witnessed to date.

When the House of Commons International Trade Committee initially studied the agreement, it did so without access to the text of the agreement. Indeed, the report from the committee was due on the day the committee received the documents.

Colleagues, I submit that we in the Senate need to take a more active role in holding the government to account on these files because their handling of them impacts the livelihood of so many Canadians. The Standing Senate Committee on Foreign Affairs and International Trade can play a leading role in this regard. I would submit there is no more important role for that committee than to ensure that the well-being of Canadian businesses and workers are protected and advanced.

• (1620)

The government is now embarking upon new negotiations to conclude a comprehensive trade agreement with the United Kingdom. There is no sunset clause for these discussions, and I fear that the government may therefore approach those negotiations in the same cavalier fashion that they have approached these discussions.

We simply cannot permit that to happen. In a world that is becoming increasingly turbulent, deepening and broadening our relations with our most stable partners has never been more important. I ask all senators to join in a unified effort to ensure that we can contribute to securing the best possible future for Canadian businesses and workers in these pending negotiations.

Before I conclude, I also want to point out that I call upon all colleagues to support this bill and get it through as quickly as possible, because it is essential for the continued development of our economy and the well-being of Canadian workers. We as parliamentarians have to be vigilant and highlight to the government that Parliament has a role to play.

This is now two successive, vital trade agreements that we have been dealing with at the eleventh hour, both in the House of Commons and in the Senate, in large part because the government has not engaged early and prudently enough to get it done in a timely fashion. How many times over the last while, colleagues, have we said that we have to speed through the highway in legislation, both in terms of government spending and budgets, and now important trade agreements, without thorough

review? If we start bypassing that thorough review, we're shortchanging stakeholders and Canadians who want to come before their parliamentary committees and be heard.

Colleagues, I fully support this bill in terms of the content, but I do reluctantly support the process in which we are doing it. Thank you very much.

Hon. Peter M. Boehm: Senator Housakos, thank you for your presentation and speech. I think we all agree that Bill C-18 is an important bill.

In my previous life, it was a great source of pride for me to have worked with two different governments that worked on the CETA. It took many years, as you know. One government started it and another finished it.

One of the things that has occurred is that, with Brexit, the U.K. government was also involved in a long negotiation with the European Union, and it wasn't clear in which direction it would go. Bearing that in mind, I would ask you whether it made sense to embark on negotiations — you listed a number of countries that have negotiated agreements, but they're not of the same variety that CETA is. By amending CETA to form a continuity agreement with the U.K. — this, in fact, is a pretty deep agreement. We can get more comprehensive — and that's the plan, as Canada forges ahead.

I'm wondering whether it would really have made sense to engage early on. I know there were discussions, but it was felt it was premature to go too public on that while the U.K. was still negotiating with the European Union.

Second, there's divided opinion on sunset clauses. This came up in the NAFTA negotiations for the new NAFTA, as well, because it was seen that a sunset clause could also serve as a disincentive for extra investment and more trade.

I'm wondering if you have any views on those two particular points.

Senator Housakos: On your first point, Senator Boehm, I completely disagree. First and foremost, the negotiated process with CETA was far more complicated than this particular negotiation with the U.K. The negotiation with the U.K. already had a roadmap in place because of CETA, and many of the elements that were already currently active in place between Canada and the U.K. were simply ratified and extended in this particular deal. We didn't reinvent the wheel with this particular continuity agreement; a lot of the elements, as I highlighted in my speech, already there in CETA were simply renegotiated between Canada and the U.K.

You're absolutely right: CETA was complex because it was unprecedented. It was also complex because we were dealing, if I'm not mistaken, with 28 nations. So 28 nations were all involved and all had particular interests. There were ongoing multilateral and bilateral negotiations on CETA at various times, and that's what complicated it. That's not to mention the ratification process of getting it through all those various parliaments was also a complicated process.

Because as a parliamentarian I was engaged in some of these discussions regarding CETA with some of these countries bilaterally, the objectives of northern European nations and southern European nations, and their economic interests, were so diametrically opposed at times that it made the negotiations more complex and more complicated.

In the case of the U.K., there was a political will, for obvious reasons, because there was such a clear political willingness on the U.K. to negotiate with their top three or four trading partners in order to reassure their markets and economy that it would be business as usual. There was an incentive on the part of the U.K. to engage with Canada. I remember with a parliamentary committee, the Canada-United Kingdom Inter-Parliamentary Association, that many of us senators were on back in 2016 right after the Brexit vote in England. There was such an appetite with a Commonwealth cousin like Canada, which is such a vital trading partner for them, that all parliamentarians and government officials were open-minded about this.

We saw that in the visit from Prime Minister May when she came to Ottawa. She explicitly said that she wanted to start negotiations as soon as possible back in 2017.

The only people who put the brakes on this were our government. They didn't put the brakes on it, really, for any other reason than not knowing what the outcome of the Brexit deal would be. There was a division of opinion in Global Affairs Canada as to which way it would go. If our government was certain that Brexit was going to be accomplished, as the referendum called upon in 2016 and as the political will in the U.K. showed there would be, we should have jumped on it right away. I believe it was a critical mistake, Senator Boehm.

Senator Boehm: Thank you, Senator Housakos. I think we are basically speaking about the same thing but maybe from different perspectives.

On sunsetting, you didn't answer that part of my question, and that's fine. But I just wanted to add that, if we were in normal times, we would have had an opportunity to study this bill in committee. I would have welcomed it. I would agree, also, with you that implementation is something that our committee could be looking at in the future, but I would be interested in your position on the sunset clause.

Senator Housakos: A sunset clause is essential in negotiations. I don't believe it will have an impact in terms of putting any adverse pressure. If anything, it just creates benchmarks, and any time you negotiate, why would you need those benchmarks — at least from my experience in business. That's my perspective on that.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Peter Harder: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(b), I move that the bill be read the third time now.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and bill read third time and passed.)

EMPLOYMENT INSURANCE ACT
CANADA RECOVERY BENEFITS ACT

BILL TO AMEND—SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator LaBoucane-Benson, seconded by the Honourable Senator Gold, P.C., for the second reading of Bill C-24, An Act to amend the Employment Insurance Act (additional regular benefits), the Canada Recovery Benefits Act (restriction on eligibility) and another Act in response to COVID-19.

Hon. Patti LaBoucane-Benson: Honourable senators, the Canada Recovery Sickness Benefit was created to provide Canadians with the possibility of taking job-protected paid sick leave when they cannot do so through their employer. As Minister Qualtrough said on January 2, 2021:

> The Canada Recovery Sickness Benefit was never intended to incentivize or encourage Canadians to not follow public health or international travel guidelines.

As such, Bill C-24 amends the Canada Recovery Benefits Act by adding a new eligibility requirement to all three of the recovery benefits. That requires that individuals attest that they have not, for any time during the benefit period they are applying, been required to quarantine or isolate themselves as the result of international travel, as defined by any order made under the Quarantine Act.

• (1630)

The bill provides limited exemptions to this new eligibility requirement. Individuals who would normally be exempt from mandatory quarantine requirements under the Quarantine Act, such as health care workers or truck drivers who need to cross the border for work, would still be eligible to apply following their return to the country if they are unable to work due to COVID-19. In addition, people who are returning from international travel — if their reason for travel was to receive necessary medical treatment or if their purpose was to accompany someone who was required to receive a necessary medical treatment — are exempt from this new eligibility requirement.

In order to facilitate the verification measures related to this new eligibility requirement, Bill C-24 authorizes the Minister of Health to assist the Minister of Employment and Social Development in the verification of whether a person meets the eligibility conditions as prescribed in the Canada Recovery Benefits Act, and to disclose select personal information obtained under the Quarantine Act to the Minister of Employment and Social Development for that purpose. The bill also amends the Customs Act to authorize the disclosure of information for the purposes of administering or enforcing the Canada Recovery Benefits Act.

At the end of the day, these amendments will ensure that the Canadian recovery benefits remain targeted to those Canadians who truly need them. These eligibility rules will be applied retroactively to October 2, 2020; the date that the Canada Recovery Benefits Act received Royal Assent.

In conclusion, honourable senators, this proposed legislation is not only simple and straightforward, it is necessary. Tens of thousands of people across our country will soon exhaust their EI regular benefits in the midst of a pandemic. This bill will ensure they have the support they need during an unprecedented time in our nation's history. It is vital that Canadians have the financial support they need during what is undoubtedly one of the biggest challenges of their lives. Honourable senators, I encourage everyone to join me in supporting the passage of Bill C-24. Thank you.

Hon. Senators: Hear, hear.

Hon. Rose-May Poirier: Honourable senators, I rise today as the official critic of Bill C-24, An Act to amend the Employment Insurance Act (additional regular benefits), the Canada Recovery Benefits Act (restriction on eligibility) and another Act in response to COVID-19.

I will not go into much detail of the bill since the sponsor, Senator LaBoucane-Benson, has explained it thoroughly. Basically, Bill C-24 facilitates access to Employment Insurance by adding a temporary increase in the maximum number of weeks for which EI can and may be paid — to 50 weeks — for claimants whose benefit period starts during the period beginning on September 27, 2020, and ending on September 25, 2021. It also facilitates access for self-employed Canadians who are in need of EI benefits.

The second part of the bill is essentially there to correct a mistake made by the government. As has been the custom for this government during the COVID pandemic, too often benefit packages have been rushed through Parliament without proper oversight. I understand the need for urgency in certain situations,

and our caucus understands that as well when we collaborate to ensure swift passage to get help to those in need as quickly as possible. For the bill currently in front of us, I feel it was different, since it was rushed in the fall following a prorogation of Parliament. It's mind-boggling that the government did not prorogue once during its first mandate, but during the pandemic it saw it as a good time to prorogue for a month.

Honourable senators will recall that Bill C-4 was introduced in the House of Commons on September 29 and received swift passage in both houses, receiving Royal Assent on October 2. It started in the House of Commons on Tuesday and was signed into law by the then-Governor General before dinner on Friday, but it took the government until the end of February to introduce Bill C-24 to correct that mistake. Furthermore, second reading only happened more than a month after, on March 8, 2021. It's disappointing that the government waited months before fixing their loophole in the Canada Recovery Sickness Benefit and to provide extra benefits through EI. Seeing them drag their feet on issues that are essential for Canadians in a time of socio-economic crisis is a case of failed leadership.

The issue with these loopholes being fixed and who is eligible for which benefit, how to apply, how long, et cetera, is that it sends mixed messages to Canadians in need. Allow me, honourable senators, to put into context what I have experienced in my office, and I assume has been experienced in other offices as well. We have received so many requests and questions from concerned Canadians on the benefits. The lack of clarity, the flip-flops, the misdirection and mixed messages from the government were difficult to grasp and confusing for Canadians.

Allow me to list the programs: the Canada Recovery Benefit, the CRB; the Canada Recovery Caregiving Benefit, the CRCB; the Canada Recovery Sickness Benefit, the CRSB; the Canada Emergency Recovery Benefit, the CERB; and the Canada Emergency Student Benefit, the CESB. On top of that, you have the CEWS and the CERS for businesses in need of assistance. Finally, you have the EI program.

Looking at these programs — the CRB, CRCB, CRSB, CERB, CESB, CEWS and CERS — where would a person go to begin to apply for help? The eligibility criteria change every day. One day you're on EI, the next one carries you to the CERB, and then back to EI. For a lot of Canadians, it was their first time turning to government programs for support, and it must have been an even more difficult experience to get the answers and support they needed.

Not only were they bombarded with messages from the federal government, they had to follow provincial norms and programs as well. Each province had their respective emergency act in place, with different colour-coded levels of restriction. It also offered its own benefit programs to businesses and individuals. So when a Canadian was looking for help to make ends meet, he might have had over half a dozen programs to look at and figure out which one to qualify for. I hope a review will be done on the government's response to COVID-19 with special attention given to the importance of government messaging being clear, direct and having simpler benefit programs for Canadians looking for assistance in future emergency situations.

At the end of the day, what we have done here in Parliament over the last year has had a direct impact on millions of Canadians who lost their income entirely or partially. As we see the number of cases and deaths finally starting to fall across the country, it's important not to forget about the millions of Canadians who are still feeling the consequences of COVID-19.

According to the Labour Force Survey for January 2021, unemployment rose to 9.4% in January 2021, with 18,272,000 Canadians employed, compared to January 2020, when the unemployment rate was 5.5%, with 19,159,000 Canadians employed. It accounts for the roughly 1 million Canadians whose ability to put food on the table for their families has been greatly hindered by COVID-19. Moreover, according to the Labour Force Survey from January 2021:

> The number of long-term unemployed (people who have been looking for work or who have been on temporary layoff for 27 weeks or more) remained at a record high (512,000).

That is roughly half of the unemployed force from last year who have been looking for work or who have been temporarily laid off over 27 weeks. Let's not forget that this doesn't take into account the people who have seen a reduction in their income due to work shortage, fewer hours, or a business having to lower salaries to make ends meet. It goes beyond the numbers.

Our youth need to play a big role in our economic rebound and the government needs to be proactive in helping them out before it's too late. An RBC study found that across every province and major city in Canada, youth aged 14 to 29 are significantly less confident when it comes to their job prospects and how prepared they are to find work. The government will need to act fast and swiftly to boost the economy, the confidence and the job opportunities for our youth.

As I was getting ready for my speech, the Labour Force Survey for February was released. It's only fair to share that the new unemployment rate for that month is 8.2%, which is down from 9.4%. It's good news to see the numbers go down, but Statistics Canada offers a warning that we are not out of the woods yet. The 1.2% shift was mainly attributed to Quebec and Ontario, who reopened their economy last month in retail and restaurant services. Compared to 12 months ago, there is still a 599,000-job gap where fewer people were employed and 406,000 more people working less than half their usual hours.

• (1640)

The new Labour Force Survey for February offered an update for youth:

> The unemployment rate for youth fell 2.6 percentage points to 17.1% in February, similar to the recent low in November 2020 but still higher than a year earlier (10.4%). The unemployment rate fell both among young men

> (-3.2 percentage points to 16.1%) and young women (-2.0 percentage points to 18.1%). The unemployment rate is typically higher for young men than young women; however, this trend was reversed as a result of the March/April 2020 and January/February 2021 lockdowns, as half of young women are employed in accommodation and food services, and retail trade—industries among the most affected by pandemic restrictions.

I offer these quick thoughts, honourable senators, because I'm concerned the government is starting to take its eye off the ball. It sees the potential ending of a pandemic approaching with a slow vaccine rollout, and quite frankly, our economic recovery must be done with more vigour and proactivity.

With Bill C-24, it shows the government is taking its foot off the gas a little at a time, where it needs to be focussed on what matters right now, which is protecting Canadians from COVID-19 and ensuring the confinement Canadians have done in the last year doesn't impact their job opportunities longer than needed.

Our businesses are ready to help and play a role in reducing the spread of COVID-19. Business groups such as the Canadian Chamber of Commerce delivered a message to the Prime Minister with a letter saying they want to be part of the broader solution to manage the pandemic and to return to normal conditions more quickly.

Bill C-24 also amends the Employment Insurance Act — the EI — to facilitate its access for self-employed Canadians who have seen a reduction in their income. The pandemic has also shown us how a safety net such as EI needs to be adapted to the 21st-century economy. The current EI parameters are made for an economy in a time where having the same full-time, nine-to-five job at the same company for 25 years was the norm. But nowadays, with the new gig economy, gig workers are not employed on a long-term basis by a single firm. According to a Statistics Canada study based on tax data, the share of gig workers among all workers rose from 5.5% in 2005 to 8.2% in 2016 just on the digital economy; that is, for example, Uber drivers, renting out your home through Airbnb, et cetera, into the 5.5% total Canadian economic activity.

All along, while the Canadian people were adapting to the new realities, the EI program was still stuck in the middle of the 20th century. Too many people were falling between the cracks of the EI safety net.

The major flaws of the EI programs were exposed with the pandemic. It showed us it was not suited to adapt to take on an important number of Canadians who were in need and it's not easily adaptable. The government had to constantly change the eligibility requirement and the number of weeks paid to help Canadians in need. It had to do so again with Bill C-24 with self-employed Canadians, like it did for seasonal workers in May, and like it did for mothers on maternity leave in the fall through regulations.

During the pandemic, time was of the essence, and the out-of-date EI system made it slower for Canadians to get the money they needed. Once the other programs were put in place, they were not streamlined between departments, causing delays and grief for Canadians.

We had an example of this with an Ontario resident who had a hard time navigating changes to emergency benefits throughout COVID-19. A mother of two, she had been working in retail and lost her job last spring due to the pandemic. She was first put on CERB, then switched to EI in September, and since she is a part-time worker, half of her salary is clawed back. In January, she was the only one available to care for her five-year-old daughter when schools closed in London, so therefore she declared on her EI statement that she was not available for work. That meant she was no longer eligible for EI because it requires applicants to be available to work.

She then turned to the new CRSB, but was told she did not qualify due to having an open EI claim. We are in March, and she still hasn't received money for those two weeks in January. I would quote the mother from the news story.

> There's so many people that fall into these situations where, like myself, to go two weeks and not have any (money) come in. That's scary. And for a lot of people, that could be their rent, their mortgage and food on the table.

I am aware that the government has promised to reform the EI system, but as a past member of the Standing Senate Committee on Official Languages, I have learned that despite what this government promises, it doesn't mean it will deliver. We have heard them repeat often how they would modernize the Official Languages Act, and two years after the Senate committee published its report on the reform, we're still waiting for the bill.

To conclude, honourable senators, we support Bill C-24 as a great reminder of the best way to avoid mistakes and loopholes and allow Parliament the right amount of time to do the proper oversight of its spending. We have great committees who do great work on behalf of Canadians. Let them do the proper oversight of the government bill, because with proper oversight, we wouldn't be here fixing mistakes months later.

That's why I end with a plead to the government to read the great report released last summer from the Standing Senate Committee on National Finance, *COVID- 19: Relief in times of crisis*, chaired by Senator Mockler, and to give particular attention and consideration to recommendation No. 16:

> That it is time to return to traditional procedures for approval by Parliament of government spending in order to provide appropriate oversight of government expenditures.

Thank you, honourable senators..

Hon. Senators: Hear, hear.

Hon. Kim Pate: Honourable senators, the extended weeks of access to Employment Insurance proposed in Bill C-24 are vital. So too are the regulatory measures that the government is taking to add weeks to the Canada Recovery Benefit and other programs that have continued to provide direct income support to individuals.

I want to commend all who have worked and supported this approach to economic response and recovery. We have seen throughout the pandemic that these cash transfers have supported those who could access them, thereby aiding efforts to slow the spread of COVID-19. The speed, motivation, boldness and urgency with which measures like the CERB were implemented were justified as necessary to prevent catastrophe for millions of people, families and communities.

Let's take a moment to consider what this catastrophe is: It is poverty. As we mobilize mountains of resources, ingenuity and infrastructure to keep more well-off people from falling into poverty, I remain extremely concerned that we have done almost nothing for the more than 1 in 10 Canadians who struggle below the poverty line, who daily face the risks and dangers that measures like Bill C-24 so clearly understand and recognize.

Of the government's $407 billion in COVID-19 spending reported in the Fall Economic Statement, working-age Canadians most in need — that is those with incoming below $5,000 — have received perhaps $400, and that was only if they were registered for the GST credit.

One in five Canadians, primarily those with income over $100,000, have seen their financial situations improve during COVID-19. Meanwhile, twice as many — those with the least, those living in poverty — have been left further behind, facing the realities of the spectre of hunger, housing insecurity, homelessness, the street, stress and illness.

The policy choices made about economic supports for marginalized Canadians, both during and long before this pandemic, are, quite frankly, deadly. Rates of COVID-19 deaths and infections have been higher in low-income and racialized neighbourhoods. In Ontario, rates of hospitalization were recorded as four times higher in these communities and rates of death two times higher.

• (1650)

This is concerning to all of us, honourable colleagues, from the fifty of us, representing different groups and diverse regions who signed an open letter to the Prime Minister at the beginning of this pandemic calling for the expansion of CERB into a program accessible to all in need, to the National Finance Committee and the call to examine a national guaranteed liveable income as part of COVID-19 recovery — a call echoed in recent weeks by the Finance Committee in the other place — to our longest-serving colleagues in this place who have taken part in the work led by our former colleagues Senator Eggleton and Senator Segal to seek to eradicate poverty.

All of us carry with us the legacy of the Special Senate Committee on Poverty, which made clear the role that this place can play in addressing poverty and the responsibility that we have to act. Fifty years ago, under the leadership of Senator Croll, our predecessors called for a national guaranteed liveable income, telling us, "Poverty is the great social issue of our time." "The poor do not choose poverty. It is at once their affliction and our national shame."

> No nation can achieve true greatness if it lacks the courage and determination to undertake the surgery necessary to remove the cancer of poverty from its body politic.

A half-century later, honourable colleagues, what has changed? Tonight, mere steps from the chamber here in Ottawa, some long-term care workers, mostly women, mostly racialized and mostly newcomers to Canada, will end their grueling front-line shifts caring for some of the most at risk in this pandemic, but they won't be going home. They will sleep tonight in homeless shelters in the shadow of Parliament Hill because, in return for their essential work, they are clapped for and heralded as heroes, but they are not paid enough to afford a place to stay.

How far removed their reality is from the stereotypes that persist about poverty: the harmful and dehumanizing assumptions that if people are poor, it must be because they haven't worked or saved hard enough; if we are not supporting them adequately, it must be because they do not deserve it.

For years, the assistance programs that Canada, the provinces and territories offer have been criminally inadequate. They have provided too little to live on, apparently informed by perspectives that induce us to distrust and deem lazy those who are economically disadvantaged and justify the imposition of complex webs of inadequate assistance programs.

They have subjected people to complex and often humiliating scrutiny, arbitrary judgment and moralistic standards to which few others have to answer. A child's field trip, new clothes for a job interview, taking a personal day off work, all of these are daily life for many of us and yet are construed as wasteful luxuries for those on social assistance, if — and this is a big "if" — they even dare to seek or beg for them.

Bill C-24, like the majority of COVID-19 income supports so far, reinforces a line between workers who are eligible for support and others in poverty, for whatever reason, who are not. Good intentions, working hard, seeking to do the best for one's family and wanting to contribute to the community do not, unfortunately, guarantee that suitable paid work will be provided or available as a guard rail against poverty. Yet, for decades we have relied on social assistance programs that punish people and keep them stuck in poverty.

Bill C-24 is putting us on a path to come out of this pandemic and get back to a normal where half of those below the poverty line work but aren't paid enough to get by, where others are left to struggle on social assistance and disability benefits that provide as little as $600 per month in some provinces, where a one-bedroom apartment is unaffordable in 9 out of 10 neighbourhoods in Canada to someone who is working full-time at a minimum wage job, where 31% of shelter users are Indigenous and where almost half of people in Canada live paycheque to paycheque, going further into debt to pay regular living and family expenses.

Senators have known for at least 50 years that we can and must do better, that no one chooses and no one deserves, in a country as wealthy as Canada, to be poor, starving, homeless or in danger. For the sake of all our economic health and social well-being, people need to be able to rebound out of poverty. In the name of all of those who have suffered and sacrificed during COVID-19, we need to emerge with something better.

Many are urging us forward. In the other place, a bill and a motion on guaranteed liveable basic income are picking up momentum. The Government of P.E.I., supported by the tenacious work of P.E.I. senators and members of Parliament, is seeking federal support to launch a basic income program.

What income support measures are needed to ensure this country lives up to the values of substantive equality and human rights that it promotes? The government is asking us to pass Bill C-24. In doing so, we must simultaneously fulfill our duty to ensure that the conversations do not continue to leave millions of Canadians behind.

Honourable colleagues, as we pass this bill, I hope you will also commit to urge the government to not stop here. *Meegwetch*. Thank you.

Some Hon. Senators: Hear, hear.

Hon. Donald Neil Plett (Leader of the Opposition): Honourable senators, I rise today to speak briefly to Bill C-24, An Act to amend the Employment Insurance Act (additional regular benefits), the Canada Recovery Benefits Act (restriction on eligibility) and another Act in response to COVID-19.

I would like to thank Senator LaBoucane-Benson and my colleague Senator Poirier for their work, both as the sponsor and the critic of this bill. As Senator Poirier pointed out in her speech, we will be supporting this legislation. We have to support this legislation. It is needed by Canadians.

We have always supported getting help to those who have been hit hard by the pandemic. What we do not support, however, is this government's incompetence. It was pointed out to us very clearly in my colleague Senator Housakos's speech on Bill C-18 about some of the mishandling of legislation, and we have seen it here again with Bill C-24. We have seen time and time again how bills are introduced at the eleventh hour and then rushed through the legislative process as parliamentarians scramble to make up for precious time that the government lost with unnecessary delays, legislative rewrites and procedural fumbles.

Consider, for example, the portion of this bill that amends the Canada Recovery Benefits Act. These amendments close a loophole that stems from a policy announced over seven months ago.

It was August 20 when the government announced last year that they would be creating the Canada Recovery Sickness Benefit. The only problem was that the Prime Minister had already prorogued Parliament two days before the announcement, and it was not scheduled to be recalled for another five weeks.

Even though the government knew for a month that the CERB program was winding down on September 26, they took no legislative action to fill the gap that would be left until September 24 — two days before the deadline when they introduced Bill C-2, An Act relating to economic recovery in response to COVID-19.

Honourable senators will recall that this bill was going to implement the Canada Recovery Benefit and the Canada Recovery Sickness Benefit. Knowing that the timetable was tight, the Conservative opposition offered to work through the weekend to get the bill passed. Similarly with Bill C-7, they offered to work through the weekend. They were turned down and then accused of filibustering when they hadn't even started debate.

The government refused here and instead decided to go home. Then, four days later, on September 28, the government abandoned Bill C-2 entirely and started the legislative process over with Bill C-4, An Act relating to certain measures in response to COVID-19. Now it was Bill C-4 that would implement the new programs, including the flawed Canada Recovery Sickness Benefit, and the government proceeded to push the bill through every stage in the House of Commons in one single day.

• (1700)

Because the government decided to take five weeks off and prorogue Parliament for no good reason — well, the Prime Minister thought there was a good reason: He wanted to avoid some scandal issues — the Senate was left with little choice but to expedite the process as well.

We received the bill the following day, Wednesday, September 30, and had it out the door two days later, on Friday, October 2. It would be another three months, before Minister Qualtrough finally acknowledged that there was a serious problem with the legislation. It allowed people quarantining after a holiday to apply for the benefit, but by this time the government had already processed 450,000 applications for the CRSB.

Three weeks later, on January 20, the government circulated draft legislation to fix the loophole, but that legislation was never tabled. Instead, they waited five weeks, until February 25, and then tabled Bill C-24 before us today, which would finally close the loophole, along with increasing EI coverage for those impacted by COVID-19. Since February 25 was a Thursday before a break week, Bill C-24 wouldn't see second reading until 11 days later, on March 8, 2021.

March 8 was 201 days since the government had first announced the CSRB program, and on March 8, after taking 201 days to address their mistake, Minister Qualtrough released an open letter to Conservative leader Erin O'Toole, urging him to support the government's plan to rush the bill through all of its legislative hoops. It was a crass political move by the government, designed to try and shift attention away from their disastrous handling of the legislative agenda and paint the opposition as responsible for delays.

Later that day, the bill was debated for a total of two and a half hours. Three days later, on March 11, it was debated for another three hours. It then went to the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities, which reported back to the House, without amendment, the same day.

The following day, on March 12, the bill was passed by the House of Commons. This means that from the day the new programs were announced by the government to the day they realized they had created a gaping hole, 136 days had passed. It then took another 55 days for them to table legislation to fix the problem. That's 191 days from when the government created the problem until Parliament was presented with the plan to fix it.

It then took only three sitting days for the House of Commons to pass the bill, and we plan to pass it here in this house in the same amount of time. Of course, the government spread those three sitting days over more than two weeks, but given how poorly they manage a legislative agenda that shouldn't surprise anyone.

Honourable senators, in the midst of the greatest health and economic crisis to hit this country in over 100 years, this government has exhibited a disturbing pattern of incompetence. With a few variations, the pattern usually unfolds along these lines:

One, the government dawdles until the eleventh hour and then rushes to introduce legislation;

Two, they breathlessly note that time is short and demand that the bill be hurried through Parliament without allowing time for proper examination and debate;

Three, when the opposition tries to point out that proper scrutiny of the legislation will help ensure we don't experience further delays and surprises, the government blames the opposition for holding things up;

Four, after the bill is passed, the government reluctantly admits that it contains errors and must now be fixed;

Five, they take more time to draft the amendments to fix the errors than they took to write the original legislation;

Six, they eventually get around to introducing the amending legislation and make the changes retroactive to mop up the mess they created;

Seven, they insist that Parliament rush this amending legislation through because the clock is once again running down.

And eight, they return to step one and repeat the process for any additional legislation required.

Honourable senators, not all of this can be chalked up to incompetence. Some of it appears to be the government's willingness to put its political interests ahead of the people of Canada, even in the midst of a pandemic. Rather than admitting to and fixing its mistakes in a timely manner, this government chooses to wait until it can bury its amendments in a larger bill.

Consider that with the Canada Recovery Sickness Benefit they had legislation ready to go on January 20, yet they chose to wait until they could distract the public from their error in packaging it in a bill that would include additional COVID support measures.

Furthermore, I would remind you that we are still waiting for the promised fix to the Canada Emergency Rent Subsidy. You may recall that Bill C-9 was written in a way that it required business owners to pay their rent before they would qualify for the rent subsidy. If a business cannot pay their rent because of COVID-19 they can apply for the rent subsidy, but only after they pay their rent.

The government promised to correct this problem, but as of today the law remains as it was passed by Parliament on November 19 of last year. Instead of doing their job properly, the minister shrugged and instructed the Canada Revenue Agency to ignore the law because they would eventually get around to correcting it — and eventually they did. The fix is now buried in clause 4 of Bill C-14. It is a total of 160 words.

Why did the government not introduce a simple 160-word bill to correct this problem rather than choosing to wait more than four months to bury it in a bill of over 2,500 words, which has nothing to do with the rent subsidy?

It is difficult to know whether the answer to that question is political opportunism or incompetence. Either way, it does not serve the people of Canada well.

Colleagues, this last year has been a very difficult one for most Canadians. As I said earlier, Conservatives strongly support getting help to those who have been hit hard by the pandemic and the government's mishandling of it, but we do not support this government's incompetence and blatant self-interest in the midst of a global pandemic.

We will be supporting this legislation, but regret that the government has repeatedly failed to provide much-needed support to Canadians in a timely manner. Thank you, colleagues.

Hon. Diane Bellemare: Honourable senators, I speak today on second reading of Bill C-24. I will vote in favour of Bill C-24. It is a complement to the temporary emergency measures taken so far by the federal government to cope with the pandemic.

I believe that health and economic security of Canadians comes first and, since the pandemic is not yet over, it is important to sustain the income of those most affected.

However, I have some concerns about policy issues related to Bill C-24. First, it is time to prepare for recovery and to use this period to invest in the basic skills of Canadians. I share the

recommendation of the Organisation of Economic Co-operation and Development, OECD, expressed in its last Employment Outlook of December 2020:

> In the short-term continued support for some sectors remains vital to protect jobs and wellbeing, but labour market mechanisms must re-start operating.

• (1710)

I interpret this recommendation as saying the time has come to prepare for recovery. It is time to start investing in the employability of Canadians who have been affected by the pandemic. This means more investment in active labour market measures, such as training in basic digital and literacy skills, wage subsidy programs to finance on-the-job training and measures that are part of Part II of EI. I do not think we are doing enough on that side of the equation.

The second point I want to raise; it is time for the federal government to directly participate in the financing of EI, since EI is the main program it uses to stabilize the economy in times of crisis and to sustain the adaptation of the labour market in times of structural changes. As you know, EI is financed entirely by employees' and employers' contributions and they just do not have the financial capacity on their own to support all these public responsibilities. It is not their role.

Third, it is time to have a public debate on EI reform. The government should mandate a special committee to inquire across the country, to exchange with provincial governments who deliver the public employment services, to engage with businesses and labour representatives to identify their needs and to establish consensus on EI reform.

[*Translation*]

Allow me to expand on these ideas.

I'm concerned that Bill C-24 does not include a recovery and investment strategy for skills development. Many people are not working or are underemployed, so now would be the time to use this forced hiatus to prepare for the future.

The latest employment outlook released by the Organisation for Economic Co-operation and Development, or OECD, in December, is very clear. The report encourages member countries to not only extend benefits for people who are involuntarily unemployed, but also rebuild their employment measures.

As Senator LaBoucane-Benson pointed out, Bill C-24 will no doubt give certain groups greater access to employment measures, but the government has not yet looked at extending funding for provincially managed employment measures.

As you know, nearly half of Canadians do not have the basic skills proficiency required to change jobs and easily adjust to a new good-quality job. A study I conducted in 2019 clearly indicated that Canadians recognize this but also acknowledge that, under normal circumstances, they do not have the time or the money to develop their skills. Why not take advantage of this time we have now?

The OECD is also calling on all economic actors to roll up their sleeves and take responsibility for rebuilding a better labour market. The principles of responsibility and reciprocity must be advanced to ensure a sustainable economic recovery. All economic actors, in particular those that are receiving or have received government assistance, must actively participate in rehiring and training their employees.

Employment insurance, as recognized by the law, plays an important role in ensuring the development and employability of Canadians. The EI system invests less in what are commonly known as "active labour market measures" than what OECD member countries invest on average.

It is time for the federal government to engage in dialogue on these issues with its provincial counterparts. If it does not, long-term unemployment will take hold. It will take a long time for youth, women, Indigenous people, racialized people and immigrants to return to or find a suitable job. Social, economic and political inclusion of vulnerable groups requires that they be employable and have the opportunity to have a quality job.

I believe it is high time to review the financing of employment insurance. The law must provide for the federal government's direct participation in the financing of the program. As you know, this program plays a major economic role in providing income support, stabilizing the economy and ensuring skills development, not to mention creating social protections for health and maternity as well as other protections. For all these reasons and because EI must play a vital role in stabilizing and growing the economy, the federal government must inevitably participate in financing the plan.

Businesses and employees cannot bear the cost of stabilizing the economy. From its creation in 1940 until 1990, the Employment Insurance Act always implicitly acknowledged that stabilizing the economy was the financial responsibility of the federal government. From 1940 to 1970, the government contributed up to 20% of the cost. In 1971, it was decided that the federal government would cover all expenses associated with an unemployment rate greater than 4%. Government funding therefore climbed to 51% of expenses in 1975. The funding formula was changed in 1976 to reduce the federal government's bill. Between 1976 and 1990, its contribution hovered around 22%. Unfortunately, in 1990, the government completely withdrew from financing EI. However, there were a few times when the federal government used the surplus in the EI fund to balance its budget.

Today, honourable colleagues, employees contribute $1.58 in premiums for every $100 of insurable earnings up to a maximum of $56,300. Employers contribute $2.21 per $100 of the same insurable earnings. The premium rate is set at a level that will fund the program's expenditures for seven years. The premium rate is currently frozen for two years. However, as the Parliamentary Budget Officer noted, if the Employment Insurance Act remains unchanged, premiums will increase significantly in two years.

I would like to note that the program's funding formula has a negative impact on income distribution. I would go so far as to bet that if we conducted a gender-based analysis of the impact of the funding formula, women would not fare as well as men.

Low-income earners and SMEs in low value-added sectors carry a greater share of the system's tax burden than high-income earners and companies in high value-added sectors. Since a fixed rate applies up to the maximum insurable earnings of $56,300, workers with an income that is less than or equal to the maximum insurable earnings bear a higher burden than those with higher incomes. The same is true for companies in lower-paying sectors. This reality explains why small and medium-sized businesses are often opposed to any increase in payroll taxes.

To wrap up my second point, the system's funding should be reviewed, and we should adopt a more progressive funding formula.

The third point that I want to make has to do with the employment insurance reform. Employer and labour organizations have been calling for a major reform for years. They want to keep the system, not replace it with a guaranteed minimum income. That is what their traditional positions tell us.

However, the time has come to review the system to make it inclusive and ensure that it takes into account the needs of the new labour market and new employment statuses. That is what the OECD is recommending, namely that we address structural problems in the labour market so that public institutions strengthen citizens' resilience and inclusivity.

That kind of reform cannot happen without consultation and without buy-in from all Canadians and provincial governments, because EI changes will impact them.

The Senate is well positioned to accept an official mandate from the government to carry out major consultations about the EI system together with representatives of the businesses and employees who fund it. We have the time and the technology to undertake this process. The government could create a tripartite commission on which it would be represented by senators and allocate the human and financial resources for an undertaking that could take months but is of the utmost importance.

• (1720)

In closing, I believe that a contributory social insurance plan like employment insurance, modernized for the 21st century, is the mechanism that will promote the economic security of all Canadians as well as the principle of equal opportunity.

For months now, the EI program's failure to meet the urgent, pandemic-driven need for income support has inspired some to advocate for replacing it with a universal basic income program. I think it would be a big mistake to go down that road.

A permanent universal basic income program would be extremely costly, as all the analyses have shown. Replacing EI with such a program would be inefficient because it would not target the issues facing the groups that need it most. It would also have a major negative impact on the labour market and the country's economy. A country like Canada can fight poverty and promote the economic security of all Canadians using means other than a permanent universal basic income program.

Let's not forget that a universal basic income program would make it impossible to fund many public services, including creating a network of child care centres across the country, or provide public funding for skills development and other public services. This would be harmful to the vulnerable groups it is supposedly intended to help, such as women, youth and Indigenous people, who could no longer benefit from the public services needed to enter the labour market. I would even say that a universal basic income program is a bit of an illusion.

I look forward to a white paper on EI reform and a special commission to consult Canadians on this issue. Thank you.

Hon. Senators: Hear, hear.

[*English*]

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

The Hon. the Speaker pro tempore: Honourable senators, when shall this bill be read the third time?

(On motion of Senator LaBoucane-Benson, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.)

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—DEBATE

On the Order:

> Resuming debate on the motion of the Honourable Senator Gagné, seconded by the Honourable Senator Petitclerc:
>
> That the following Address be presented to Her Excellency the Governor General of Canada:
>
> To Her Excellency the Right Honourable Julie Payette, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Chancellor and Commander of the Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.
>
> MAY IT PLEASE YOUR EXCELLENCY:
>
> We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

Hon. Wanda Elaine Thomas Bernard: Honourable senators, I rise today in reply to the Speech from the Throne.

During a difficult year, 2020 brought us a historic Speech from the Throne that specifically highlighted the lives of African-Canadians. This was a first. We heard many promises to address systemic racism. Now that I have been in the Senate for just over four years, I wish to share my observations about anti-Black racism in our institution and the effort being made in the Red Chamber.

I will use two Afrocentric principles to make suggestions for how to move forward in a collective way, standing on the shoulders of those who came before us, across party lines.

• (1730)

According to the Ontario Human Rights Commission:

> Racial discrimination can happen on an institutional – or systemic – level, from everyday rules and structures that are not consciously intended or designed to discriminate. Patterns of behaviour, policies or practices that are part of the structures of an organization or an entire sector can disadvantage or fail to reverse the ongoing impact and legacy of historical disadvantage of racialized persons. This means that even though you did not intend to, your "normal way of doing things" might be having a negative impact on racialized persons.

By this definition, it is not a question of whether our institution perpetuates systemic racism; it is about how the patterns of systemic racism need to be disrupted. Many people look to federal institutions to lead the way.

The Honourable Murray Sinclair referred to senators as a "council of elders," and I cherish this description. Honourable colleagues, I urge you to see us as a council of elders as we work to create solutions within our institution. I suggest we use an approach of anti-racism combined with Africentric principles of *umoja*, which means unity, and *ujima*, which means collective work and responsibility.

In 2020, we witnessed a global movement through the Black Lives Matter protests. The Speech from the Throne acknowledged systemic racism and promised to address inequities in the criminal justice system, law enforcement, RCMP, policing, equity and diversity in the public service, collecting race-based data and furthering economic development from marginalized communities.

The supplementary cabinet mandate letters issued by the Prime Minister in January of 2021 mirrored key objectives outlined in the Speech from the Throne. These include supporting Black culture and heritage; building on the Black Entrepreneurship Program; hiring and developing leadership roles for Black people in the public service; reviewing of the Employment Equity Act; and emphasizing the importance of applying a Gender-based Analysis Plus lens to all areas of policy.

Many leaders from all parties acknowledge the presence and persistence of systemic racism; however, during my time in the Senate, I have observed a general lack of unity, or *ujima*. Without unity, we don't have a clear direction, and our efforts are scattered or siloed. I am proud to be part of the recently formed Black senators group. We are a small group building on the important work of the Parliamentary Black Caucus. These groups do not see racism as a partisan issue. All members work together to advocate for the rights and advancement of African-Canadians while addressing issues of racism within Canada, regardless of party lines.

It is time to turn aspirations into actions. I can see good intention and enthusiasm for creating systemic change. I feel hope for the future; however, unless actions follow those words, I see a pattern of performative allyship. Performative allyship, or optical allyship, is when one creates an illusion of allyship through words and gestures, but those words or gestures aren't backed up by actions or change. Performative allyship is harmful because the work ends where it starts, and this prevents movement towards systemic change. I encourage allies to engage in reflection about personal actions for change and to expand their understanding about the anti-racism efforts that have been under way by those who came before us.

I stand on the shoulders of my ancestors, especially here in the Senate. Two former African Nova Scotian senators, the late Honourable Calvin Ruck and the Honourable Don Oliver, were doing anti-racism work in the Senate long before June 2020 and long before my inquiry into anti-Black racism, which was introduced on May 1, 2018. Both former senators consistently recognized the achievements of Black Canadians, including the No. 2 Construction Battalion and Black History Month. I encourage all my colleagues to become familiar with the work that has been done before us, rather than reinvent the wheel.

Honourable colleagues, the time to act is now. Let's focus on the principles of *umoja* and *ujima* — unity and collective work and responsibility. I will borrow the line from other marginalized groups who say, "Nothing about us without us." From Indigenous activists to disability rights activists, the phrase serves to emphasize that those of us with intersecting marginalized identities have the right to be consulted and trusted when it comes to topics that directly impact us. I ask that we move from aspirations of change and performative statements to tangible actions. We need to hold our government accountable to their promises stated in the Speech from the Throne, and we must develop a unified approach to truly address systemic racism. Systemic change takes collective work — it takes *ujima* — and the time to act is now.

Thank you.

Hon. Senators: Hear, hear.

• (1740)

[*Translation*]

Hon. Marie-Françoise Mégie: Honourable senators, the title of the Throne Speech delivered on September 23, 2020, was *A stronger and more resilient Canada*. I would like to bring up two of its main themes to highlight the growing challenges facing Black communities in Canada in these tough times of COVID-19.

To overcome a pandemic requires the work and resolve of every level of government, every community and every one of us. We owe an immense debt to those who served and continue to serve on the front lines, including health care personnel and essential workers, who are often from Black and immigrant communities. These individuals shoulder the burden of care, as well as other burdens, too often for very little pay.

Let's also not forget the women and men in uniform and the volunteers serving across the country. As you know, this pandemic is the largest public health crisis in Canadian history. More than 22,000 Canadians have died in one year, and nearly one million Canadians have been infected. Worldwide, more than 2.5 million people have died, while more than 120 million have contracted the disease.

These are only statistics. The pandemic is the story of parents who died alone without their loved ones there to hold their hand; the story of workers who lost their job. Racialized Canadians, young people and women have borne the brunt of job losses. The effects of this crisis have been described as a "she-cession."

Vaccination campaigns have been launched. Measures at the borders are ramping up with enhanced quarantines to deal with the more contagious variants.

The steady rise in vaccine nationalism around the world increases the risk that the health crisis will go on even longer. We must take this opportunity to contain the global crisis and build back better together. There will be no end to the pandemic without equal access to the vaccine for all. Is it time to suspend patents? After all, it was public funding that subsidized the research and development of vaccines.

On the eve of an imminent third wave that is being predicted by our health authorities, it is crucial to reiterate the measures we must take to protect one another: Thoroughly wash your hands or sanitize them regularly; wear a mask properly, that is, it should cover your nose and mouth; and stay two metres apart. I hope that these basic practices will be followed by everyone, both inside and outside this chamber. It is a matter of life and death for us and for our families and friends.

We must not let our guard down even though the vaccines are being administered across the country. There needs to be high vaccination coverage before we can even think of returning to life as usual, without a mask, in society. I invite all public stakeholders, politicians, media and influencers to carefully consider their criticism of the vaccine rollout across Canada. Some polls are showing a decrease of almost 10% in the number of Canadians willing to be vaccinated. That is very worrisome. We must weigh the consequences of our remarks in this era of disinformation. In addition to the influence of social media in conveying these messages, other factors are influencing vaccine acceptance by our Black communities.

To reverse that trend, the Black Scientists' Task Force on Vaccine Equity is looking to address the vaccine hesitancy historically seen in Black communities. Vaccine hesitancy is twice as common among Black people as it is among White people.

A February 13, 2021, CBC article by Nick Boisvert said that vaccine hesitancy and distrust of health care professionals in general is rooted in historical events. Researchers, activists and patients have also pointed out anti-Black racism in Canada's health care system. There was sadly another case this week of an Indigenous woman, Ms. Ottawa, that was subjected to racist comments by staff at a CLSC in Joliette, the same city where the hospital in which Joyce Echaquan died is located. We need to figure out how to restore all Canadians' trust in the public system.

Toronto Public Health says that Black people of African and Caribbean descent have the highest rates of COVID-19 cases and also the highest rates of vaccine hesitancy.

On Monday, March 22, I will be getting my first dose of the vaccine. I will be working with local organizations to try to persuade people in our communities to get vaccinated. Esteemed colleagues, I urge you to get vaccinated publicly as a way to encourage everybody to get their vaccine as soon as possible.

One very important part of the Throne Speech addressed the fight against systemic racism. The government pledged to tackle systemic racism. It committed to doing that. We need improvements across the board in our police services and the justice system. All Canadians need to know that the justice system is there to protect them, not to harm them. It is no secret that Black and Indigenous Canadians are overrepresented in the criminal justice system. That must change. When will this government take steps to ensure that the criminal justice system treats all Canadians fairly and equally?

In Montreal, the Camara case once again brought to the forefront how crucial it is that the government keep its promises to strengthen civilian oversight of our law enforcement organizations and upgrade police and law enforcement officer training, especially with respect to use-of-force standards.

Honourable senators, I had the honour to participate in a panel discussion for youth on racism and mental health in Canada's Black communities. I thank the Fondation des médecins canado-haïtiens and Mosaïque interculturelle for organizing these panel discussions for youth. Breaking taboos about racism and mental health is not easy. Black youth are dealing with many challenges today.

During the COVID-19 pandemic, our youth have been putting more effort and dedication into staying in school. In that respect, I want to recognize the outstanding contribution of Réginald Fleury, the education coordinator at the Centre de services

scolaire de Montréal, which is an important part of the community and helps young people to stay in school. I also want to thank Georgette Isidore, a teacher, for organizing my meeting with the students at École Lucien-Pagé in Montreal. It was an honour to be able to work with them during Hooked on School Days in Quebec.

Similarly, Senators Bernard, Jaffer, Moodie and Ravalia also participated in a virtual discussion with students from across Canada to talk about the importance of Black History Month and the matter of leadership in their communities. Each of us met virtually with students from our respective provinces with the support of the SENgage team, which is part of Senate Communications. This year, the theme of Black History Month was "The Future is Now."

As parliamentarians, we should spend time with our young people so that they take every opportunity available to them to talk about and increase their awareness of current social issues. Let's encourage all of our youth because they are currently shaping our future. They are our leaders of tomorrow. Thank you.

[*English*]

Hon. Mohamed-Iqbal Ravalia: Honourable senators, it is with a sense of great privilege and humility that I rise today to reply to the Speech from the Throne. While my speech was intended to be delivered in February during Black History Month, discussing Black history and excellence can and should take place on any day or month of the year. Black History Month celebrates the many achievements of Black Canadians and their vital contributions throughout Canada's history to our arts, sciences, culture and politics. It's also a time to learn about the lived experiences of Black Canadians and the systemic obstacles still faced every day by Canada's Black communities.

• (1750)

As was stated in the Speech from the Throne at the opening of Parliament in September last year:

> For too many Canadians, systemic racism is a lived reality.
>
> Many people — especially Indigenous people, and Black and racialized Canadians — have raised their voices and stood up to demand change.
>
> They are telling us we must do more.

Honourable senators, Black History Month is a more than a celebration of the past. It is also a time to commit to the change that our Black communities demand, now and into the future.

I would like to take a moment to acknowledge the efforts put forth by the Black community activists in my home province of Newfoundland and Labrador — Precious Familusi, Brian Amadi, Raven Khadeja, Rioko Milani and Nuna Toweh — who took this change into their own hands. Following the demonstrations against police brutality sparked by the murder of George Floyd, Precious, Brian and Raven founded a Black Lives Matter Newfoundland and Labrador chapter and Facebook page. The page is a resource and platform for Black voices in our province. It offers support for those who are actively fighting against anti-Black racism, as well as for those who are simply exhausted from experiencing it.

Only four days after launching the Facebook page, the group had more than 6,000 followers, and an official release from the City of St. John's declaring support and encouraging residents to "stand up against racism." Thank you, Mayor Danny Breen and your councillors for that support.

With the help of community advocacy groups and other supporters, Raven, Rioko and Nuna organized a historic rally at the Confederation Building in St. John's against anti-Black racism and police violence in June of last year. They were overwhelmed by the turnout. Thousands of people of all racial groups showed up carrying signs and joining together in chants denouncing racism, police brutality and discrimination. Supporters kneeled in solidarity as organizers and passionate speakers shed light on the need for action on anti-Black racism. Organizers worked collectively to ensure any risks to public health were mitigated, including having makeshift medical stations near the steps, distributing face masks to those without them and encouraging everyone to socially distance.

At the Confederation Building, speakers of all ages took turns stepping up to the microphone to share their experiences with racism in Newfoundland and Labrador. Some offered advice for their fellow Newfoundlanders on how to better understand ideas of race and White supremacy, while others addressed Black members of the crowd and encouraged them to keep fighting.

Honourable senators, the launch of the Facebook page and the peaceful protest that followed are catalysts for change. The group has received thousands of messages from supporters wanting to learn how they can help.

While Black History Month is a time to honour and celebrate the contributions of Black Canadians, it is also a time to continue to learn and commit to action. As this year in particular has brought into focus, this is also a time to recognize that systemic racism in Canada has deep historical roots and continues to detrimentally affect Black Canadians. Here in the Senate, we share the honour and privilege of representing our regions. We must continue to interrogate our own biases and prejudices, and we must face up to the culturally entrenched prejudices that may exist within our own cities and provinces. Opening up this dialogue is critical to creating a more just and inclusive Canada, and ultimately a stronger and more resilient Canada.

Thank you, Precious, Brian, Raven, Rioko and Nuna and all other local community organizers and advocacy groups, including the Anti-Racism Coalition of Newfoundland and Labrador, Memorial University Students' Union, Planned Parenthood of Newfoundland and Labrador and SARFest for sparking this crucial discussion and for your efforts to eliminate anti-Black racism on the Rock. You are our next generation of leaders.

As was stated in the Throne Speech:

> Canada must continue to stand up for the values that define this country . . . There is work still to be done, including on the road of reconciliation, and in addressing systemic racism.

Indeed, colleagues, there is still work to be done. Thank you, *meegwetch*.

Hon. Mobina S. B. Jaffer: Honourable senators, I too rise today to speak to the Speech from the Throne. I know many of us attended the speech where the Governor General outlined the government's plan to forge a new, more progressive Canada in the midst of the ongoing global pandemic posed by COVID-19.

First, the government enshrined its commitment to prioritizing the health and safety of all Canadians as we continue this fight of our lives. Second, they illustrated the need to support Canadians and their businesses as they brave the worsening economic storm presented by the COVID-19 pandemic. The government made big promises to "build back better," with the goal of creating a stronger, more unified and resilient nation. Finally, and most importantly, the government vowed to stand up for equality, walk the road of reconciliation and fight all forms of discrimination.

Honourable senators, I am confident that the government is sincere in its desire to build a better Canada, in which all Canadians — and I stress all Canadians — can feel they're accepted and included. They can feel that they are part of our great Canadian society.

However, in order to truly achieve this, we must all work together. Especially in the Senate, we are guardians of the rights of the marginalized people, and we as senators have to stand up and speak out for those who are most vulnerable around us.

MP Greg Fergus, who you all will know is the chair of the Parliamentary Black Caucus, kindly provided me with some information on the federal government's current financial commitments to address these ongoing and daily crises which racialized — namely Black and Indigenous peoples — continue to experience. He stated:

> Since 2018, the government has provided $25 million to build capacity in Black Canadian communities, $45 million for a new Anti-Racism Strategy, $9 million to support Black Canadian youth, $10 million for culturally focused mental health programs, and $221 million to help thousands of Black business owners grow their business as we recover from the COVID-19 crisis.
>
> 85 projects, worth $15 million, have been selected through a call for proposals to support the ARAP's objectives, which will help combat all forms of racism and discrimination, including anti-Black racism, anti-Asian racism, anti-Indigenous racism, antisemitism, and Islamophobia.

On the global stage, Canada is recognized as being a pluralistic, inclusive and forward-thinking nation. While we have made great strides to combat racism, honourable senators, much work still needs to be done. We need to walk our talk. We need to remain committed to eliminating all forms of discrimination.

• (1800)

We especially, senators, cannot lose sight of or omit the fact that our country is founded on a history that has dispossessed and continues to discriminate against racialized people, particularly First Nations, Inuit and Métis people. We have much work to do as Indigenous communities face —

The Hon. the Speaker pro tempore: Senator Jaffer, I have to interrupt you because it is six o'clock.

Honourable senators, it is now six o'clock, and pursuant to rule 3-3(1) and the order adopted on October 27, 2020, I'm obliged to leave the chair until seven o'clock.

We are suspended until seven o'clock. Senator Jaffer, you will have 10 minutes remaining in your speaking time when we return.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

• (1900)

MOTION FOR ADDRESS IN REPLY—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Gagné, seconded by the Honourable Senator Petitclerc:
>
> That the following Address be presented to Her Excellency the Governor General of Canada:
>
> To Her Excellency the Right Honourable Julie Payette, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Chancellor and Commander of the Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.
>
> MAY IT PLEASE YOUR EXCELLENCY:
>
> We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

Hon. Mobina S. B. Jaffer: Honourable senators, we must not lose sight of or omit the fact that our own country is founded on a history that has dispossessed and continues to discriminate against racialized people, particularly First Nations, Inuit and Métis people.

We have much work to do as Indigenous communities face an unprecedented health crisis, while many are simultaneously living on old, policed and underfunded reserves, the conditions of which many scholars and academics refer to as akin to those of underdeveloped countries.

Canadians, we expect the federal government to deliver on the promises made in the Throne Speech, which must be followed by tangible action and unequivocal condemnation of ongoing normalization of racism. Over the past few years, I have worked alongside many activists, including the African Descent Society in my home province of British Columbia. As you know, senators, many of the first African Canadians settled in British Columbia. When I think about this, it saddens me that a lot of Canadians do not know that Sir James Douglas, the first Lieutenant Governor of British Columbia, was born in Guyana and emigrated to British Columbia in the 1870s. Indeed, people of African descent settled in British Columbia long before the province joined the Dominion of Canada and before the incorporation of Vancouver in 1886.

When they arrived, many of the first immigrants built amazing African-Canadian communities in the heart of Vancouver. They built successful businesses, and made Vancouver their home. One of those communities is often called Hogan's Alley but is correctly known by locals as Strathcona.

I have vivid memories of driving around Vancouver and seeing Strathcona, as well as many other communities that are the cornerstone of Vancouver's strong values of openness, inclusivity and diversity. Tragically, too many of these communities have been forced to endure the terrible impacts of development and urban renewal projects that have been imposed on communities of African descent in Vancouver, particularly in Vancouver's Downtown Eastside. In Strathcona, following far too many development and gentrification projects, the Vancouver Heritage Foundation stated:

> Over the years, blacks endured efforts by the city to rezone Strathcona making it difficult to obtain mortgages or make home improvements, and by newspaper articles portraying parts of the neighborhood, such as Hogan's Alley, as dens of squalor, immorality and crime.

In response to this, by the 1960s, many of the homes and businesses that made Hogan's Alley what it was were demolished and replaced by the Georgia Viaduct, and in 1971, it was joined by the Dunsmuir Viaduct.

The year 2021 is a part of the International Decade for People of African Descent. United Nations resolution 68/237 calls for all UN member states, including municipalities and provincial and civil societies, to recognize the many contributions of people of African descent around the world. In that vein, while the community is still not what it once was, it warms my heart that there are plans to redevelop Strathcona and return the community to a hub for the people of Vancouver, regardless of their race, class, ability and ethnic background. It is my honour to work with Yasin Kiraga Misago and Rita Margaret Buwule, fellow Ugandans, to revive and better acknowledge the African communities that were living in this area before.

Honourable senators, as I said, I continue to work alongside local and provincial activist organizations, such as the African Descent Society BC, and it is my hope that these communities will be rightly recognized for their invaluable contributions to Canada. I stand on the shoulders of Rosemary Brown, the first Black MLA in B.C., and Emery Barnes, the first Black Speaker in the Legislative Assembly of British Columbia, who set the path for all of us to succeed.

Honourable senators, I have set out all the programs the government is going to establish. Those programs mean nothing if the community doesn't feel part of our great country. Therefore, I reach out to you and say that it will take the effort of those of us who can harness the highest levels of parliamentary power and privilege to continue to hold our leaders' feet to the fire and ensure that they recognize their accountability to all Canadians.

Honourable senators, we have heard various speeches today that raise issues from different parts of our country, but we come to you with one voice to ask that we not forget what happened last July and to remind you that we can never go back to that place. Thank you very much.

(On motion of Senator Gagné, debate adjourned.)

[*Translation*]

PROTECTING YOUNG PERSONS FROM EXPOSURE TO PORNOGRAPHY BILL

SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Miville-Dechêne, seconded by the Honourable Senator Harder, P.C., for the second reading of Bill S-203, An Act to restrict young persons' online access to sexually explicit material.

Hon. René Cormier: Honourable colleagues, I rise today in support of Bill S-203, Protecting Young Persons from Exposure to Pornography Act, which was introduced in this chamber by Senator Miville-Dechêne. I thank her for her commitment and determination.

Since this bill was introduced on September 9, 2020, much ink has been spilled. Much has been said and announced, from an article in the *New York Times* entitled "The Children of Pornhub" to the bill from the Minister of Canadian Heritage to create a regulatory body to fight against the exploitation of children and hate speech online, or even the study conducted by the Standing Committee on Access to Information, Privacy and Ethics at the other place on protecting privacy and reputation on platforms such as Pornhub.

• (1910)

Recent testimonies at committee at the other place were beyond disturbing. To hear a young female victim of these platforms explain the nightmare she went through to get sexual images of herself removed when she was a minor was quite shocking. Hearing business leaders say that they are doing everything in their power to protect young people from sexual

exploitation, when they did not report anything to the authorities before June 2020, only confirms my suspicions about certain practices in this industry.

[*English*]

Given the recent developments, I remain concerned about how the platform Pornhub can meet all of its new commitments regarding the protection — or, as they call it, trust and safety — of the community and how Canada can hold it accountable and impose greater transparency on its safety measures.

The Government of Canada has been urged to take real action on this issue for some time, so let's hope that the bill to be introduced by the Minister of Canadian Heritage will answer some of these questions.

[*Translation*]

Bill S-203 addresses these recent developments because it tackles another aspect of the problem. Instead of targeting the content or the uploading of sexually explicit material, it targets access to viewing of this content.

Bill S-203 seeks to protect Canadians, especially women and youth, against the harmful effects of exposure to sexually explicit material, including demeaning material or material depicting sexual violence.

It also enables the Minister of Public Safety and Emergency Preparedness to require that steps be taken by internet service providers to prevent sexually explicit material from being made available to young persons on the internet.

In short, colleagues, it seeks to protect the health of our youth, and it is part of international efforts to better regulate online activities, which unfortunately have been on the rise since the start of the pandemic.

Pornographic sites have disclosed statistics about traffic on their platforms since the emergence of COVID-19. According to Pornhub data released March 25, 2020, this site registered a 21.5% increase in traffic on its platform in Canada alone, compared to an average pre-pandemic day. This increase just happened to coincide with the company's offer to make a particular paid service available for free.

Canada is not the only country where consumption rose. In every country with data for the period from the end of February to the end of March 2020, consumption of online pornography increased by anywhere from 4% to 24%. The increase was higher in countries where content was made available for free, such as Canada.

These platforms justified temporarily making their content available for free on the grounds that it contributed to consumers' well-being during the pandemic. Forgive my skepticism about the humanitarian nature of such a decision, esteemed colleagues. Let's not fool ourselves. Offering free access is a way to attract new customers and, potentially, new paid subscriptions.

In addition, the data collected by these platforms can be a gold mine for some of them.

[*English*]

When examining Bill S-203, I focused on the impact of pornography on young people in the LGBTQ2+ community. It was not easy, I have to admit, since few studies have looked specifically at this category of young people.

In addition, we must remember that this is a diverse population. A study of porn's effects on young gay men, for example, is not indicative of its impacts on trans people.

I was stunned to learn to what extent watching sexually explicit content can shock or even traumatize young people's developing brains. Sometimes they cannot assimilate or understand what they're seeing and multiple reactions can be observed. Some young people said they were frightened. Others were sad, confused or excited when seeing pornography for the first time. How they react depends in part on their state of development, their age at their first exposure to pornographic images and their individual experiences.

[*Translation*]

Equally troubling is the fact that the vast majority of the studies I consulted reported that one of the main reasons young people, especially those in the LGBTQ2+ community, access porn is to get information on sexuality.

This is partly because LGBTQ2+ youth are not getting information and do not see representations of non-heteronormative sexuality in the public sphere. Many young people are looking for different examples that reflect the sexual and gender diversity in society. They turn to porn sites because they can't find these examples elsewhere.

Colleagues, I have gotten emails from young people asking me not to ban access to porn for minors because it is the only way they can learn about sex. I'm sure you would agree that it is incredibly sad to hear that young people are learning about sex from porn sites.

Some commercial porn sites have created what they call educational sections, supposedly to fill this educational gap. You have to wonder about the motivation behind that decision. Is it truly a good-faith attempt to educate the public, or are they simply trying to attract more consumers and generate more views? You have to wonder.

In my opinion, this kind of online learning is dangerous because minors do not necessarily have the judgment or maturity to separate fact from fiction. They can't determine what is acceptable or unacceptable, or what constitutes a healthy relationship to sexuality.

If young people get their information from these websites, they could reproduce some of the inappropriate behaviours they see. They will compare themselves to what they see and have certain expectations for themselves and their partners, which could have an impact on their self-esteem, sex lives and interpersonal relationships.

A committee study on Bill S-203 would give the owners of these platforms an opportunity to explain the objectives of these self-appointed educational missions.

[*English*]

An insightful study was conducted on the use of sexually explicit media by young men aged 14 to 17 who are members of sexual minorities. Here are some of the findings.

Exposure to pornography, including risky sexual behaviour such as penetration without a condom, for example, can lead young people to engage in similar risky behaviour. When these young men have few healthy positive models of homosexual relationships, viewing pornography too early in their sexual development, even before their first experiences, can increase the chances that behaviour seen in pornography shapes their view of sexuality and relationships with their partners.

Lastly, during the study, young people reported that pornography had influenced their expectations and that it had taught them, or shaped, their sexual interests. Although the study says at the outset that more extensive analysis is needed to validate the findings, I'm sure you would agree these data are still eye-opening.

This is why positive and inclusive sex education in Canada's schools is vital to ensure the sexual health and development of young people. While recognizing that education is under provincial and territorial jurisdiction, I believe that Bill S-203 offers an ideal opportunity to launch a national sex education and awareness campaign or at least to update the guidelines produced by the Public Health Agency of Canada, which date back almost 13 years, to 2008.

[*Translation*]

Honourable senators, as studies have shown, and as noted in the preamble of Senator Miville-Dechêne's bill, the consumption of sexually explicit material has a harmful effect on the development of our young people. We need to take the necessary measures to reduce the availability of such content to minors.

We know that the internet is vast and unregulated. Unfortunately, right now, it is up to consumers to implement the safeguards required to filter out some of the harmful content, as the CRTC has said, and I quote:

> The CRTC does not regulate internet content because consumers can already control access to unsuitable material on the internet using filtering software. Any potentially illegal content on the internet can be addressed with civil action, existing hate crime legislation, and the courts.

Is that sufficient justification when we are talking about exposing young people to sexually explicit material that could have a harmful effect on their development? Absolutely not, in my opinion. Make no mistake, honourable senators: Young people often know better than we do how to bypass parental control software, when such software is actually used.

• (1920)

We know that regulating online content is difficult. Indeed, Canada is not the only country that needs to address this issue. Although Bill S-203 will not solve every problem in this area, I do think it strikes a good balance by allowing access to pornographic material for adults who want it while limiting the exposure of such content to minors.

Furthermore, it will be interesting to see how this bill fits in with other government initiatives, such as Canada's Digital Charter and Bill C-11, as well as the government's commitment to introduce new regulations governing social media with respect to the removal of illegal content within 24 hours.

To find out, esteemed colleagues, we need to study Bill S-203, pass it and send it to the other place. I urge you to do just that as soon as possible.

[*English*]

In conclusion, beyond creating offences to protect young people from the negative impacts of exposure to sexually explicit images, Bill S-203 gives us a prime opportunity to launch a frank and open conversation on the protection of our young people. It challenges us to meet the urgent need for positive, inclusive, judgment-free sex education that will help our young people reach their full potential.

I look forward to voting on this bill and sending it to committee for further study. Honourable colleagues, I think it's time for the question to be called. Thank you.

[*Translation*]

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Miville-Dechêne, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.)

[*English*]

CRIMINAL CODE

BILL TO AMEND—SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Ataullahjan, seconded by the Honourable Senator Ngo, for the second reading of Bill S-204, An Act to amend the Criminal Code and the Immigration and Refugee Protection Act (trafficking in human organs).

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Ataullahjan, bill referred to the Standing Senate Committee on Human Rights.)

PARLIAMENT OF CANADA ACT

BILL TO AMEND—SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Bovey, seconded by the Honourable Senator Munson, for the second reading of Bill S-205, An Act to amend the Parliament of Canada Act (Parliamentary Visual Artist Laureate).

Hon. Salma Ataullahjan: Honourable senators, I rise today to speak to Bill S-205, An Act to amend the Parliament of Canada Act (Parliamentary Visual Artist Laureate). I stand here today as critic of this bill and ask that this chamber unanimously pass this bill as it did on May 8, 2018.

During our last parliamentary session, Senator Bovey presented her second-reading speech on this bill. She very eloquently articulated the importance of incorporating the universal language of the arts into our parliamentary sphere. The inclusion of the visual arts into government dialogue increases awareness and inclusion; a goal we should all aspire to achieve.

I would also like to thank former Senator Moore, who first introduced this bill in 2016, and I would also like to recognize the efforts of Senators Eggleton, McIntyre and Harder, who have also spoken in previous sessions of Parliament in support of this bill.

For colleagues who are not as familiar with the parliamentary visual artist laureate bill, it simply establishes a position for an officer of the Library of Parliament whose job it is to promote arts in Canada through Parliament. The visual artist laureate will foster knowledge, enjoyment, awareness and development of the arts. The new position will bring contemporary artwork into this institution and provide us with new perspectives while preserving Parliament's history through the visual arts.

The parliamentary visual artist laureate would be selected from a list of three candidates who embody Canada's diversity by both the Speaker of the Senate and the Speaker of the House of Commons. Candidates will be nominated by the parliamentary librarian, with the guidance of the Director of the National Gallery of Canada, the Commissioner of Official Languages for Canada, the chairperson of the Canada Council for the Arts and the President of the Royal Canadian Academy of Arts.

The duties of the visual artist laureate would include the production of artistic creations and the promotion of the arts in Canada through Parliament. Their work would be used to sponsor artistic events, enrich the library's cultural holdings and undertake related duties at the request of either the Speaker or the parliamentary librarian.

Similar to the Poet Laureate, the visual artist laureate is not a salaried position. Rather, it is a two-year, part-time creative posting that comes with an honourarium and a budget for materials. Nevertheless, inspired candidates are eager to apply, as this opportunity opens the doors for many artists, including new Canadians and citizens of all regions of our country.

The challenging but exciting work of a parliamentary visual artist laureate is to use their unique talent to challenge, question and present social issues. Thus, a visual artist laureate will assist in presenting policy and legislation to Canadians in a different perspective. At the same time, we will gain a greater understanding of various societal aspects, as artists can express their concerns visually and can communicate messages through different mediums, reaching far more people than we ever could alone. Artists often have the capacity to break down complex issues and present them in an accessible manner that transcends linguistic barriers.

The Canadian cultural sector's contributions to society are numerous. Let's not forget that nearly 800,000 Canadians were employed in cultural occupations in 2015, which represents 4% of all employment in Canada. Furthermore, cultural establishments represented over 3% of all establishments in the Canadian economy in 2016.

Needless to say, arts and culture greatly contribute to the Canadian economy, generating $58.8 billion in direct gross domestic production in 2017, representing 2.7% of the total GDP of Canada.

Our artists also contribute to helping Canadians live longer and better. A study shows that cultural outings lead to better life expectancy, and people who engage in the arts once or twice a year have a 40% lower risk of dying. Those who engage frequently have a 51% lower risk of dying.

A study even shows that the use of art and music reduces hospital stays. For example, surgery of critical-care patients who participated in guided imagery, or had a picture of a landscape on the wall, had a decreased need for narcotic pain medication and left the hospital earlier.

The arts make us smarter. Students who visit museums have higher test scores, a greater sense of social responsible and an increased appreciation of the arts. There also exists a significant correlation between practising an art form and later cognitive developments in students. Hence, I believe that Canada should recognize the value of visual artists.

By passing this bill, we publicly acknowledge the importance of artists and are better able to promote their talents. Therefore, honourable senators, I humbly ask that you support this bill. Thank you.

The Hon. the Speaker: Are senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Bovey, bill referred to the Standing Senate Committee on Social Affairs, Science and Technology.)

• (1930)

BILL TO AMEND THE CANADA ELECTIONS ACT AND THE REGULATION ADAPTING THE CANADA ELECTIONS ACT FOR THE PURPOSES OF A REFERENDUM (VOTING AGE)

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator McPhedran, seconded by the Honourable Senator Loffreda, for the second reading of Bill S-209, An Act to amend the Canada Elections Act and the Regulation Adapting the Canada Elections Act for the Purposes of a Referendum (voting age).

Hon. Robert Black: Honourable senators, I rise today to speak in support of Bill S-209. In 2019, 4-H members from across Canada sat in this very chamber for their annual Citizenship Congress. They held a mock Senate sitting, during which I played the role of the Usher of the Black Rod. The question of lowering the voting age to 16 was their topic of debate. I was very impressed by their debate, and I only hope that ours has done it justice.

While 4-H members were not able to visit Ottawa and I was unable to host the congress in the Senate chamber due to the pandemic, the quality of last year's event and the accompanying debate was extremely impressive. In fact, I posed the question of lowering the voting age to congress participants. While I heard from both sides, the majority of young Canadians supported changing the voting age to 16.

18-year-old Isobel Kinash of Wishart, Saskatchewan, shared that she had recently voted for the first time but, if given the opportunity, she would have voted at 16. The main barrier she highlighted for youth voter engagement was the lack of information around the voting process. I wholeheartedly agree with Isobel and echo her sentiment that, "a crucial part of lowering the voting age would be to promote the information necessary for youth to make educated decisions."

I think it's easy for some of us, especially those of us who are no longer young, to dismiss the idea and say that 16-year-olds don't have the knowledge or interest to make an informed decision, but I don't think that's true. At 16 years old, we hand our children the keys to the vehicle, we give them the ability to get married and join the military, all of which require both maturity and responsibility. Furthermore, 16- and 17-year-olds are old enough to work and pay taxes, yet they have no say in the way their tax money is spent by the government.

It is a slap in the face to 16- and 17-year-olds to tell them that they can do all of these things but that they can't vote. We teach our teenagers to take responsibility for themselves and to make smart decisions about their futures, their friends and their relationships. Allowing them to vote at 16 is just another way to show that we have faith in our youth, and that they can make responsible decisions.

When we say that they shouldn't vote because they are not mature enough, we do our youth a disservice. Anyone who spends a lot of time around youth can tell you that many are very politically engaged and interested in social issues. According to Statistics Canada, youth are among the most socially engaged. In 2013, 74% of youth between the ages of 15 and 19 were part of a group, organization or association, compared with 65% of individuals from 45 to 54 and 62% of individuals from 65 to 74.

Over the past year, we have seen young people pour into the streets to call for equality, an end to racial injustice and to bring attention to the global climate crisis. Of course, not all of them are knowledgeable about politics and current events, but I could say the same thing about 18-year-olds, 30-year-olds or 65-year-olds. Knowledge and experience should not be a criteria for voting. All Canadian citizens get to vote because they are Canadian citizens, not because they pass some sort of test on their knowledge and politics.

The youth are our future and are just as affected as adults by the results of an election. In fact, there are many important policy issues that will affect them more than they will affect us, such as

environmental protection. Allowing them to vote at 16 will help youth feel empowered and give them agency in a political system that they are directly affected by.

As I noted above, education will be key to engaging youth and allowing them to make more informed decisions. School curricula should be adapted to ensure that students are educated about elections, candidates and platforms in a non-partisan manner. Teachers could help students to make sure they are registered to vote. Classroom learning could provide the opportunity to equip students with the knowledge and tools they need to vote — real hands-on learning. The 4-H motto is "learn to do by doing," which is especially appropriate when involving youth.

Here in the Senate of Canada, we have a great program called SENgage. At SENgage, they work hard on outreach to grade schools, high schools, universities and colleges to bring further and better understanding of our political system to the younger generation. I am proud to support this program in any way I can and have visited numerous schools across Ontario, in person and virtually, to talk about the Senate. This is just one example of how schools can be more involved in helping youth to vote and understand the voting process.

At this time, I would like to take a minute to thank Kate McCarthy from SENgage for all her hard work over the years. Kate has left our Senate family for new opportunities, but I wanted to thank her for all her hard work. She will be missed.

After 46 years of involvement with 4-H Canada, I remain dedicated to supporting, representing and engaging with youth as a senator. I recently virtually visited a class of Grade 7 students from the Upper Grand District School Board. I also posed the question of lowering the voting age to 16 to these students. Even at 12 years old, many of them had interesting opinions to discuss with their classmates. Regardless of whether they were supportive of this bill, I was heartened by the discussion they engaged in on this important topic.

Honourable senators, it is time to show our support for our youth by voting in favour of this bill. Voting is habitual. Getting youth to vote early on increases the likelihood that they will continue to vote and perhaps engage politically in other ways throughout and going forward in their lives.

We cannot continue to talk about our youth as the future and praise them for the value they add to society but then deny them the agency to take direct action and be part of a system they are paying into. I will therefore be voting in favour of Bill S-209, and I do hope you will join me. Thank you for listening. *Meegwetch*.

Hon. Marty Deacon: Honourable senators, I rise today to speak in support of Bill S-209, An Act to amend the Canada Elections Act and the Regulation Adapting the Canada Elections Act for the Purposes of a Referendum (voting age). I would like to thank Senator McPhedran and her staff for their hard work in putting this bill together and allowing this chamber to debate this important issue.

The debate around lowering the voting age predates the legislation before us. Over the years, when I would discuss the issue, I would hear people say something to the tune of "when I was 16, I was too young or immature to make an informed choice," or they would point to a young person they know who was disengaged from politics and either would not vote or vote, in their opinion, incorrectly due to their lack of understanding or appreciation of the politics of the day. To such comments, I say that we can all speak from experience that when an individual reaches their eighteenth birthday, a switch does not go on that equips them with the mental faculties to make informed, well-thought-out choices on any number of issues. I'm sure each one of us knows an adult or two to whom we can apply any number of anecdotes I listed above.

While we use the age of 18 as the legal definition of an adult, there are a number of actions a Canadian can legally take before the age of 18 that would be considered adult. They can enter into a consensual sexual relationship, drive a car, pay taxes or enlist in the Canadian Armed Forces Reserves. Of course, we need definitive ages as set boundaries for any number of actions, but the consensus and understanding around which actions can be sanctioned at a specific age evolve. They evolve as our society and culture change over time. This is why we have to seriously consider this bill before us today.

I'd like to take a minute to look at what our students are presently doing in both elementary and secondary schools today. In researching this speech, I did two things: I met with secondary students who represented over 60,000 local students and covered all walks and needs of life, and I reviewed a handful of course descriptions related to civics in both elementary and secondary schools all over Canada. Through this research, I saw units, half courses and compulsory full courses teaching, but not limited to, the following expectations and outcomes. Listen to the language and the intent of this language carefully.

First, students apply the concepts of political thinking to investigate, debate and express informed opinions about a range of political issues and developments that are both of significance in today's world and of personal interest to them. Students learn about democracy in local, national and global contexts and about political decision making across Canada. And students explore the issues of civic importance and influence in social media.

• (1940)

Almost across the country, before they completed Grade 10, students will use the political thinking concepts and political inquiry process to investigate issues of civic importance. They can describe the key values of democratic citizenship and how civic action contributes to the common good in Canada. Students are able to explain the roles and responsibilities of various institutions, structures, and figures in Canadian governance, understand the rights and responsibilities associated with citizenship in Canada and some ways in which these rights are protected.

I am still amazed by a Grade 5 student who continues to email me to critique our present Senate governance structure. When I asked about his learnings, he said to me that government function is part of his Grade 5 curriculum.

My round table with a variety of students representing all aspects of communities was the most informative work done in my preparation of this bill today. They were passionate, they were open, they disagreed and they debated this to the ground from all sides and all possibilities. I observed and facilitated this but they carried this important message at the end of the day.

Today, the local and global experiences and instantaneous exposure to information have resulted in young people being more informed, more articulate and more activist than we realize. As a learner, a teacher, a coach and now a senator, I am continually impressed by the intelligence and engagement I see in our young Canadians.

A quick look at the research bears this out. Younger Canadians are more likely to search for information on a political issue or topic or to participate in a march or demonstration than Canadians over the age of 25. They are more likely to have volunteered in the past 12 months than their older counterparts. According to one study, they are also 41% more likely to engage in informal political activities, and an incredible 97% are more likely to be engaged in a civic organization than Canadians aged 25 and over.

Some of my colleagues have already mentioned that voting at an early age enshrines in Canadians the importance of going out and casting a ballot and thinking critically about who it is you are voting for while doing it. This is more important today than it has ever been. Social media and news services that only serve to reinforce an individual's point of view are increasingly polarizing the electorate in our country. Worryingly, an Abacus survey done a few years ago found that about one in four Canadians say they hate their political opponents. We must teach the next generation of Canadians to keep an open mind and to consider other points of view.

Jurisdictions that have already lowered their voting age, such as Scotland and Austria, have seen positive results in youth political engagement. If the evidence bears this out, then it is an idea worth pursuing.

Colleagues, this bill is before us at this critical juncture in our history. Even before the pandemic, it felt that the world was at a turning point in so many ways. COVID-19 has made the stakes even higher. In the coming years, decisions will be made by governments that will reverberate for decades into the future, not only affecting young Canadians today, but their children as well. I think it is only fair that we send this bill to the committee where the idea can receive proper scrutiny and consideration. We owe our young Canadians at least that much.

Thank you, *meegwetch*.

(On motion of Senator Dasko, for Senator Duncan, debate adjourned.)

DEPARTMENT FOR WOMEN AND GENDER EQUALITY ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator McCallum, seconded by the Honourable Senator McPhedran, for the second reading of Bill S-213, An Act to amend the Department for Women and Gender Equality Act.

Hon. Kim Pate: Honourable senators, I speak today in support of Bill S-213. This legislation would require the Minister for Women and Gender Equality to table a statement analyzing the effects of new bills on women, and particularly Indigenous women. I want to thank Senator McCallum for introducing this legislation and for her tireless work every day, including in and with this chamber, to uphold the rights of women, Indigenous peoples and so many who are marginalized.

With respect to this bill, we owe you particular appreciation, Senator McCallum, for your insistence that Canada's legislation does justice with respect to the lived realities of Indigenous women.

Our ongoing debates on Bill C-7 have emphasized the vital need for feminist, disability and critical race lenses by which we consider legislation. The criminal, legal and prison systems provide further stark examples of this need.

In 1988, the Daubney Report sounded the alarm about the crisis of overrepresentation of Indigenous peoples in prison. In 1992, the Corrections and Conditional Release Act was enacted and heralded as a piece of human rights legislation, one of the aims of which was to reduce the numbers of Indigenous peoples in prisons. In 1996, the Criminal Code was amended to require sentencing judges to prioritize consideration of non-carceral sanctions, particularly for Indigenous peoples.

These realities notwithstanding, in 1999, when the Supreme Court of Canada weighed in, 12% of federally sentenced prisoners were Indigenous. Today that figure sits at 32%, and when you look at women alone, they are 44%. Two thirds of women in federal prisons are mothers with primary care responsibilities for their children. Their incarceration perpetuates decades of policies of forced separation, particularly of Indigenous children from their parents, the state-sanctioned removal of children and discriminatory child welfare practices and policies that continue.

The legislation that Parliament has passed has played an undeniable role in the overrepresentation of Indigenous women in prison, among those living in poverty, with disabilities, on the streets, as well as among the disappeared, the dying and the dead.

Particularly since the elimination of the Canada Assistance Plan, we have witnessed the evisceration of Canada's social, economic and health safety net, and the abandonment of too many to poverty, homelessness or the system that has become the default for dealing with those most at risk or on the margins — that is, of course, our criminal legal and penal systems.

At the same time, we have seen the exponential growth of sentencing measures like mandatory minimum penalties, from about 10 mandatory minimum sentences in the criminal law to about 72. Mandatory minimum penalties have prevented judges from doing their duty to take into account the individual and all relevant circumstances of the cases in front of them and consider whether alternatives are appropriate, particularly when it comes to acknowledging and redressing the realities of colonialism and systemic racism in the lives of Indigenous peoples, Black Canadians and people of colour, as well as for those with disabilities.

For this reason, the Truth and Reconciliation Commission and the National Inquiry into Missing and Murdered Indigenous Women and Girls have called for action on mandatory minimum penalties. We have also seen the ratcheting up of fees, wait times and application requirements for relief from the burden of criminal records in order to allow people to move on and integrate successfully into the community. Records bar access to jobs, education, volunteer opportunities, housing and even long-term care. The result is marginalization, stigma and poverty, not only for women and Indigenous women with past convictions who have long since been held accountable, but also for their children and families.

The inequitable results of the current legal system and structures are painfully clear in the story of a young Indigenous woman who was recently sentenced after pleading guilty as a result of actions carried out when she was a teenager just aging into adulthood. She had been working in a minimum-wage job but, in the absence of adequate pay, benefits and social and economic supports, was not earning enough to get by and so turned to drug trafficking.

As permitted and encouraged by harsh sentencing measures such as mandatory minimum penalties in the Criminal Code, the Crown planned to pursue a prison sentence for this young woman. She had accepted responsibility for the harm she had caused and was working within several communities, including her own, to try to make amends. Sending this young woman to prison would have caused her to lose her relationship with her child, her housing and a job she had lined up, and would have benefited absolutely no one.

In the end, she received a suspended sentence, meaning that while she still had to carry the burden of a criminal record, she was spared the travesty of being sent to prison for a mistake made at a very young age and which she continues to work to remedy.

Bill S-213 would help ensure that we do not lose sight of the consequences of the legislation that we pass.

• (1950)

For Senate public bills like Bill S-207 and Bill S-208, introduced this fall in efforts to help address systemic racism, sexism and inequality associated with mandatory minimum penalties and criminal records, respectively, Bill S-213 would help provide analytical information to assist parliamentarians to analyze their impact on women and, in particular, Indigenous women.

Unlike the Charter Statements introduced by the federal government in recent years, Bill S-213 would apply both to government and non-government legislation, with analysis of non-government legislation being required once it is referred to committee. For government legislation, information required by Bill S-213 would help to supplement Charter Statements.

In the last Parliament, the Charter Statement associated with Bill C-83 on solitary confinement — also known as segregation — in federal prisons provided a stark example of the need for greater detail regarding equality issues for women and, in particular, Indigenous women. Though not discussed in the Charter Statement, the Senate committee studying the bill heard evidence from witnesses about who is most likely to end up in segregation that challenged the assumptions in the legislation that torturous and harmful conditions of separation and isolation are a vital part of managing "security concerns."

Indeed, we saw that about half of the women who are segregated are Indigenous and just as many also have disabling mental health issues. Research conducted by Correctional Service Canada as well as the Parole Board of Canada reveals that women, particularly Indigenous women who have experienced lifetimes of abuse and those with mental health issues, do not pose the greatest, if any, risk to public safety. Rather, systemic discrimination results in their disproportionate marginalization, victimization, criminalization and institutionalization. Once in prison, the discrimination continues in the forms of assessment tools as well as classification and policies that consequently limit access to programs and services.

In response to these and other findings, the Senate amended Bill C-83 to provide oversight and accountability mechanisms as well as greater impetus for and expansion of the use of available release options to help decease the numbers of Indigenous and Black prisoners, as well as those with mental health issues.

Bill C-83 was presented as an end to segregation in federal prisons, but as the work of the Minister's Advisory Panel overseeing the implementation of the bill has revealed in very stark contrast, people continue to be held in conditions amounting to solitary confinement and torture, and Indigenous women continue to be overrepresented in such conditions. This trend has been exacerbated by the COVID-19 pandemic, during which whole prisons have been unlawfully locked down, relegating most prisoners to prohibited conditions of isolation and confinement according to Bill C-83.

Recently, both Bill C-7 and the COVID-19 crisis have also laid bare extensive and overlapping inequalities shaped by Canada's health, social and economic policies. These inequalities demonstrate the vital need for the type of lens proposed by Bill S-213. In the lead-up to and during COVID-19, women and Indigenous women have been more likely to be living below the poverty line and working precarious jobs; at greater risk of losing their jobs as a result of the pandemic; less likely to be covered by Employment Insurance; more likely to have taken on unpaid work caring for loved ones who are young, elderly or living with disabilities; and at greater risk of experiencing domestic violence and abuse.

Public calls for more responsive, transparent and accountable legislation, policy and practice are evident in all that we are doing and are currently underscored by our examination of the impact of decades of neglect when it comes to our state social, economic and health systems.

As we look toward further debates, we must be alert to the voices of marginalized women, including women with disabilities and Indigenous women. Many are indicating that we risk expanding all kinds of intersecting issues when we don't examine the intersections of economic, social and health supports — or more to the point, the lack of them — and we don't ensure that the quality of life promised by section 15 of the Charter is available and delivered for all.

Ensuring robust analysis of impacts of legislation on those who are already most marginalized will also help guide us toward and ensure that we are passing legislation that lives up to the commitment the government has made to "building back better" and to leaving no one behind. Bill S-213 would enhance tools to better ensure that the legislation we pass leads to a more just, equal and fair society for all.

Meegwetch, thank you.

Some Hon. Senators: Hear, hear.

Hon. Mobina S. B. Jaffer: Honourable senators, I rise before you today to speak about Bill S-213, An Act to amend the Department for Women and Gender Equality Act. I want to thank Senator McCallum for her vision in tabling this bill.

This bill is as straightforward as women's demands have always been: examining how a policy or process could affect men and women in different ways. But as simple as it is, this bill carries with it a huge transformation that will bring about a positive impact on the lives of every Canadian.

Senator McCallum focused in her moving speech during second reading on Indigenous women and how important this bill is to correct a path that has led to so many tragedies.

A gender-based analysis is intended to help the government identify gender considerations that could be relevant to proposed policies and bills. It aims to analyze the impact that the adoption of public projects would have on women while taking into account the different realities and needs of both genders. It also takes into account other factors like age, race and disability.

As part of ratifying the 1995 UN Beijing Declaration and Platform for Action, Canada committed to using gender-based analysis. However, the Auditor General concluded in a 2015 report that Canadian departments and agencies were using gender-based analysis in an incomplete or inconsistent way — if they conducted the analysis at all.

While the current Government of Canada committed to conducting gender-based analysis across departments and agencies, as Senator Boyer said in her speech, it is undertaken through the discretion and goodwill of government. Nothing binds the government to undertake the analysis. This is not sustainable nor enough to secure gender equality at all times.

Much of the reality of women's lives is known to us but not always reflected in legislation. For example, we know that women's employment rates continue to be below those of men. We know that women are more likely than men to work in part-time and temporary jobs. We know that women are more likely than men to have reduced hours or miss work due to caregiving responsibilities. We know that 26% of families led by single women live with low income compared to 13% of those led by single men. Women are most affected by earning gaps, including racialized, Black and Indigenous women.

In 2006, the Canadian Council for Refugees issued a Gender-Based Analysis of Settlement. The research conducted was filled with questions that need to be asked when planning initiatives or bills, yet I doubt we can actually imagine the impact we could make if we conducted a thorough analysis. The researchers raised questions very relevant to the gender dimension of certain topics of settlement.

Within the context of immigration, policies and practices affect different groups of refugees and immigrants in different ways. What a difference it would make if gender-based analysis was always carried out. We know the most critical situation is for single women or women who have been left widows and have nowhere else to turn. That needs to be part of gender-based analysis.

In these days, as gender and social inequities are laid bare because of the pandemic, this bill is crucial to ensure that women, especially Indigenous, racialized and Black women, are not overlooked.

• (2000)

A United Nations policy brief states that across every sphere, from health to economy, security to social protection, the impacts of COVID-19 are exacerbated for women and girls simply by virtue of their sex.

These thoughts were echoed by the Canadian Human Rights Commission. But for Indigenous women, matters were even worse. A report by the Canadian Feminist Alliance for International Action and Dr. Pamela Palmater, chair of Indigenous governance at Ryerson University, shed light on the deteriorating socio-economic conditions, the increase in gender-based violence, exploitation, disappearances and murders of Indigenous women and girls.

Bill S-213 will ensure that any and all government policies will take into account such disproportionate effects on women. For example, it will ensure post-pandemic recovery plans, undergo analysis with regard to the effect on women and especially Indigenous, racialized and Black women. If we can enforce gender-based analysis on every bill, it will improve lives of all Canadians.

Senators, we recently found out that even though gender-based analysis was carried out by our government, it did not include racialized women. There is a lot of work to be done, and I want to thank Senator McCallum for this very important initiative. Thank you.

Some Hon. Senators: Hear, hear.

(On motion of Senator Martin, debate adjourned.)

INCOME TAX ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Ratna Omidvar moved second reading of Bill S-222, An Act to amend the Income Tax Act (use of resources).

She said: Honourable senators, I rise today to speak to Bill S-222, the "Effective and Accountable Charities Act."

This bill amends the language in the Income Tax Act which currently limits registered charities to spending their charitable dollars on their own activities. Charities can, of course, make gifts or grants to other charities, but the act, as currently worded, limits them otherwise to spending their charitable dollars on activities that they undertake themselves.

However, I think we will all recognize that there are times when the best way for a charity to pursue its charitable purpose is to work with or through non-charities, such as not-for-profit groups, social enterprises, co-ops, civil society groups, businesses and others who are on the ground and may well be the best partners for the charity to achieve its impact. Senators, this is true for charities working domestically and internationally.

Let me provide you with an example from Canada. The YWCA receives charitable dollars from Canadians. It can further grant these dollars to other charities or use them to conduct their own programs and projects. The policy rationale is grounded in accountability for tax-exempt charitable dollars. So far so good. I think no one can argue with accountability.

But what happens if the Y wants to work with, let's say, Afghani women, who speak little or no English, to help them become financially literate? Then the best path to success may be to work with a local Afghani women's group, which might not be a charity but instead a not-for-profit. In this case, because the act stipulates that charities must spend charitable dollars on their "own activities" the CRA guidance on this law kicks in. The CRA stipulates that when charities work with non-charities involving tax exempt charitable dollars, they must exercise "direction and control" over any such work so that the activities carried out by the non-charity must technically be activities of the sponsoring charity. This is the CRA's way of ensuring compliance with the Income Tax Act.

As Terrance Carter and Theresa Man, both well-known charity lawyers have said, this process is outmoded, impractical, inefficient, inordinately expensive and unpopular, and fails to meet the objectives of the legislation. It is built upon the fiction that everything that a charity does through a third party intermediary must be structured as the activity of the charity itself when all parties involved know that this activity is that of a third party. This is where the legal fiction kicks in.

These are the facts, colleagues. They may sound largely technical, but they have an outsized impact on charities. You will hear me refer to the language of "own activities" in the act and to the language of "direction and control," which is the guidance issued by the CRA. These four words — own activities, direction and control — have a far-reaching impact on charities, who they work with and how they work with them and, as a result, how much charitable benefit can be provided.

The report by the Special Senate Committee on the Charitable Sector, which was passed unanimously in the Senate last year, found that this approach — an attempt to ensure accountability of tax-exempt charitable dollars — is costly, inefficient and inconsistent with contemporary values of equal partnership, inclusion and local decision making.

The committee, therefore, recommended moving towards a new approach, away from the language of "own activities," away from "direction and control" to one emphasizing a better, more effective, more efficient regime without sacrificing any measure of accountability.

The charitable sector — and by that I mean Canada's many charities spread across our country engaged in charitable efforts in Canada and overseas — is squarely behind this recommendation. They include Imagine Canada, Canada's largest sector organization of charities; Cooperation Canada, Canada's umbrella group of charities involved in international development; the Canadian Centre for Christian Charities; the United Way of Canada, as well as 37 of Canada's top charity lawyers who, in an open letter last month, called for a change to this law. And just last week, the Advisory Committee on the Charitable Sector for the Minister of National Revenue tabled its own report and they, too, flagged the urgency to remove the language of "own activities" from the act.

Many have in fact told me that of the 42 really important recommendations in the Senate report, this is the one that requires immediate action. So in a way, colleagues, I stand here with this legislation as their proxy.

But I also want to point out that these legal rules are a perfect example of an expression of systemic racism that is in fact permitted in Canadian law. As heard at the Committee of the Whole, the emergency debate and the inquiry tabled by Senator Plett on racism, systemic racism is hard to detect. It is deeply embedded, it may not have any intended victims, it is unconscious, it lurks in dusty corners of institutions, and yet it has an outsized impact on certain marginalized groups.

These measures did not start out this way. This particular feature in the Income Tax Act was brought into life in the 1950s to ensure that charities and foundations did not simply transfer charitable dollars from one entity to another without ever reaching communities. In essence, it was to prevent self-dealing, but over time it has had an unintended impact — strangling cooperation and collaboration between charities and non-charities. In so doing, it has resulted in a system which either requires charities to behave in a controlling and oppressive manner in order to be in compliance with the law or walk away from doing good work.

Colleagues, let me be specific. I want to illustrate in detail how the current system is inefficient, ineffective, costly and an example of a deeply embedded form of systemic racism. Let me paint this out for you by focusing on three different scenarios.

• (2010)

First, let me talk about how this law impacts giving to Indigenous organizations or change makers that are not charities. In most cases, Indigenous organizations, if they are not a band council or other form of local government, are not registered charities themselves. The only way, therefore, they can receive charitable dollars is to consent to a very complicated and expensive agency or intermediary contract between the charity and the Indigenous organization, under which the funding charity must exercise effective operational control over the activities of the non-charity they are funding.

I need not describe to you what the two words “direction” and “control” mean to Indigenous organizations and Indigenous peoples. Any intellectual property which is the result of this agreement is solely owned by the charity and not the Indigenous organization, with only very limited exceptions. All public statements, including press releases, need approval from the funding charity. Every line item in a budget must be approved and reapproved by the charity. The non-charity may be required to provide receipts, photographs, be subject to on-site inspections, provide minutes of meetings, written records of decisions and so on. Every legally binding document must be signed by the charity, including leases, contracts, et cetera. At times, they might even be required to change their staff if the charity so wishes. This, colleagues, is not a partnership. It is tantamount to a takeover.

It is not a surprise, then, that many charities shy away from funding Indigenous causes because of, first, the complexity of these rules and not wanting to offend Indigenous peoples. According to the Circle on Philanthropy and Aboriginal Peoples in Canada, grant making to Indigenous groups and causes is very low. Only 6% of Canadian grant-making foundations give grants to Indigenous beneficiaries or causes. It is no surprise that many Indigenous partners view the law and its application as yet another form of blatant and systemic racism.

Darcy Wood of the Winnipeg-based not-for-profit Aki Foods and a former Garden Hill chief noted that the law is colonial and paternalistic, not to mention overly bureaucratic. It signals that Indigenous organizations cannot be trusted to properly spend money.

Second, let me deconstruct how this plays out in very similar ways to organizations that are doing work with racialized communities. I have worked in the past with an exemplary Toronto not-for-profit called the Black Daddies Club. It strives to change the image of the absent Black father prevalent in the media. It assists young men to become better fathers and to support Black children, families and their larger community. Since they’re not a charity, they have to deal with the same issues as Indigenous peoples organizations if they want to work with charities. They have to create convoluted and expensive intermediary agreements. At times they have to agree to be hired by the charity. In other words, they too have to agree to be directed and controlled. As with all other organizations in the same situation, they must agree to sign their intellectual property over to the charity.

As you can see, colleagues, it puts both the charity and the non-charity at risk. The charity holds all the fiduciary governance and human resource responsibilities along with all the liability and the risk.

The non-charity, on the other hand, must give over control of the project to the charity. No one wins in this scenario. Everyone is diminished.

Finally, let me take you on a tour of Canadian charities overseas, for whom this is a bread and butter, daily issue. As we can appreciate, Canadian charities work in far-flung places, bringing health, education, housing and many other necessary services to them. Many of us, no doubt, donate to such charities. For international charities headquartered in Canada, working with local partners is not a choice but a necessity. But in order to comply with the law, they have to contort themselves to stay within it. They need to develop intermediary agreements, which of course is fine, but then they must prove that they exercise operational direction and control over an organization thousands of miles away. Not only are there legal costs to be borne, but there are also costs of education of the parties to the agreement, policy documents, separate protocols and processes, and significant planning and associated costs. A substantial administrative burden ultimately reduces funds that should have been used for direct charitable purposes.

As an example, I will cite the experience of Samaritan’s Purse Canada, which is affiliated with the Billy Graham charities. In pursuit of its charitable purposes, it runs a $300,000-program in Nepal to provide essential health services to children, including life-saving medical care to approximately 200 children annually. They work with seven local partners to deliver the program.

Since these local partners are not charitable under Canadian law, Samaritan's Purse must direct and control them. To be compliant with the CRA, Samaritan's Purse is required to have a separate agency agreement with each of the seven local organizations involved. This requires separate financial systems, 22 periodic payments, and 38 separate reports that these organizations must submit to be processed. With seven local organizations, this process is seven times more complex than it needs to be.

I have heard charities say that the risk, the administrative burden and the liability is too much for them. In addition, Canadian charities cannot realistically participate in pooled efforts with non-Canadian charities when, let's say, charities from the U.K., the U.S. and Australia are pooling their efforts to address significant international development issues. Canadian charities cannot do so because they cannot realistically exercise direction and control over a pooled fund. So we miss out on partnering in pooled collective charitable efforts to address an issue.

In addition, and this is a really interesting outcome I think, Canada removes itself from the potential of hosting international charities and their headquarters here in Canada, bringing many jobs with them. When Oxfam, for instance, was on a search for a new headquarters when it wanted to relocate from Oxford in the U.K., I understand that Montreal, for very good reasons, was actively under consideration. But as soon as Oxfam discovered that by relocating to Canada, it would be subject to this arcane law, it moved on to consider other sites.

When the rest of the world is moving away from colonialism and towards participatory development, our law constraints us from doing so. Again, it is another expression of how systemic racism plays out. All the power is in the hands of the Canadian charity, which is forced to participate in this legal contortion, and so extend the terrible legacy of colonialism and control over the global South.

I propose an alternative to you which would increase efficiency, increase effectiveness, empower partners, without sacrificing accountability.

But before I do so, let me pre-empt a question that you may reasonably have. Why don't all these organizations simply become charities? The answer is not simple. First, groups overseas will not qualify for Canadian charitable status because the organization needs to be resident in Canada.

Co-ops and social enterprises do not qualify because they do not have exclusively charitable purposes. Social movements which are organic, like Black Lives Matter, would also not qualify because they're not organizations, only movements. As to not-for-profits, many are not charitable because charitable status with its accountability framework may well be out of their reach. The Black Daddies Club, for instance, is a very small organization of volunteers in the main. To manage charitable status is out of their reach.

Finally, colleagues, as the definition of charity in Canada has not evolved since its inception, we are stuck in Elizabethan times. The four heads of charity remain what they were decades ago: Relief of poverty, advancement of education, advancement of religion and other purposes. Other jurisdictions like Australia, for instance, have modernized their definition of charity and the Senate charities report identified the need to allow the definition of charity to evolve as an urgent matter. Until this happens, we are left with the old definition, under which many of the organizations that I have talked about would likely not qualify.

• (2020)

So where is the solution? I propose that we amend the Income Tax Act to move away from the current language of "own activities" to new language of "resource accountability." The amendment before you, notwithstanding its length and look of complexity, is quite simple. It does three things.

First, it replaces the reference to "charitable activities carried out by itself" throughout the act with simply the words "charitable activities." Because the act refers to the language of "own activities" in so many paragraphs, the amendment is, therefore, lengthy. But 90% of the amendment is about cleaning up the language.

Next, it amends one section of the act to expand the definition of "charitable activities" to allow charities to use their resources for charitable purposes by taking reasonable steps.

Finally, it inserts an important section into the act to outline what "reasonable steps" means. There are also clauses related to reviews and coming into force.

Charities and non-charities in this modern day must be able to work together, but safeguards must be in place to prevent nefarious activities. With resource accountability, charities and non-charities can both be empowered, here in Canada and overseas, without losing any measure of accountability over the expenditure of charitable dollars.

This approach shifts the charity's focus from ongoing operational control of activities to an approach focused on taking reasonable and appropriate steps to ensure that the charity's resources are devoted to achieving charitable purposes. It provides the CRA with a reliable working framework that funds and resources will provide benefits promptly while protecting the tax assistance that charities receive.

I want to be crystal clear. Accountability for tax-exempt dollars is paramount. The charity will engage in full due diligence up front and develop agreements on the deliverables, activities, budgets, reporting and timelines. The non-charity will

be required to provide full accountability to the charity for receiving and reporting on the use of funds as per the timelines agreed upon. When these agreements are complete, the non-charity will report to the charity about how the money is spent or resources that were used and about the progress on outcomes and impact, but the non-charity will not be controlled or dictated to by the charity. The project management will rest with the non-charity.

In this way, the amended act will allow charities to move away from "direction and control" as a measure of accountability to upfront due diligence, financial control and reporting as the measure. The charity will no longer be required by law to act as the project manager under a fiction that the activity is that of the charity itself, when we all know it is not.

The point of working with the non-charity is that they are on the ground. They know the community or situation best and are in the best place to determine how to use the money. What the charity needs is assurance that the money is spent to achieve a charitable purpose. Resource accountability is more than appropriate to ensure that charitable funds are being used for charitable purposes and providing accountability for charitable giving.

Should the language in the Income Tax Act change as a result of this amendment, the CRA would then change their guidance on how charities report. The introduction of resource accountability would compel the CRA to possibly add questions and require more pointed information on the annual tax returns the charities file, but that is reasonable for them to do.

Some have asked whether the current law and guidelines are necessary and appropriate to prevent charitable dollars from falling into nefarious or rogue hands, especially into the hands of terrorist-related activities. My answer to that is unequivocally "no." Resource accountability will not lead to any downgrade in the fight against terrorism. Let me explain why.

First, terrorism financing by rogue charities is extremely rare. Only 8 registered charities out of 85,000 in Canada have been suspended in the last few decades and have had their charitable status revoked.

Second, Canada has anti-terrorism legislation embedded in the Criminal Code, and there are many institutions, such as the RCMP, CSIS, FINTRAC and Five Eyes, who join hands on combatting terrorism. We do not need to force charities into conducting their own activities or be subject to direction and control to prevent terrorism. As noted security analyst and former CSIS agent Phil Gurski has said, "We have other tools at our disposal to deal with problematic cases."

These tools, outside of the RCMP, CSIS and Five Eyes, include a key piece of legislation. Part 6 of the Anti-terrorism Act specifically deals with potential terrorism financing by rogue Canadian charities. In section 2(1), the act states its purpose of maintaining the confidence of Canadian taxpayers that the benefits of charitable registration are made available only to organizations that operate exclusively for charitable purposes. In section 4(1), it lays out the process of a charity's revocation if it makes its resources available, either directly or indirectly, to any listed terrorist entity. This legislation incorporates the previous Charities Registration (Security Information) Act which had the same purpose: prevention of charitable dollars falling into rogue hands.

This includes a certificate signed by the Minister of Public Safety and Emergency Preparedness and the Minister of National Revenue expressing their opinion on a particular case with a referral to the Federal Court. The court may then consider the certificate, and if it is found to be reasonable, the court will proceed to revoke the charity's registration.

Honourable senators, I hope you see we have a variety of robust agencies, instruments and strong legislative measures to confront terrorism and other nefarious activities. We should absolutely use them. My bill complements these other measures because it focuses on resource accountability to ensure that the resources of a charity are used only for its charitable purpose without the necessary impediments and legal fiction involving the "own activities" and the related patronizing requirement of "direction and control."

Colleagues, I want to address a question you will likely have: How do other comparable jurisdictions deal with this issue? My research has found that the Canadian solution is remarkably unique among other developed nations. Charities in other jurisdictions must monitor and be accountable for use of any funding to non-charities. But for them, the Canadian level of operational control — that "direction and control" and "own activities" requires — is unusual and virtually impossible for them to work with.

The United States, the most security-conscious country in the world, uses a similar model to what I propose here. In fact, my proposal reflects theirs in many ways, but they use the language of "expenditure responsibility." I'm proposing the language of "resource accountability" because it is more sensitive to the reality of how Canadian charities actually work.

In the U.S., foundations can make grants to foreign entities provided the foundation maintains what is known as "expenditure responsibility." That means that the foundation is required to exert reasonable efforts to establish adequate procedures to see that the grant is spent solely for the purpose for which it is made, to obtain full and complete reports and to make full and detailed reports with respect to such expenditures. It is not dissimilar to what I'm proposing, as I said.

In the United Kingdom, charities may transfer funds to foreign partners provided that the funds are used exclusively to further the U.K. charity's purpose and provided that the appropriate pre-grant due diligence is conducted, along with monitoring and reporting on the use of the funds. Again, very similar to what I am proposing.

In Australia, charities are required to appropriately manage their overseas activities and resources. They must conduct an annual review of these activities, ensure they have appropriate anti-fraud and anti-corruption measures in place and protect vulnerable individuals from exploitation and abuse.

In an analysis comparing the approach of the U.K., U.S., Australia and Canada, Dr. Natalie Silver of the University of Sydney Law School concluded that Canada's control requirements are excessive and onerous.

Honourable senators, I hope I have provided you with an appropriate overview of the current law and the guidance of the law by the CRA. I have hopefully painted a picture for you on the impact on charities working in Canada and overseas, and provided you with a reasonable solution going forward.

• (2030)

In closing, let me reflect on the role that charities have played in the dark hours of the COVID crisis.

They have been on the front lines providing essential services to Canadians — through food banks, shelters, mental health counselling services and others. Earlier this year, the sector issued an urgent plea to the government to remove the "own activities" and "direction and control" rules to help it to provide services quickly to people in need. And yet their call was not heard.

It is indeed high time to heed their call. Let's not make it so hard to do good, especially at a time when we need a strong charitable sector to take Canada on the road to recovery. It should not have to do so with one hand tied behind its back.

Thank you very much.

Hon. Senators: Hear, hear.

Hon. Robert Black: Will my honourable colleague take a question?

Senator Omidvar: Of course, I will.

Senator R. Black: Thank you, Senator Omidvar, for your hard work on this file. I had the opportunity to work with you in the Charitable Sector Committee during the last Parliament and we produced a wonderful report that has been supported by many charitable organizations across the country, as you noted.

My question is for greater clarity for me and my own purposes, and likely for others watching our work today. I'm a strong supporter and proponent of the S.H.A.R.E. Agriculture Foundation, which partners with like-minded rural organizations in developing countries where local governments are unable to offer support and services to impoverished rural communities.

Many of SHARE's projects focus on supporting women and families, as well as education and literacy programs around the world. They've worked with organizations in Guatemala and Belize to provide water filters, as well as further education and follow-up on clean water use. In order for SHARE or any other Canadian charity to support such an initiative, what do charities and their local partners in developing countries do now under the current Income Tax Act and what would they do differently if your bill passes? Thank you.

Senator Omidvar: Thank you, Senator Black. That is an excellent question. Thank you for giving me the opportunity to paint a picture of what the scenario is today and what it would be tomorrow.

Right now, the SHARE foundation, as I think you mentioned, in order to stay within the confines of the law, would need to have the following conversation with, let's say, an organization in Guatemala or elsewhere in the world. This is how the conversation would go. The Canadian charity, SHARE, would say: I am going to spend money to provide education to women in your community. It will be my project, not yours. Since I am not on the ground, I am going to ask you, organization XYZ, to help me develop and deliver the project. Since it is my money, my project and my activity, I am going to direct and control how you, organization XYZ in Guatemala, use my money to implement this program.

Now, if the law is amended, the conversation would change. Here is what the conversation would look like. SHARE would say to the Guatemalan organization: I like your project of providing education to women because it aligns with my charitable purposes. I am going to give you, organization XYZ, funds earmarked to invest in this. Use the money for this purpose only, and provide me with the reports and confirmation that you have used my funds for this purpose. It is still your project and your program, built with the help of my funds.

In this scenario, you would not only get accountability, but you would also get empowerment. I hope that answers your question, Senator Black.

Hon. Donna Dasko: Will the senator take another question?

Senator Omidvar: Yes, I will.

Senator Dasko: Thank you, senator, for the incredibly thorough presentation. I had about five questions and you answered almost every one in your presentation. I was going to ask you about other jurisdictions and all of the things that you ended up speaking about.

I would like a clarification. This proposal, as I understand it, doesn't change the organizations that receive charitable dollars; is that correct? You started with your example of the YWCA. The Y would still be the organization that gets charitable dollars. It's not as though more organizations are able to receive charitable dollars; is it that the charities themselves have more flexibility in how they spend those dollars?

Senator Omidvar: You are absolutely right, Senator Dasko.

It is the charities whose behaviour would change because the law would change. They would have more flexibility. They would have more authority and power to work in collaboration and partnership with other non-charities, and they would then be emancipated from these constraints of "own activities" and "direction and control." Nothing would change for the not-for-profit; everything would change for the charity. I heard from many charities that they cannot wait to be emancipated from these constraints.

The Hon. the Speaker pro tempore: Senator Lankin, do you have a question?

Hon. Frances Lankin: I do, thank you.

Senator Omidvar, thanks very much for that presentation. It was concise, informative and persuasive. I was with you before you spoke, but I think your speech gave this chamber good grounding to debate this bill.

The Black Daddies Club is a good example. Through United Way Toronto, we had to establish a Youth Challenge Fund to flow government dollars, and we wanted it to be controlled by people from the Black communities, who knew the solutions. It was a difficult thing to set up without United Way being directly in control. You raise a pertinent issue.

I like what you spoke about in terms of resource monitoring and accountability. In some of our many examples that we've shared and that we know of in our past, the capacity-building work that can go along when you're starting with a group that doesn't have the capacity to get charitable status at this point in time can be an important resource. That is not just directing money to the programming they are offering, but it is supporting the development.

Do you see those sorts of things in terms of staff time and others as an important part of why you define this as not just expense monitoring, control or oversight, but as a resource?

Senator Omidvar: You're absolutely right, Senator Lankin, to make that connection and differentiation from what the U.S. does, which is expenditure accountability. I have to tell you that I have been advised throughout this process by Canada's top charity lawyers who worked with me, and we've come to resource accountability because it is a more fulsome and accountable measure of all the resources of a charity. It's not just money. It's staff; it's space; it could be technology, in the meantime; it's knowledge. All of these things together will make us not only more robust but also more accountable.

(On motion of Senator Mercer, debate adjourned.)

[Senator Omidvar]

[*Translation*]

CRIMINAL CODE

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Pierre-Hugues Boisvenu moved second reading of Bill S-224, An Act to amend the Criminal Code (increasing parole ineligibility).

He said: Honourable senators, the main objective of this bill is to ensure greater respect for the families of people who have been brutally murdered. It incorporates the essential elements of Bill C-266, which was sponsored by MP James Bezan in the previous Parliament. I would like to thank him for his very useful work, and I am pleased to be able to sponsor his bill in the Senate.

• (2040)

I also hope to convince the members of this chamber of the importance of this bill for the families of people who have been brutally murdered.

Esteemed colleagues, most of you are aware of the horrific circumstances surrounding the death of my eldest daughter, Julie. As you know, my mission in this chamber is to honour her memory and the memories of all those who suffered a similar fate.

I have made it my mission to ensure that sentences are fairer, more proportionate and more appropriate to show respect for the suffering of victims' families when a violent crime is perpetrated against an innocent person.

I am speaking to you about my dear daughter Julie because she is unfortunately one of the victims covered by this bill and so is my family. You will appreciate how important this bill is to me and to thousands of victims' families who have to sit through one or more appearances at parole hearings every year.

My daughter Julie was 27 years old. She was a happy and vibrant young woman who was making great progress in her professional life. Eighteen years ago, on the evening of June 22, 2002, Julie was attending a party in her honour. She had just been promoted to manager of a store in Sherbrooke and she was celebrating that new promotion with her friends. She was looking forward to starting this new position. Sadly, that night of June 22, fate had other plans. As Julie walked to her car, she was kidnapped by a repeat offender who had just received two 18-month prison sentences for the forcible confinement and rape of a young woman in Gaspé three years earlier.

This repeat offender had no business being there, as he was violating his probation by being in Sherbrooke. He lived in Montreal. Julie was found 10 days later by a cyclist. She had been killed and thrown into a ditch near a farm field.

This murderer showed no respect for my daughter's life and no remorse for what he did to her. He was found three months later and charged with kidnapping, forcible confinement, rape and first-degree murder. Thirty months later, he was found guilty and sentenced to life in prison with no chance of parole for 25 years. However, after serving 15 years, he was entitled to judicial review of his sentence.

To my great surprise, when the guilty verdict was handed down, the sentence never mentioned the kidnapping, forcible confinement or rape. In the eyes of the court, Julie was simply murdered. All the sentences set out in the Criminal Code were cancelled out by the charge of murder.

I have always asked myself the following question: Why doesn't our justice system show more respect for the victims' families in such circumstances? Why doesn't our justice system give the judge the responsibility for considering the crimes that preceded the murder of an innocent victim as aggravating factors? I have wondered endlessly about this vile murder, about the pain and fear my daughter may have felt while being subjected to such a gross violation of her dignity as being raped and discarded like garbage, with no respect for her life.

I have always been struck by the reporting in the media. Far too often, they blame the victim, saying things like, "The victim was in the wrong place at the wrong time."

I always correct people who use that expression and say, "No, the criminal was in the wrong place at the wrong time." The criminal who killed Julie never should have been there that night in downtown Sherbrooke, looking for prey.

I would not wish this on anyone. I feel privileged to be able to tell my story in this chamber because outside these walls, there are thousands of families who have gone through what I went through, but who have to suffer in silence every day, grappling with their pain and grief, as well as with the fear that this type of murderer could be released back into society one day and create another victim like my daughter.

Believe me, a minimum sentence of 15 years or 25 years for my daughter's murderer is not enough, and I hope no other woman ever crosses his path.

Honourable colleagues, this bill seeks to give judges the necessary discretion to consider the aggravating circumstances of the crime when passing sentence.

I believe offenders should be sentenced for all the crimes they commit. No exceptions. They should be sentenced to imprisonment in keeping with the sentences set out in the Criminal Code for every crime they have committed.

Under the Criminal Code, abduction, aggravated sexual assault and murder are all crimes for which offenders are liable to life in prison.

Paragraph 718.2(d) of the Criminal Code requires judges to consider the least restrictive sanctions possible when it comes to imprisonment. That does a grave injustice to the families of victims, because a murderer convicted of first-degree murder with aggravating circumstances is sentenced solely for the murder itself.

One of the objectives of this bill is to repair this injustice by giving judges the option, as set out in the Criminal Code, to hand down a sentence of more than 25 years without parole to a person convicted of abducting, raping and killing an innocent victim.

This legislative proposal would amend only section 745 of the Criminal Code, which deals with sentences of life imprisonment.

The text of the bill states that ineligibility for parole can last for a minimum of 25 years and a maximum of 40 years. This bill would ensure a proportional balance between the crimes committed and the sentences passed.

We are also adding section 745.22 to the Criminal Code, which has to do with recommendations by juries. When the sentence is handed down, the judge will take into account the jury's recommendation and its opinion on the sentence. That means that the murderer may not be eligible for parole until they have served 40 years in prison.

It is up to the judge and the jury to determine the appropriate sentence. It is important to point out that this bill pertains only to criminals who have been convicted of the abduction, sexual assault and murder of the same victim.

I would like to remind senators that these are some of the most serious offences in the Criminal Code. I think that anyone who is responsible for abducting, forcibly confining, raping and murdering another person deserves a sentence that reflects the severity of their crimes.

As I said before, no one can bring a murder victim back to their family.

Honourable senators, the purpose of this bill is not just to give judges the power to hand down sentences that are more proportional and appropriate for the crimes that have been committed, but also to delay the ordeal of parole hearings for victims' families.

It is important to remember that it is very rare for the offenders affected by this bill to be rehabilitated. It is therefore of no use to ask victims' families to regularly attend hearing after hearing before the Parole Board of Canada.

Over the past year, I have had the opportunity to go through this experience alongside some families. It is a painful process, especially when they know that the hearing will happen soon, often in the same year.

• (2050)

Please understand that I'm not trying to increase current sentences, because most of these criminals are not released after serving the 25 years provided for under the law. After first becoming eligible, the murderer can apply for parole on a regular basis, even if the first request was denied, and there is simply no need to put victims' families through repeated hearings that only add to their suffering and anxiety.

I would also like to point out that this bill will have very little impact on the prison population.

When Bill C-266 was being studied by the House of Commons, it was the subject of a report by the Parliamentary Budget Officer. I would like to quote from that report:

> Correctional Service of Canada (CSC) informed the PBO that every five years approximately three people are sentenced for all three of these offences with respect to the same victim and same event of series of events. CSC inferred that offences were committed with respect to the same victim and event or series of events based on the offender being sentenced for all three offences on the same date. This represents about 0.3% of the approximately 180 offenders admitted to federal correctional facilities with life or indeterminate sentences each year and a similarly small portion of the approximately 960 offenders serving sentences in federal custody for first-degree murder at the end of the 2016-17 fiscal year.

This bill concerns only 0.3% of the prison population. Even though it will have a very small impact on the prison system, it will ease the suffering of many victims' families. Imposing pointless hearings on families that have already been victimized forces them to relive the tragedy they experienced. Confronting once again the person responsible for their grief is torture that no one can truly imagine.

When I introduced my previous bill, Bill S-219, Brigitte Serre's family testified before us and spoke of how difficult it can be to attend a hearing. She stated the following:

> With every notice and every hearing, we relive all the emotions that we bury deep within ourselves to be able to move forward in life. Every hearing is emotional torture.

I refer to testimonies gathered by MP Bezan, like the one that deals with the tragic Prioriello case:

> Darlene Prioriello was abducted, raped, mutilated and murdered by David . . . Dobson in 1982. . . . Darlene's sister Terri has said this about having to go through these painful, repetitive and unnecessary Parole Board hearings: "Families have already been victimized once. They shouldn't have to be victimized every two years. Having to face a loved one's killer and to read what he did to her and how her death has affected our lives is something nobody should ever have to do once, never mind twice."

Colleagues, the pain of losing a loved one stays with you for the rest of your life. As I often say, you move from light to darkness. It is very hard to survive the unspeakable. It is therefore necessary that justice, the judge and jury can impose longer sentences to give victims' families a longer period of peace. The simple fact that this type of criminal can be released some day is a constant risk to the safety of Canadians.

The bill is intended for infamous murderers like Paul Bernardo or Luka Magnotta. I want to share a quote from Joseph Wamback, founder and chair of the Canadian Crime Victim Foundation, who said the following before the House of Commons Standing Committee on Justice and Human Rights in 2019:

> Grief is a never-ending journey, and parole hearings extend and reignite that grieving process. Many victims, survivors, friends and family members are unable to work for months before a hearing. After the hearing, they are terribly affected by having to relive those experiences. Some lose their jobs. They can't participate. They can't continue to become participating members in Canadian society.

I would also like to share a personal story I received this week from Madeleine Hébert, the mother of Maurice Marcil, who, along with Chantal Dupont, was murdered in 1979 on the Jacques-Cartier Bridge in Montreal:

> For more than 20 years, I was closed in on myself. I buried my pain deep inside. I couldn't think about those crimes. Roadside demonstrations made me break down in tears. I couldn't hold a baby in my arms. Those are some examples of how I suffered.
>
> Then, in the early 2000s, the criminals were given the right to apply for parole. I wrote letters to explain my perspective and to make sure people didn't forget Maurice.
>
> But I and those around me paid an extremely high price.
>
> I had to resurrect pain that the passing years had buried deep inside me. Every time, it was like reopening a wound that had been so hard to heal.
>
> The criminals, so they claimed, had paid their debt to society and didn't want to die in prison. But as for me, they gave me a life sentence, and I don't understand how they have the gall to believe they have served their time.
>
> They killed people. There's no fixing that.

I would add that one of the criminals responsible for the death of Ms. Hébert's son chose to postpone his hearing by a few days. Ms. Hébert lives in France and had travelled to Canada to attend. There was nothing she could do about the constraint her son's murderer chose to impose.

The acts committed by these criminals do not just destroy the life of the people they harm. They destroy the life of the victims' families forever.

Honourable senators, the initial bill, Bill C-266, passed the various stages of the parliamentary process and was widely supported by the various political parties. At the Standing Committee on Justice and Human Rights, no amendments were made to the bill and the committee passed it. All parties at the other place agreed that this bill was necessary and just for the families and the victims.

We have to talk about some of these families, like the family of Linda Bright, who was only 16 when she was abducted by Donald Armstrong in Kingston, in 1978. He applied for parole on numerous occasions. Susan Ashley, Linda's sister, made the following statement about past Parole Board of Canada hearings:

> My heart breaks having to live through this again. My heart breaks having to watch my mom and dad drag up their thoughts and pain from that deep place inside them where they tuck their hurt away.

We therefore need to ensure that the bill targets the most depraved members of society, the sadistic killers who often go after women and children, the criminals who often kidnap, sexually assault and murder people in horrendous ways. I am talking about people like Robert Pickton, Russell Williams, Michael Rafferty, Clifford Olson and Paul Bernardo.

Let's ensure that families don't have to relive the murder unnecessarily by attending all of the hearings that the Parole Board of Canada has to hold in response to the requests of psychopathic criminals and prisoners, which require families to recall all of the grim details of the circumstances surrounding the murder of their loved one.

> As Yvonne Harvey of the Canadian Parents of Murdered Children said, "Although I have not personally faced the ordeal of a parole hearing, I have spoken to many individuals who have. I am certain that the primary intent of this bill, to spare the families of victims from having to attend unnecessary parole hearings, would be most welcomed."

Honourable senators, my fight for victims' rights in this chamber has never changed. On March 3, 2020, I celebrated the 10th anniversary of my swearing-in as a senator. During those 10 years, I tried to speak on behalf of victims. I think that we have made progress. However, the battle is not over.

• (2100)

The Hon. the Speaker pro tempore: I'm sorry, Senator Boisvenu, but I have to interrupt you.

Senator Boisvenu: I had nearly finished.

The Hon. the Speaker pro tempore: You still have 26 minutes left.

Senator Boisvenu: Thank you.

[*English*]

Hon. Donald Neil Plett (Leader of the Opposition): I'm not sure whether Senator Boisvenu is just a few minutes away from finishing, but he lost five minutes again because of technical issues, which are being a real problem here. I would ask the Senate's indulgence that, if he is less than five minutes away from completing his speech, he be allowed to finish it this evening. If he is more than that away then I would, obviously, accept that that wouldn't be possible.

The Hon. the Speaker pro tempore: Honourable senators, do we agree? Senator Boisvenu, please proceed.

[*Translation*]

Senator Boisvenu: I only need two more minutes. Thank you very much, Senator Plett. Thanks to all honourable senators.

A lot of work remains to be done. When my daughter Julie disappeared in 2002, I vowed to dedicate the rest of my life to this fight. I can't do it alone, but with you, honourable colleagues, anything is possible.

Honourable senators, I call on this chamber to give second reading to this bill so it can be referred to the Standing Senate Committee on Legal and Constitutional Affairs as soon as possible.

Thank you.

(On motion of Senator Woo, for Senator Pate, debate adjourned.)

(*At 9:02 p.m., pursuant to the orders adopted by the Senate on October 27, 2020 and December 17, 2020, the Senate adjourned until 2 p.m., tomorrow*.)

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