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The Honourable GEORGE J. FUREY,
Speaker

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THE SENATE

Thursday, February 9, 2023

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

Prayers.

VICTIMS OF TRAGEDY

LAVAL, QUEBEC—SILENT TRIBUTE

The Hon. the Speaker: Honourable senators, we were all shocked and saddened to learn of the tragedy in Laval, Quebec, which left two children dead and a number of others injured.

Our thoughts are with their families, as we express our condolences for those lost, and our hopes for a full recovery by the injured.

Honourable senators, please join me in rising for a minute of silence in memory of those children who did not survive this tragic incident.

(Honourable senators then stood in silent tribute.)

[*Translation*]

SENATORS' STATEMENTS

LAVAL DAYCARE TRAGEDY

Hon. Marc Gold (Government Representative in the Senate): Incomprehensible. Inconceivable. Heartbreaking. Horrifying. Yesterday, in Laval, a morning like any other turned into a nightmare.

A Laval city bus crashed into the Garderie éducative Ste-Rose, smashing through a room of preschool children.

Two children died and six others were injured.

Today, our hearts ache for the grieving community of Sainte-Rose in Laval and, in particular, for the relatives of the two victims. My thoughts are with the children, the families, the educators. All of Canada is mourning with you.

[*English*]

In the immediate aftermath of this incomprehensible catastrophe, we are left with more questions than answers. But today we send our thoughts and prayers to the families of the victims, even as we cannot pretend to imagine what they are going through. We send our positive energy, our best wishes to the injured children who remain in hospital and to their families. We think of the other children at the Garderie éducative Ste-Rose, their caretakers and, of course, their parents, who will also require support so that they may move forward.

I would like to also express my gratitude to the first responders, to the health professionals and to the police for their work in managing the unthinkable. I want to also acknowledge the bravery of onlookers on the scene who are reported to have put their own welfare at risk to subdue the driver.

[*Translation*]

Tonight, at 6:30 p.m., a candlelight vigil will be held in the square in front of Sainte-Rose-de-Lima church for those who wish to pay their respects.

To the parents and families of the two lost angels, on behalf of the Government of Canada and the Senate, I offer my deepest condolences.

• (1410)

Hon. Leo Housakos: Honourable senators, today a community and our entire country are reeling from the terrible tragedy that occurred in my hometown of Laval, just outside Montreal.

Yesterday morning, many parents got a call that no parent would want to receive. They learned that a city bus had crashed into a daycare in Sainte-Rose, where they had dropped their children off just moments before. This senseless act took the lives of two children and injured six others.

As a father, there are no words to describe the panic a person feels when they are worried for their child, or to describe the unimaginable pain of the parents who experienced the most tragic of losses. No parent should have to mourn their child, and my heart breaks for the two families who are currently going through that nightmare. I want to offer them my deepest condolences.

I know Sainte-Rose is a tight-knit community, and it is no doubt in shock in the wake of this tragedy. Yesterday, people came together to help with the rescue efforts and support each other in this time of tragedy.

I want to personally express my sincere gratitude to the first responders for quickly apprehending the suspect and bringing him to justice, to the nursing staff for their hard work in caring for the injured children, and to all those who came together to help the children.

My heart goes out to every child, parent and staff member at the Garderie éducative Ste-Rose. They have experienced inconceivable pain and trauma. Today, we grieve with them, and we wish the injured children a full and speedy recovery. Nothing can ease the pain and suffering these families are going through, but I hope it will bring them comfort to know that Canadians across the country are thinking of them.

[English]

Honourable senators, Laval is my hometown. My children went to a daycare similar to the one in Sainte-Rose. My heart breaks for the children, their families, their friends, and I know that, in this moment of nightmare and tragedy that these people are facing, all of our thoughts and prayers are with them.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Bill Williams, Executive Director of the Nunavut Economic Developers Association and Economic Development Officers from across Nunavut. They are the guests of the Honourable Senator Patterson (*Nunavut*).

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

NORTHERN LIGHTS BUSINESS & CULTURAL SHOWCASE

Hon. Dennis Glen Patterson: Honourable senators, Ottawa is buzzing this week with the Northern Lights Business & Cultural Showcase, just across the street from our Senate Chamber at the Ottawa Convention Centre. Northern Lights celebrates the best that Canada's Arctic and Northern communities have to offer. It boasts events featuring industry, tourism and arts and culture in aid of showcasing the creativity and huge development potential of this vast region in our great country.

Sponsored by the Labrador North Chamber of Commerce and the Baffin Regional Chamber of Commerce in a partnership first formed in 2003, the first conference was so successful that it's now held every two years. This year, it's attracted well over 1,600 registered delegates, who are busily attending workshops, events and cultural celebrations.

Yesterday, I attended a standing-room-only workshop on Nunavut 3000, an ambitious plan of the Government of Nunavut and Nunavut Tunngavik to build 3,000 much-needed housing units by 2030. The premiers of Nunavut and Newfoundland and Labrador signed a memorandum of understanding at the trade show this week. This morning, the CEO of Baffinland Iron Mines Corporation announced a new shipping route based on Baffinland providing its high-quality, low-emission iron ore to make green steel, for which there's now a strong demand in Europe.

One highlight of every Northern Lights Business and Cultural Showcase is the Arctic Inspiration Prize — the largest annual prize in Canada with its \$50 million endowment. It inspires, enables and celebrates the achievements of the people of the North, recognizing diverse teams with innovative projects in a wide variety of fields.

Last night was the eleventh such award ceremony and showcase. Just under \$3 million in prizes were awarded. I wish to congratulate the winners of the one-million dollar prize awarded

last night, the Pilimmaksaijuliriniq Project, which will build mental health competencies and Inuit wellness traditional teachings for delivery of community-based projects all across Inuit Nunangat, from the Northwest Territories, or N.W.T., Nunavut and Nunavik to Nunatsiavut.

Other prizewinners from Yukon, N.W.T. and Nunavik won \$500,000 and \$100,000 prizes.

I'm pleased that our guests today, the Nunavut economic development officers, used this networking opportunity to engage with their counterparts in Nunavik. I'm glad to welcome them here. Thank you.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Beth Fleming, Vivian Fleming, Sarah Shirey, Rebekah Shirey and Nathaniel Shirey. They are the guests of the Honourable Senator Jaffer.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

THE LATE AL FLEMING

Hon. Mobina S. B. Jaffer: Honourable senators, I rise today with a heavy heart to pay tribute to a beloved colleague and friend. Alan Baxter Fleming, known to his friends as Al, passed away on January 7, 2023, surrounded by his adoring wife Beth and family.

I'm really pleased that Beth accepted my invitation to be here today.

For 15 years, Al was an important member of the Senate of Canada family. I first got to know Al when he worked for Senator Brazeau, who was the deputy chair when I served as the chair of the Human Rights Committee. I fondly remember engaging with Al during our regular steering committee meetings, and was always drawn to both his quick wit and gentlemanly charm.

Even though we sometimes found ourselves on opposing sides of issues, Al would always go out of his way to be warm and collaborative. He never shied away from a challenge, and was always there to lend a helping hand. I am so grateful for the kindness he extended to me and my team.

Honourable senators, most recently, Al worked as Director of Parliamentary Affairs for Senator Christmas, who retired last month. Senator Christmas wanted to share the following message with you:

Al was a one-of-a-kind person. He was always so enthusiastic, a bit over the top at times, but that was Al. He genuinely loved everyone no matter who. He was also a hard worker and a natural problem solver. He always wanted to make things better for those around him. He especially loved his family and he often spoke about them. But more than

anything, Al had a very special place in his heart for Beth. We will all miss him. You've earned your rest, my friend. . . .

Honourable senators, for his entire adult life, Al was a devoted public servant who served in various capacities within the Government of Canada and its institutions.

Beth, Stephen, Anne, Nathan, Sarah, Rebekah and Leah — Al loved you and your families with his whole heart and would speak of you often. Thank you for sharing him with all of us.

For those of you who had the pleasure of knowing Al, you may recall that whenever he was asked in passing, "How are you doing?" he would respond, "All the better for seeing you." Whenever he said this, it always warmed my heart. The truth is, Al, that we are all the better for having known you. Rest in peace, my friend.

• (1420)

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of the Honourable Ato Tagesse Chaffo Dullo, Speaker of the House of People's Representatives of the Federal Democratic Republic of Ethiopia.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

[*Translation*]

BLACK HISTORY MONTH

KICHA ESTIMÉE

Hon. Amina Gerba: Honourable senators, Roxham Road is sadly known as an easy way for asylum seekers to get into Canada, and many people are calling for it to be closed. That is how Roxham Road is presented to us every day in the media, and the topic stirs up partisan debate in our governments on immigration management.

As part of my ongoing series for Black History Month, today I have decided to talk to you about Roxham Road from a different angle, through the eyes of a person who embodies the selflessness, altruism and bravery of a true citizen.

It is with great pleasure that I pay tribute here to a person whose actions are improving lives: Kicha Estimée.

Kicha is a product of immigration herself and has spent years helping immigrants deal with the many challenges of life abroad. As a social worker at the Laval Immigration Holding Centre, Kicha was appalled by the conditions in which residents were living. To her, the centre seemed like a prison.

[Senator Jaffer]

She also noticed there were few support services available, even though most of these immigrants need someone to take them by the hand and teach them how to live in their new country.

This gave Kicha the idea to create a welcome centre that would help guide immigrants through the process and provide shelter to those who are going through a tough time. This centre, known as the Centre d'hébergement Latraverse, was created in 2020 in Montreal North and has become the first stop for new immigrants, many of whom come in through Roxham Road.

In the few years it has been open, this centre has already welcomed and helped thousands of people by providing food, clothing, compassion and short-, medium- or long-term accommodation.

Colleagues, while our governments sit around and debate, ordinary folks like Kicha Estimée are taking action. While our governments speculate on how to integrate immigrants, kind souls are investing their own money for the well-being of humanity. We must support and encourage these kinds of initiatives, because they illustrate how compassionate Canadians are.

Please join me in wishing Kicha the very best for the continued success for her bold initiative.

Thank you.

[*English*]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Ian Froude, Councillor for the City of St. John's and Rob Nolan, CEO of Municipalities Newfoundland and Labrador. They are the guests of the Honourable Senator Ravalia.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

TOGETHER TODAY FOR OUR CHILDREN TOMORROW

Hon. Pat Duncan: Honourable senators, February 14, 2023, marks the fiftieth anniversary of a special day, an historic moment on Parliament Hill that will be celebrated by Yukon First Nations and all Yukoners.

Colleagues, please picture a snowy, Ottawa day — February 14, 1973 — on the steps of Parliament Hill. Elijah Smith and a delegation of Yukon First Nations, some of whom are still with us, presented then-prime minister Pierre Elliott Trudeau with a typewritten document, a booklet entitled, *Together Today for our Children Tomorrow*.

Reserves for First Nations were not created in Yukon. Rather, lands were set aside. Yukon First Nations land claims had been put forward as early as 1901 when Chief Jim Boss of the

present-day Ta'an Kwäch'än wrote letters to the Superintendent General of Indian Affairs in Ottawa and to the Commissioner of Yukon.

An iconic photo of the presentation and acceptance of the document by the former Prime Minister Trudeau showed the acceptance by Canada of the First Peoples of the Yukon, an appreciation for their relationship and rights to the land, the use and preservation of resources and the importance of the preservation of culture and language for their children, tomorrow. It marked the beginning of the land claims negotiations.

In the words of the Council of Yukon First Nations, as this is their story to tell:

The claim was founded on the principle that aboriginal rights still existed in the Yukon Territory and that the Government of Canada had a longstanding obligation to negotiate a treaty with the aboriginal peoples of the Yukon.

In 1990, 17 years after the presentation of *Together Today for our Children Tomorrow*, an Umbrella Final Agreement was reached. The UFA is a framework under which individual First Nations land claims agreements are negotiated.

As we prepare to celebrate the fiftieth anniversary of the historic recognition by Canada, 11 of the 14 Yukon First Nations have such agreements.

Honourable senators, it is one thing to complete the land claims agreement; the real work is giving life and meaning to the words. Visual demonstrations of the agreements are evident on road signs in Whitehorse, in suburbs where we use "stop" and "Nlān" in Southern Tutchone to halt traffic. Respectfully, if you self-identify as being First Nations, Métis or Inuit when you arrive at Whitehorse General Hospital, the First Nations liaison worker will come to your room or the emergency department to offer you support during your stay. Traditional foods will be offered to help you recover.

Yukon has walked a path towards a new understanding with First Nations for the past 50 years as we have reached these agreements. The challenging work is not finished. As Canada finds our path to reconciliation, I would proudly say to you, as others have said, "We are a Yukon that leads."

Senators can visit the Council of Yukon First Nations website to share in our celebration next week and to download *Together Today for our Children Tomorrow*.

Shàw nithän, mahsi'cho, gùnlchìsh, thank you, dear colleagues.

Hon. Senators: Hear, hear.

QUESTION PERIOD

(Pursuant to the order adopted by the Senate on December 7, 2021, to receive a Minister of the Crown, the Honourable Seamus O'Regan, P.C., M.P., Minister of Labour, appeared before honourable senators during Question Period.)

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, we welcome today the Honourable Seamus O'Regan, P.C., M.P., Minister of Labour, to ask questions relating to his ministerial responsibilities.

Pursuant to the order adopted by the Senate on December 7, 2021, senators do not need to stand. Questions are limited to one minute and responses to one-and-a-half minutes. The reading clerk will stand 10 seconds before the expiry of these times. Question Period will last one hour.

MINISTRY OF LABOUR

CARBON TAX

Hon. Donald Neil Plett (Leader of the Opposition): Welcome, minister.

Last fall, on the day the Trudeau government announced it will impose the carbon tax on three Atlantic provinces, minister, you said, "I'm sick and tired of people talking about the cold winter . . ." You said it was stoking anxiety, as if people won't experience the cold if nobody talks about it.

I cannot imagine a more tone-deaf response to legitimate concerns raised by Atlantic Canadians about how they will afford to heat their homes. Your government is piling more tax on Canadians at a time when they can least afford it, when they are already paying more for groceries, housing and transportation.

Minister, the Parliamentary Budget Officer has said most households under the Trudeau carbon tax will see a net loss. Do you acknowledge that, minister, or is that something you don't want to talk about either?

Hon. Seamus O'Regan, P.C., M.P., Minister of Labour: Oh, senator, it is good to be back. I appreciate the question. The quote is not accurate.

What I was referring to was just stoking fear and anxiety in things like a government would cause a cold winter. That was my exact quote. Quite frankly, I used a phrase that is often used in Newfoundland: "My nerves are rubbed raw." People's nerves are rubbed raw. I do personally resent it when we get carried away with partisan phrasing that causes and invokes unnecessary anxiety.

• (1430)

The fact of the matter is that with the federal buyback on the price on pollution, 8 out of 10 families will get more money from it. To be honest with you, I have spent an inordinate amount of

time putting my head around it, writing script for it and speaking to my iPhone to get the message out. But the bottom line is that we do want to make sure we put a price on pollution, and we do want to make sure that families are not the ones to take the hit for it. In other words, they will get cash back. In Newfoundland and Labrador, they are about to get roughly a little over \$1,100 back per year, four times a year. It will be listed in their bank accounts, and they'll get it directly.

Senator Plett: Minister, it is nice to know that the NDP-Liberal government is not a partisan government, I guess.

My next question on the carbon tax is from a constituent of yours in Newfoundland, but I do not think he will find much comfort in your last response. He is a senior living on a fixed income in Goulds. At \$1.64 per litre today, gas is already unaffordable for those living on a fixed income. Diesel costs \$2.23 per litre now, and, come July 1, it is easy to see how much more transportation costs for goods will be passed on to the public, driving up the cost of everything. Minister, it seems useless to ask you to get rid of the carbon tax because in November, you said you were thrilled by it. That is another direct quote from you: "thrilled." How can you be thrilled to cause financial hardship to people across the province, especially seniors?

Mr. O'Regan: I know a great many seniors in Goulds. I am always thrilled when taxpayers and citizens in my riding get more cash in their pockets than they had before. I'm a big fan of putting cash in people's pockets. That is the answer. In fact, I would deflect perhaps even more accurately to the platform.

It's funny because so many fellow members on my side of the House keep saying that the Conservatives in the last election didn't have an answer for climate change. Indeed, they did. They ran on a price on pollution. They ran on a price on pollution. Their answer to it, instead of cash in pockets — which I like; I like putting cold, hard cash in people's pockets — was to set up some sort of green committee that would determine what environmental things people could buy — kind of like an Amway catalogue. I prefer government get out of the way and return that cash directly to people's pockets. That is the way it is designed, and it is the way it is working.

Hon. Yonah Martin: Minister, this question also comes from a senior living on a fixed income with his partner in downtown St. John's, Newfoundland and Labrador. It recently cost about \$1,000 to fill his oil tank. As of July 1, the Trudeau government's carbon tax will drive up home heating oil by over \$0.17 a litre, and at \$2.03 per litre, a standard tank of 900 litres will cost about \$1,800 — \$800 more. Your government's programs for home renovation and energy switches make it hard to improve old houses, which the programs want to make impossibly perfect. This senior cannot apply for those programs as his home cannot be brought into line with your government's energy standards.

Minister, there is a saying: "Let not perfection be the enemy of good." What are you going to do to advocate for Newfoundlanders and Labradorians caught in this situation who will soon have to pay a lot more to heat their homes?

Mr. O'Regan: Thank you. Let's be very clear, senator: there is already a price on pollution put on home oil and home fuelling products by the Province of Newfoundland and Labrador. There was a deal we agreed to five or six years ago. We — and they — have decided they will now use the federal backstop. Instead of now going into provincial general revenue, it will go back to citizens.

As I said before, 8 out of 10 households will get more money back than they do currently. If there are any increases as a result of a price on pollution, that money — and, in many cases, more money — will be refunded back to them. That is how it will work.

Let's not forget that the reality of the situation right now is that there is already a tax applied, and it goes to the general revenue of the province.

EMPLOYMENT EQUITY ACT

Hon. Tony Loffreda: Minister O'Regan, in your mandate letter, the Prime Minister asked that you work with your cabinet colleagues to accelerate the review and improve the Employment Equity Act in a timely manner. Last spring, I asked government officials appearing before our National Finance Committee for an update on the work of the task force undertaking this review. We were told then that consultations were under way with the public service, the federally regulated private sector and separate employers.

Officials confirmed they would be gathering all this information in the coming weeks, that the chief human resources officer would report back to the task force on May 26 and that a report is due next fall. Minister, when can we expect to see the report and the results of this review of Canada's employment equity framework?

Hon. Seamus O'Regan, P.C., M.P., Minister of Labour: Thank you, senator, for the question.

Here is some background. We have been working for some time now to strengthen the legislative framework to make workplaces more inclusive and to promote equality through proactive pay equity legislation, pay transparency and accessibility legislation. We also, as you said, launched an independent task force to conduct the most extensive review of the act that we've seen since 1986.

The task force completed its consultations with stakeholders, which included collecting statistical information and hearing about the lived experiences of many groups, including visible minorities, women and persons with disabilities. They will submit the report in the spring — this spring. It will include concrete, independent and evidence-based recommendations on how we can modernize the act.

[Translation]

TEMPORARY FOREIGN WORKER PROGRAM

Hon. Julie Miville-Dechêne: Welcome, minister.

A recent documentary entitled *Essentiels* really resonated in Quebec. It is about temporary foreign workers who work hard to harvest our fruits and vegetables, and who are essential to our farmers. It shows migrant workers to whom the Canadian government has issued closed work permits, which don't allow them to change employers. These captive workers often find themselves at the mercy of unscrupulous employers, who are in a position to abuse their workers.

As minister, you have the power to change the regulations and issue open work permits that would let workers change employers and provide a path to permanent residency. Why not do that? This is about human rights.

[English]

Hon. Seamus O'Regan, P.C., M.P., Minister of Labour: Senator, I thank you for the question. Sometimes my title belies more jurisdiction than I actually have. By way of accuracy, as a minister per se, this would not fall under my jurisdiction. However, as a minister of the Crown, I take account for the decisions that are made at the table. Would I have some say in this? I absolutely will take responsibility for that.

The government does recognize the importance of the temporary foreign workers. They are extremely important to food producers and processors. A number of departments have been working to simplify the processes to make sure we facilitate the safe entry of many of the workers who are there. We are getting our heads around working with the Department of Agriculture, the Department of Immigration and with my colleague Minister Qualtrough at Employment Services on how we deal with this.

We do not want people to be vulnerable and not protected in this country when they perform such important work.

LEGISLATION ON REPLACEMENT WORKERS

Hon. Andrew Cardozo: Thank you, minister, for making the time to be here with us. I have a couple of quick questions about major issues in your department.

The first is anti-scab legislation. Could you tell us where that is at? Will your legislation be the same or different from the private member's bill that Alexandre Boulerice has introduced — Bill C-302. Also, with regard to employment equity — further to my colleague's question — when do you anticipate introducing that legislation, and will the target groups be different than the four that have been named in the past?

Hon. Seamus O'Regan, P.C., M.P., Minister of Labour: On the latter point, I will say that we will see what happens when we get the report. I think that will be determined shortly after that.

On the issue of replacement workers, we have an agreement with the New Democratic Party, or NDP, on a few matters. One of those matters is on replacement workers. We have committed to introducing legislation on that front by the end of this year. We will be introducing it into the House by the end of this year. It was a commitment we made in the platform. We renewed that commitment in the agreement with the NDP, and it was one that we announced consultations on late last year. I did that along with Senator Yussuff and my NDP colleague Alexandre Boulerice. It will differ from what my friend Mr. Boulerice has put forward in that and other PMBs — private members' bills — in the House that have been introduced in that we consulted quite extensively, and we consulted on a tripartite level. We have a strong tradition in this country of doing that, particularly on labour legislation, where we sit down with business and with employees and we hash it out.

• (1440)

One thing that I'm very proud of, particularly on this issue of a ban on replacement workers, is that we sat down with everybody together. I attended those consultations myself. They went on for some time. They were what I would call messy. But I thought that that was necessary, because there are consequences for employers and employees.

Hon. Percy E. Downe: Thank you, minister and welcome to the Senate. Good to see you again. I would like to follow up on that last question. The consultations ended in December. I am wondering if you could elaborate on what the conclusion of or the consensus on that consultation on replacement workers was.

Mr. O'Regan: We will be issuing what is known in the bureaucracy as a *What We Heard* report in the next few weeks. We will, obviously, be releasing this to members here. From there on in, we will start drafting legislation and putting the frame around it.

It is a delicate balance, I will acknowledge to this chamber. We have done superlative work. Not me; I will give all credit to officials. Some of the most impressive public servants that I have worked with have been in the Labour Department, particularly in our Federal Mediation and Conciliation Service.

I was scared to death last year, as a new labour minister, with CP Rail, CN Rail, VIA Rail, Loomis, Purolator and WestJet all up within federal jurisdiction about work stoppages and any of those affecting our supply chains. So ensuring that we do this and we do not adversely affect supply chains in this country is incredibly important.

JUST TRANSITION

Hon. David M. Wells: Minister O'Regan, welcome back to the Senate.

My question to you is related to your responsibilities as Minister of Labour and minister responsible for Newfoundland and Labrador, and it is about the energy transition. It is in two parts.

One is the just transition that we hear so much about. To be clear, the just transition — the front part of that is the phasing out of the oil and gas industry, which we've heard from your government. Can you tell us how that phasing out of the oil and gas industry is “just” for the Newfoundland and Labrador workers on all our offshore rigs and for all our onshore suppliers, who have gone through education to learn about their craft and get well paid and keep that money in their families and keep our communities alive and, in fact, fill the coffers of our province? That is the first part.

The second part relates to a comment from your cabinet colleague Associate Minister of Finance Randy Boissonnault, who said the cost of this will be \$100 billion to \$125 billion a year up until at least 2050.

Given that Canada has — that contributes to 1.5 —

The Hon. the Speaker: Minister O'Regan.

Senator Wells: It is about the emissions and the cost.

Hon. Seamus O'Regan, P.C., M.P., Minister of Labour: Well, that's just it. It is. It's all about the emissions, senator. That's what it is about. All of it is about the emissions. I completely agree with you on that. I cannot stand the phrase “just transition.” I've said this for years. “Just transition” is a phrase that workers hate, and my constituents don't like, and so I don't like it either. We tried, anyway, within the bureaucracy and amongst ourselves to say the words, “sustainable jobs.”

This is not about phasing out the oil and gas industry. The oil and gas industry will be with us for quite some time, and I would argue proudly so. I am proud of what we have done in this country and what workers have accomplished in this country. Some 30, 40 years ago we asked workers in Saskatchewan and Alberta to figure out how to get oil out of sand, and, by God, they did it. We are the fourth-biggest producer of oil and gas in the world. That is a remarkable accomplishment.

As the senator well knows, out my way, Exxon Mobil has said there is no harsher environment in the world in which to extract oil than the North Atlantic of Newfoundland and Labrador. What we have managed to do — and I acknowledge this, senators — what we have managed to do as our government is sometimes — frequently — isolate the very people that we need to lower emissions and build up renewables, which is the workers of this industry.

My job is to make sure — I need more workers in the oil and gas industry, not less. We need more. We have a mission in this country because the world's eyes are on us, because we have the natural resources and because we have the expertise to show that we can lower emissions, build up renewables, increase the prosperity of this country and not have it done on the backs of ratepayers. That's our challenge.

The Hon. the Speaker: Sorry, minister, your time has expired.

CONSULTATION WITH PROVINCES

Hon. Donald Neil Plett (Leader of the Opposition): Minister, your mandate letter says that you must “work with the Minister of Natural Resources in moving forward with legislation and comprehensive action to achieve . . .” your hated “just transition,” as you don't like “Justinflation.” “This work will be guided by consultations with workers, unions, Indigenous Peoples, employers, communities, and provinces and territories . . .”

Minister, could you tell us what consultations you have made with provinces, specifically Alberta and Saskatchewan? Will you listen to the oil-and-gas-producing provinces and put this ridiculous notion of just transition where it belongs, in the garbage bin?

Hon. Seamus O'Regan, P.C., M.P., Minister of Labour: It is a good question, senator. I'm not sure how it relates to my last answer, which I couldn't be clearer about. I am a member of Parliament from an oil-and-gas-producing province. I am a member of Parliament — elected three times, I might add — from an oil-producing province. I am keenly aware of the challenges. I am also keenly aware of the prosperity that has come from it. And so we will work with industry and unions — more to the point, I actually made a very quiet trip — unlike some of my colleagues, I don't tweet everything that I do. I did fly out to Alberta quietly to meet with Gil McGowan — who has become, I would like to think, a friend — of the Alberta Federation of Labour and with the Operating Engineers.

With all of the heightened talk — because I made the foolish mistake of going on vacation and coming back to an inordinate number of headlines about just transition coming out of Alberta. So I flew out there to let everyone know that we are on task and on mission. We are convinced that Alberta, Saskatchewan and Newfoundland and Labrador can lead the world in this.

I can tell you quite proudly, in my home province they have gotten the message, and we are moving forward. We are determined to lower emissions where we can find them, as are many, many oil and gas workers whom I meet with and industry, who know which way the puck is going and are determined to skate to it.

LABOUR SHORTAGE

Hon. Mohamed-Iqbal Ravalia: Thank you, minister, for being here today.

Canada is facing an unprecedented shortage of doctors, nurses and many other health professionals. In our home province of Newfoundland and Labrador, our government has recently announced new measures to recruit internationally educated registered nurses, who can fill health care vacancies. Our government has also introduced legislation that will make medical licensing more streamlined.

Recognizing the provincial-federal jurisdictional divide, can you speak to what measures the Government of Canada is taking to help address these critical labour shortages, including in health care but also other sectors?

Hon. Seamus O'Regan, P.C., M.P., Minister of Labour: I appreciate the question, senator. The key is always in the qualifying phrase: respecting the fact that this is provincial jurisdiction.

I am a product — my first job, I worked for five years in the provincial government of Newfoundland and Labrador. When I came into the Ministry of Natural Resources, my Alberta colleague at the time Sonya Savage schooled me immediately on what is in provincial jurisdiction and what is in federal jurisdiction. But I knew darn well, having been around in Hibernia's early days, but also in areas like health, that you tread into those places very carefully.

I think that what we are seeing happening right now with the quantum that has been proposed by the Prime Minister to the premiers and as the Minister of Intergovernmental Affairs goes about bilateral agreements and working with each province, I think I have to be very careful about what I say.

But I can tell you that given the dearth of health care professionals right now in the system, how we figure out how people can move around within this country and how we recognize foreign credentials are some of the absolute top priorities as I sit down at the table.

JUST TRANSITION

Hon. Mary Coyle: Welcome, Minister O'Regan. Great to see you again.

Minister O'Regan, in your mandate letter, which we heard a little bit about, you were asked to work with other ministers on legislation and action to achieve a just transition, ensuring support for the future and livelihood of workers and their communities in the transition to a low-carbon economy. The Office of the Auditor General released a report last April on that transition, which found that federal departments had not adequately designed programs and benefits to support coal workers and their communities while phasing out coal-fired electricity.

• (1450)

Minister, could you tell us how the government is responding to that report and the recommendations from the Auditor General? Also, what lessons might we learn for other sectors?

Hon. Seamus O'Regan, P.C., M.P., Minister of Labour: As you well know, Senator Yussuff was very much on top of that file in terms of coal transition.

There is a significant, and fundamental, difference in that coal is being phased out altogether. It is not only being phased out in Canada, but we want it phased out around the world — you cannot just do that, though, for jurisdictions that do not have an

alternative. In Canada, in the meantime, we have alternatives — and we have for some time — whether those are fossil fuels, hydroelectricity or nuclear power. Therein lies a big difference.

This message gets so muddled and politicized. I learned during my tenure as Minister of Natural Resources that the most important thing you can do is singularly focus on one thing — and that is lowering emissions. Everything else is noise; everything else can become a distraction.

It is on two fronts: We have to lower emissions for its own sake, but we also have to lower emissions because, competitively, it will place our product and our fossil fuels in a far better place in the world, as the world shops around now — not only for cheap sources, but also for sources at lower emissions.

EMPLOYMENT EQUITY ACT

Hon. Wanda Thomas Bernard: Minister O'Regan, thank you for being here today. Two of my colleagues have asked about employment equity, which I was planning to ask, so I have a very straightforward follow-up to the questions asked by Senator Loffreda and Senator Cardozo.

Many equity-deserving groups are asking me what the delay has been in the reporting of the task force. Are you able to tell us what has caused those delays?

Hon. Seamus O'Regan, P.C., M.P., Minister of Labour: No, it is nothing other than they asked for more time in order to reach conclusions and write the report. I thought it prudent to do that once it was requested.

I realize there is a great impatience among a number of communities in this country to get this done. I also acknowledge that, as I said, I don't think there has been any fundamental change to it since 1986.

Senator, I will acknowledge it is a fine line. I believe impatience is a virtue. I have not lost my virtue in my seven years as a member of Parliament, but one owes it to these groups to also find the time to get it right. I'm attempting to find that now. I am told that I will have the report by this spring.

Senator Bernard: We look forward to that report in the spring. Thank you.

Mr. O'Regan: Thank you, senator.

JUST TRANSITION

Hon. Percy E. Downe: My question is about the impact of the transition to a low-carbon economy, which others have raised as well. Obviously, the impacts of this transition will be felt throughout our economy.

As you know, as part of the Paris Agreement which the Government of Canada signed, we need to work toward the creation of decent work and quality jobs. Minister, how does

your department — and the government in general — propose to foster the growth of these well-paying jobs as the economy changes?

Hon. Seamus O'Regan, P.C., M.P., Minister of Labour: There is another phrase, too: “just transition.” The just transition came from the labour movement itself. It is just so disruptive, it addles so many people and it creates so much anxiety that it is redundant; it actually sets us back when we use it.

Another phrase that we came across, and have been using in reports, is “decent work.” There are two ways of saying the word “decent,” and words matter. We're all in public life; we're all in politics. Decent work in a more European and French sense, I think, is a very positive thing; it is decent. But in Newfoundland, if you ask people what the weather is like — and it's grey and maazy — the answer would be “decent.”

So when we started to use the phrase “decent work,” it was being taken as “okay.”

I will tell you how I believe we can't go wrong: The people who built up this industry with all of their know-how, derring-do, acumen and guts are the workers, so we go back to the workers in terms of what training they think needs to happen. Often, it does not mean having to leave the industry at all.

None of us in this room — hardly anyone in Ottawa — know where to tighten the screws on a pipeline to make sure the methane doesn't leak. I'm talking about that kind of work.

When I was the Minister of Natural Resources and COVID hit, my first concern was the workers — specifically, losing workers from the industry, not transitioning them to another industry. We have too much work ahead in the industry — in the oil and gas industry. So we came up with the orphaned and abandoned wells program and, in Newfoundland, the low-carbon \$400-million fund.

Keep them there.

The Hon. the Speaker: Sorry, minister, but your time has expired.

CAREER EXTENSION TAX CREDIT

Hon. Yonah Martin (Deputy Leader of the Opposition): Thank you, minister. The mandate letter of your colleague Minister Freeland says that you are to assist her with the creation of a career extension tax credit of up to \$1,650 for seniors. As you know, that was a promise your government made in the 2021 federal election campaign. Many were expecting to see it in last year's budget; instead, it only contained a promise to engage with experts on the role this tax credit could play in boosting the labour force participation of seniors who want to continue working later in life.

Minister, since Budget 2022, have you engaged with experts on the creation of this tax credit, and, if so, who did you meet with? Did formal consultations with stakeholders take place? If not, why not? If so, were you involved? What is the current status of this promise to our seniors?

[Senator Downe]

Hon. Seamus O'Regan, P.C., M.P., Minister of Labour: Senator, with all due respect, I will have to get back to you with answers to those five questions, I think, that you asked. We will get back to you very shortly on them.

LABOUR SHORTAGE

Hon. Paula Simons: Minister, the airline industry, as those of us who fly often know, is experiencing a tremendous labour shortage. There is a shortage of pilots, ground crews, passenger service agents and air traffic controllers.

One of the things I have heard from people in the industry is that it is very hard to find people, especially pilots and air traffic controllers, because the training is long, complicated and completely unfunded. There are no universities, scholarships or the ability to access student loans.

What, if anything, is your department doing to try to find ways to bring more Canadians the skills they need to take those jobs?

Hon. Seamus O'Regan, P.C., M.P., Minister of Labour: I am very proud to answer that question as the former executive director of the Goose Bay Airport Corporation, and as a former baggage handler at YYR, Goose Bay Airport. That is how I worked my way through college. I think of ground crews every time — and this has probably happened to many senators present today — I land at an airport on time, but do not make it to the gate for 40 minutes. That's because we do not have enough ground crews. They work hard.

Because I was out in the middle of the ramp in Goose Bay, I did not get affected by the black flies, so I took a respite out there. I learned never to complain about the heat in Labrador in the summer, because everyone with whom I was working had to work there in the winter.

Aircrew work outdoors — there is not enough you can wear. It is tough work. We lost a lot of them to Amazon warehouses and other places that paid equal, if not greater, money and benefits. I do not believe the market has caught up with what are extraordinarily essential workers.

It is a problem. It is not a problem, I will admit, that I have been tackling as a minister, but it is one that I will take back to the Minister of Transport. We do need to do a lot more there — on every front you mentioned.

[Translation]

LEGISLATION ON REPLACEMENT WORKERS

Hon. Pierre J. Dalphond: Welcome to the Senate, minister. My question is about a subject that you've already addressed, anti-scab legislation. I gather that the consultations are over. You said in October that they would end in December.

I have a specific question. You will undoubtedly look to the experience of Quebec and British Columbia. Are you planning to prohibit the use of both replacement workers working at the company and third-party subcontractors? In certain disputes, instead of hiring scabs, the employer has subcontracted the work to external companies.

[English]

Hon. Seamus O'Regan, P.C., M.P., Minister of Labour: Senator, we are far away from that.

In regard to the issue of replacement workers, I come back to the remarkable record that my team has at the Federal Mediation and Conciliation Service, or FMCS, which is our mediation and conciliation team. The longer you can keep people focused on the table, and not on other things, the better. What we have learned are the lasting — and extremely scarring and emotional — effects of using scabs or replacement workers. It can poison a work environment for years, if not decades. When all of that is happening, the emotional turmoil of that and the physical time it takes in order to coordinate it distracts people from a solution at the table. That is where I'm coming from on this.

• (1500)

I want security and stability in our supply chains. I do not want further disruption. It will be crucial that we get this legislation correct and the regs that stem from it. At some point, senators here will have a hand in that, but I want you to know — and I will impress this upon you — that the stability of that table means the stability of our supply chains. The more that I can have unions, industry and business focused on finding an agreement that is long-lasting, the better. I do not think that finding third-party sources is going to do any of that.

PAY EQUITY

Hon. Rebecca Patterson: Minister, I would like to ask you a question about the Pay Equity Act. We know that employers have until September 3, 2024, to publish their pay equity plans under this act. This means that about 4,600 employers have less than a year now to actually put these plans in place.

In her first annual report released last August, the Pay Equity Commissioner noticed that requests from employers seeking more guidance have been steadily increasing throughout the year.

Given the commissioner's comments, are you confident that employers have sufficient time to develop comprehensive pay equity plans, especially given the pandemic-related interruptions since the act came into effect and given that decent work requires decent pay?

Hon. Seamus O'Regan, P.C., M.P., Minister of Labour: That's right. The Pay Equity Act came into force in 2021. We appointed the Pay Equity Commissioner to support that compliance.

The Pay Equity Act directs employers to take proactive steps to make sure that they are providing equal pay for work of equal value. It has brought about a dramatic shift in how the right to pay equity is protected in federally regulated workplaces. It is

administered and enforced by Canada's federal Pay Equity Commissioner and is supported by the pay equity division at the Canadian Human Rights Commission.

To more directly answer your question, it is a complex issue, as I'm sure the senator can acknowledge. We need time to get it right, so we have created a framework for federally regulated businesses to understand the requirements to develop those pay equity plans and to start making pay adjustments.

An overriding principle for me here is the closer that it can be done to the ground, the better. When you come from a provincial government or a small town in Labrador as I did, you do not like the long arm of big government coming at you. Growing up in Labrador, the long arm of big government was St. John's, not Ottawa. The closer you find the solutions on the ground, the better.

JUST TRANSITION

Hon. Marty Klyne: Minister, we know that as all provinces and cities strive to reach emissions that are 40% to 45% below 2005 levels, many will do it by phasing out coal plants, as Saskatchewan has said it will do. In that regard, we need to be ready to mobilize and ready a workforce that's prepared to work in a low-carbon-emissions economy.

What is your government doing to ensure a bright future for energy workers and to demonstrate the upside of this just transition in terms of transferable skills transitioning to well-paying, steady jobs for Western Canadians who are working in a low-carbon economy, which they are not now?

Hon. Seamus O'Regan, P.C., M.P., Minister of Labour: I don't know whether if you put "just transition" in air quotes it shows up in Hansard.

Look, it's not a matter of workers finding themselves in a low-carbon environment. Workers will create that environment. They will lead this. Let me finish an answer that I did not get a chance to finish earlier.

When I sit down and talk with the union leadership in Saskatchewan, Alberta and Newfoundland and Labrador, they are firmly in charge of this. We doubled Union Training and Innovation Program funding for union training centres, for instance, and I will be a big advocate for increasing the funding for them. In other words, I want them to point out where the opportunities lie as we lower emissions and build up renewables. That is what we're doing. That will all happen with energy workers. It will all happen with people who are currently in the industry, and I would argue that we need more on top of it.

We have to build up carbon capture. To be honest with you, we have a great agreement with the Alberta and Saskatchewan governments, and certainly Newfoundland and Labrador.

Industry is embracing this as well. With great pride, I acknowledge that the industry association in Newfoundland and Labrador, which was called Noia, the Newfoundland & Labrador Oil & Gas Industries Association, is now called Energy NL. They completely not only embrace and champion oil and gas, as they always have, but now they're embracing hydrogen, hydro and all of the in-between and how they all work together. That is how we go about it. That is how we do it.

I'm very proud of my crowd. I think out my way, we see the world very practically. This is the way the world is going, and we want to be on top of it.

TRADE PROTECTIONISM

Hon. Donald Neil Plett (Leader of the Opposition): Minister, in a State of the Union address Tuesday night, President Biden promised yet another round of Buy America policies, with new standards to require all construction materials used in federal infrastructure projects to be made in America. The trade group of Canadian Manufacturers & Exporters said, this is "bad news" for manufacturing in our country and for "integrated North American supply chains." They called for a "strong response" to "push back and protect Canadian access to the U.S. procurement market."

Minister, since President Biden's protectionist comments earlier this week, what specific actions have you or your government taken to counter this latest threat to Canadian jobs? Have you spoken to your American counterpart? Have you reached out to any of the trade unions, especially unions and construction trades that represent workers in both of our countries?

Hon. Seamus O'Regan, P.C., M.P., Minister of Labour: Not since the State of the Union, senator, I will admit, but I keep in constant contact with Secretary Walsh, my colleague who, according to CNN, at any point now could be named head of the NHL Players' Association. I'm just hoping that he continues to honour his invitation to me to appear at the Boston St. Patrick's Day Parade. We have a good relationship.

I think that trade unions, to be honest with you, senator — you bring up a very good point — will be important allies. These are brothers and sisters who work across the border. I can tell you, under the stresses and strains during COVID and dealing with the Trump Administration, I found allies before I ever envisioned myself being Minister of Labour. I found allies in the trade unions, such as operators, engineers and others, who were working on various issues that we were working on, senator, like Keystone XL and trying to get that pushed forward and on Line 5.

Those are extraordinarily important relationships because we have an administration now that is raising the bar both on how they view workers and trade unions in their country and also, remarkably, with the Inflation Reduction Act, which could be one of the most seminal pieces of legislation in terms of lowering emissions in the world. This is a very different problem than I had when I was dealing with the Trump Administration, I can tell you, where it was very difficult for me to look at Canadian businesses who saw the bar being lowered. Now they are seeing

the bar heightened. It is a good problem to have, but it is a big challenge, I acknowledge, in making sure that we look after Canadian workers with our most important trading nation.

PAY EQUITY

Hon. Rebecca Patterson: Thank you, minister. I would like to ask a follow-up question concerning the Pay Equity Act.

We know that certain people are impacted by pay equity more than others, and they tend to be those working at lower rates of pay. Those particular rates of pay tend to be dominated by equity-seeking groups, and they also live very precariously because of it.

Hearing that it will take quite a period of time to get through at least the 4,600 requests — plus more — that will come in from employers, and recognizing that a plan must be built before the pay is going to be challenged or made equal, is there going to be any priority given in the assessment process to employers who have groups that are more traditionally in the lower end of the range and are more greatly composed of other equity-seeking groups?

Hon. Seamus O'Regan, P.C., M.P., Minister of Labour: Right off the top, senator, I will get you a more detailed response than perhaps I am able to provide at this time. As I said, we are committed to reducing the gender wage gap and increasing financial equality in the workplace.

In 2018, we provided \$3 million over five years to introduce pay transparency for federally regulated private sector employers, and we will continue working to support women in the labour market, particularly through pay equity legislation and pay transparency, as well as Canada-wide early learning in child care and the good work that I think we've done with provinces on that score. I think that will have a huge effect.

I would be happy to get back to you with particular answers to those questions.

[*Translation*]

Hon. Amina Gerba: According to data published by Statistics Canada in January 2023, two years after earning a bachelor's degree, the employment income was lower among racialized graduates than non-racialized graduates.

For example, among women, West Asian graduates earned 16% less and Arab graduates earned 15% less than non-racialized women. Among men, Black, Southeast Asian, Filipino, Chinese and Korean graduates had the lowest employment incomes, earning from 11% to 13% less than their non-racialized counterparts.

• (1510)

Minister, what is the government doing to ensure more inclusion and fairness in the processes for recruiting racialized graduates in our country?

[English]

Hon. Seamus O'Regan, P.C., M.P., Minister of Labour: Senator, with all due apology, I wish my French was advanced enough on this subject that I could offer an answer in the language in which you have asked me.

Let me just say that in answering this question, I will get back to you with particulars on exactly what we are doing. I do not think there is any argument about where we want to be. I do not think that we have any argument about the goal. But I would like to get you a more detailed answer on precisely how we plan to get there, aside obviously from employment equity and other reports and legislation that we are working on.

I will get back to you on that.

RATE OF TAXES ON BEER

Hon. Yonah Martin: Minister, last week the Canadian Union of Brewery and General Workers sent a letter to the Prime Minister and Minister Freeland regarding the 6.3% inflation-based increase in federal beer taxes scheduled to automatically go into effect on April 1. The letter reads, in part:

We are headed into a recession. The Federal Government must avoid making the situation worse. It cannot rigidly stick to policies that raise prices and fuels higher inflation, which is exactly what raising federal beer taxes by 6.3 per cent will do.

Minister, what do you have to say to the 350 unionized workers employed at the Molson-Coors brewery in Toronto who may be very nervous about the security of their jobs due to the Trudeau government's high tax policies? How does a massive increase to this tax help Canadians working in the brewing and alcohol beverage sectors keep their jobs?

Hon. Seamus O'Regan, P.C., M.P., Minister of Labour: First of all, senator, with all respect, it is not my jurisdiction. I do not have a specific and ready answer for it, other than to say that nobody wants damage done to what I think is a very proud industry in this country, and one that is only increasing based upon the craft breweries that I see erupting all over my province. One of two things will happen — presumably, you see it — workers may be affected through streamlining or it is passed on to the consumer. Neither is particularly pleasant.

I do not have a ready answer for that, but I will check in with the office of the finance minister. I do know about that letter, though.

[Translation]

SERVICE CONTRACTS

Hon. Pierre J. Dalphond: Minister, this time my question is about a federal domain, airports. Service providers in the cleaning and security sectors were replaced. When that happened, the new contractor rehired people but did not offer them the same working conditions because there was no continuity of employment. Has this situation been remedied? I believe so, in accordance with the regulations, but if not, will it be done soon?

[English]

Hon. Seamus O'Regan, P.C., M.P., Minister of Labour: Senator, I think this is the issue of contract flipping that you are referring to.

[Translation]

Yes, the Canada Labour Code has been amended to extend equal pay protection to workers when the contract moves to a new employer. This will ensure that workers affected by a new tender are not paid less than the amount set out in their previous collective agreement for the same or similar work. This provides more security and better protection for workers. Thank you for the question.

[English]

LEGISLATION ON JOB ACTION

Hon. Donald Neil Plett (Leader of the Opposition): Minister, the federal government is bargaining with nearly all of the unions representing more than 300,000 public servants. Some of those unions have outrageous demands, clearly, which would add billions of dollars to the deficit as your own Treasury Board has said. The government and the unions are clearly on a collision course. Canadians should brace themselves for the largest strike in Canadian history.

As Minister of Labour, do you think the government should table legislation to pre-emptively prevent a strike? Or if you decide to allow Canadians to be held hostage by a civil service strike, how long do you think the government should wait before tabling back-to-work legislation?

Hon. Seamus O'Regan, P.C., M.P., Minister of Labour: In this job, that's probably the most loaded series of questions that I have ever heard in my career. There is absolutely no way, senator, I am going to comment on any of it. With all due respect — I think you appreciate why — I respect the table. I have learned to bite my tongue in this job — it is not easy for a Newfoundlander to do — but I do it because I want a deal. If you want a deal, then my job is to shut up and let them do the deal.

I am hoping no one has to brace themselves for anything. I obviously know parties on both sides of the table. This — just for the interests of senators — is not something that actually falls under my purview even though I have the title. It is the President of the Treasury Board; she is on one side of the table. The Public Service Alliance of Canada — led by a very proud

Newfoundlander, Chris Aylward — is on the other side of the table. The best deals happen at the table. They do not come from the lips of the labour minister, even in this august chamber.

JUST TRANSITION

Hon. David M. Wells: Thank you, Minister O'Regan. I will go to the second part of my earlier question. This is in relation to your duties as regional minister. Your cabinet colleague Associate Minister of Finance Boissonnault said the transition — the phasing out — of the oil industry will take \$100 billion to \$125 billion per year up to 2050, given that Canada's carbon dioxide emissions represent only 1.5% of global emissions — 1.5. Essentially, if Canada disappeared from the map, there would be zero impact on global emissions. Where on earth does this expenditure make sense on any scale?

Hon. Seamus O'Regan, P.C., M.P., Minister of Labour: I cannot speak directly to the quote, but I could just say that we've never produced more oil than we are right now. That is a fact. The prosperity that it brings to every corner of this country is a fact. Climate change is also a fact, and the future competitiveness in the industry is a fact.

Alex Pourbaix — I deal with Mr. Pourbaix, the Chief Executive Officer of Cenovus in Calgary. I would not call him a tree hugger, but he sees the competitive sense in this. He came out and said there is huge opportunity in lowering emissions, working with the government on lowering emissions and increasing renewables.

By the way, it is worth noting too that the province of Alberta by a country mile leads this country in wind and solar — by a country mile. The thing that we also have to make sure that we are going to do, and this came out in the federal Economic Statement, is make sure — just because they are producing winds and solar does not necessarily mean that they embrace workers. Some of them don't. Some of them are looking for non-union workers.

We want to make sure that any tax credit we give to companies that are building up renewables are worker-friendly, much as the Biden Administration has done. I still cannot get over it. Dealing with the Trump Administration in my two years as natural resources minister, they were not worker-friendly either. Now we have an administration, a trading partner and a great friend and ally that is challenging us — and our biggest customer by far of oil and gas — to match them on lowering emissions, building up renewables and looking after workers. Good problem to have.

CANADA LABOUR CODE

Hon. Donald Neil Plett (Leader of the Opposition): Minister, your mandate letter says that you have to work to advance amendments that entitle workers employed by digital platforms to job protections under the Canada Labour Code. I am not sure exactly what is expected from you. Could you tell us which digital platforms are under the jurisdiction of the Canada Labour Code, and what is the job protection you think digital platform workers who are under federal jurisdiction do not have? Finally, could you tell us when those amendments will be tabled?

[Mr. O'Regan]

Hon. Seamus O'Regan, P.C., M.P., Minister of Labour: Yes, we are working on that, senator. We're referring to what is sometimes referred to as gig workers. We see it sometimes. One, albeit, it is provincial jurisdiction, but an example, of course, is Uber.

We are seeing similar models in long-haul trucking. You have a lot of people who are private contractors, it is an industry that is growing inordinately and it is called Drivers Inc., but there are sometimes abuses within that model. People are not aware that they have, as de facto employees, benefits that are accrued to them, whether it be sick leave, paid leave, EI or CPP — all the things that we take for granted.

• (1520)

Our job is to make sure that where there are de facto employees in a situation within a federal jurisdiction, that we look after them, that they are aware of their rights and obligations and that they have access to them.

The good news is that we have a huge, growing industry, and it is probably the biggest part within my jurisdiction, which is long-haul trucking. We just have to make sure that all of the employees there get the basic rights that every worker in federal jurisdictions in this country should be accrued.

The Hon. the Speaker: Honourable senators, that is time for Question Period. I am sure that you will all want to join me in thanking Minister O'Regan for being with us here today. Thank you, minister.

Mr. O'Regan: Thank you.

Hon. Senators: Hear, hear.

[Translation]

ROUTINE PROCEEDINGS

VICTIMS OF EARTHQUAKE

TURKEY AND SYRIA—SILENT TRIBUTE

The Hon. the Speaker pro tempore: Honourable senators, we were also shocked at the devastation caused by an earthquake which struck Turkey and Syria this past Monday, leaving more than 19,000 dead and many more injured.

Our thoughts are with the people of Turkey and Syria as they mourn those they have lost and work to recover from this horrific tragedy.

Honourable senators, please join me in rising for a minute of silence in memory of the victims.

(Honourable senators then stood in silent tribute.)

[English]

BANKING, COMMERCE AND THE ECONOMY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO DEPOSIT
REPORT ON STUDY OF MATTERS RELATING TO BANKING,
COMMERCE AND THE ECONOMY GENERALLY WITH CLERK
DURING ADJOURNMENT OF THE SENATE

Hon. Pamela Wallin: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Banking, Commerce and the Economy be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate a report relating to its study on the state of the Canadian economy and inflation, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Senate.

[Translation]

ORDERS OF THE DAY

ONLINE NEWS BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Harder, P.C., seconded by the Honourable Senator Bellemare, for the second reading of Bill C-18, An Act respecting online communications platforms that make news content available to persons in Canada.

Hon. Julie Miville-Dechêne: Honourable senators, I rise at second reading of Bill C-18, the online news bill. This bill is important to me personally because I spent many years in the world of journalism.

For starters, the crisis is real. Over the past 14 years, 469 newspapers and news organizations in Canada have closed up shop. The majority of the surviving media organizations have been through cuts that have eviscerated newsrooms. Bill C-18 is clearly not a solution in search of a problem. We really do have a big problem, and the government is right to tackle it.

There are many reasons for this crisis, but nearly all of them have to do with the internet revolution. Over the past 25 years, traditional media, which used to have a monopoly on broadcasting information, lost their exclusivity to multiple competitors: online ads, foreign media, government sites, streaming platforms, countless specialized sources for things like weather forecasts, sports scores and financial news, audio and video-sharing platforms, news and opinion blogs and, lastly, social media platforms, which pounded the last nail into the coffin.

Today, traditional media organizations are facing a profound crisis that affects both their profitability, now that advertisers have left, and the value they add, since so much content is available elsewhere.

Some say that the media has not been able to adapt and is simply a victim of technological change, similar to how the typewriter disappeared when computers became ubiquitous. Others add that the traditional media outlets are the victims of their own inertia and arrogance, and that they deserve their fate.

It gives me no pleasure to say this, but there is some truth to that. Many didn't see the threat coming, and for a long time, they believed that the competition from online media and social networks, sometimes called the "barbarian invasion," had no value and would not interest anyone. Accustomed to the comfort of their monopoly, some media outlets looked down on new platforms, different models and alternative paths, and were unwilling to take a hard look at themselves, rethink their offerings and adapt.

However, that is not the whole story. Many Canadian media organizations, big and small, young and old, have been trying out innovative approaches for 20 years. In Quebec in particular, the media landscape changed dramatically with the emergence of not-for-profit agencies or cooperatives, as in the case of Les Coops de l'information. *La Presse* has gone exclusively digital, and the hybrid subscriber model is working for *Le Devoir*. Experts such as Sue Gardner and Jean-Hugues Roy have noted that a lot of experiments are under way, and even though there are no conclusive results yet, this could be the key to the solution.

However, we mustn't confuse traditional media with journalism. We can criticize our media and also have legitimate concerns about the future of journalism. While some organizations have lost their aura and their influence, the importance of journalism has remained intact and is as big as ever.

Whether reports address the need to expose lies, scandals, corruption or cronyism, the essential character of journalism is no less great today than it was 25 years ago. In any free society, journalism is a public good that needs to be protected and supported. As the *Washington Post's* slogan goes, "Democracy Dies in Darkness."

That being said, investigative work or analysis has the same public value regardless of whether it is done by CBC/Radio-Canada or by a new online journalism platform and whether it is broadcast on the radio, on television, on Twitter or on Facebook.

• (1530)

What is important to Canadian society is that organizations, no matter which ones, have the resources to deliver quality journalism and that the content reaches the public. In other words, Canada needs a robust and diverse news ecosystem that fulfills its role as the watchdog of democracy.

With Bill C-18, the government is proposing a response to the financial difficulties facing journalism in Canada. The government's proposed solution is quite simple and is directly inspired by the Australian model. Given that the media have lost their advertising revenue to major platforms such as Facebook and Google, these companies should pay the media to publish their content. It is a pragmatic solution. Rich companies will support companies that have become poor.

[*English*]

For some, Bill C-18 is nonetheless on the wrong track because it is based on a fiction, namely, that Google and Facebook "hurt" the media by making their content available. Media expert Sue Gardner sums up this criticism well:

. . . that premise makes no sense. We know that because news publishers have always been able to opt out of appearing in Google search results, and they don't. In fact they do the opposite: they vigorously compete to maximize their presences on Google and on Facebook. News publishers want to appear on those platforms, because that's where people are finding news.

For these critics, the reality is that Google and Facebook offer their users a huge variety of content — of which the media is only a small portion — and the media profit more from the platforms' referencing than the latter profits from news content. It is possible, but nobody knows. The figures are not public.

The solution for some media experts would be to tax Google and Facebook and set up an independent fund to support journalism.

In an ideal world, setting up a fund would be an easier option, but in reality this is not the avenue the government has chosen for reasons that have to do, apparently, with our trade agreements. As senators, we are called upon to vote on the bill before us. It is possible to improve it, but impossible to rewrite it in such a fundamental way.

I see a number of issues to be addressed in our review of Bill C-18.

First, there is a fundamental question of the expectations of the parties. For large digital platforms, negotiations should focus on the commercial value of the content and services exchanged. In other words, what is the value of news content for Google and Facebook, and how much revenue do those platforms generate for news organizations? For the media, on the other hand, the logic seems different. Some consider that the major platforms should finance up to 30% of their operating costs. This approach is more likely a subsidy than a commercial deal.

To align the expectations of the parties in future negotiations, it would be useful to clarify the objectives of the bill.

[Senator Miville-Dechéne]

Then there is the issue of eligible media. Amendments in the House of Commons have already broadened the admissibility criteria to include small, non-profit community and Indigenous outlets, including those owned by journalists. These broadened criteria mean that we went from about 200 to more than 650 organizations potentially admissible under Bill C-18. This is a welcome expansion because the important thing is to support journalism no matter where it is practised, and not to support only mainstream media. On the other hand, we must ensure that by broadening the scope, we do not open the door to people who do not practise real journalism, but who focus instead on lobbying, fictional or intimate narratives, personal growth or entertainment.

Questions also arise regarding the platforms targeted by Bill C-18. Even though the definition of "digital news intermediary" in the law is very broad, we know that it only covers Facebook and Google at the moment. But we also have to think about the future. Already, Facebook is threatening to block the sharing of Canadian news on its platform if Bill C-18 is adopted. If Facebook carries out the threat, will the bill only target Google? In that case, will this new financing mechanism for Canadian media depend on only one foreign platform? This would be a peculiar situation.

It will also be important to consider the use of funds received by the media. This is a very delicate question, because the government does not want to interfere too much in what it presents as private negotiations. This is a consequence of the approach adopted. That said, the bill won't be of great assistance to journalism as a public good if the amounts received from Google and Facebook are directed to shareholders or interest payments rather than to hiring journalists, upgrading platforms and to conduct investigations. Much more transparency is needed in this bill.

Questions also arise about the long-term viability of an approach that makes Canadian media partially dependent on foreign private companies that can change or disappear at any time.

[*Translation*]

In conclusion, Bill C-18 addresses an issue that has a real impact on the democratic health of our country.

Today, even innovative new platforms can't be profitable without public support, with some exceptions. Excluding CBC/Radio-Canada, many newsrooms are hanging on by a thread.

The Transport and Communications Committee, of which I am a member, will have its work cut out for it. We will have to come to grips with the implications and its limitations of the bill, and perhaps suggest improvements. As with Bill C-11, Bill C-18 is a legislative foray into the ever-changing world of the internet. In the medium term, it is difficult to assess the impact of the measures being put forward. There will inevitably be a process of trial and error, and adjustments will be necessary. However, in my opinion, this effort is certainly more commendable than inaction.

Thank you.

[English]

Hon. Leo Housakos: Would Senator Miville-Dechêne take a question?

Senator Miville-Dechêne: Certainly.

Senator Housakos: Thank you. I'll try to cobble my three questions together as we have discussed them. The jury is still out for me on this particular bill. I appreciate the objective that the government has. I think we all understand how important free and democratic journalism is to our democracy.

My three questions are the following: First, what would you say to the critics who say journalists have a choice to post their products online and on the web or not to post them?

Second, we already have copyright laws in this country, of course, that protect content creators if somebody steals their material.

The third question is an analogy that Senator Harder didn't like, but maybe I'll get a better answer from you. I feel this bill is the equivalent of somebody jumping in an Uber, going to a particular restaurant for a meal, and then the restaurant saying, "I want a percentage of the fare of the Uber, as well, that brought you here, because if I wouldn't be here, you wouldn't be in business."

Can I have your thoughts on all three of those perspectives, which, of course, are views from critics on the bill?

[Translation]

Senator Miville-Dechêne: First of all, Senator Housakos, journalists do have a choice of whether or not to post their articles online.

I know that you believe very strongly in the principle of individual choice. However, we are talking here about a complete paradigm shift. That means that if media outlets don't allow their articles to be shared, then they lose a lot of readers. It's a bit of a paradox because the survival of journalism depends in part on really solid content, the kind of journalism that is different from what circulates on social media.

We know that stand-alone, isolated media outlets will not be able to reach enough people. They are therefore obligated, in this new universe, to make their content available by agreeing to share it. The real problem is that we don't know how much that journalistic content is worth to a platform like Google. Of course, Google won't give us its figures. As a result, it is extremely difficult to implement a bill like this one, which seeks to put a value on journalistic content, because we have no idea how much that content is worth to the platforms or what it brings to individual media outlets.

• (1540)

We know they no longer get any advertising revenues because the entire advertising market has been picked up by the platforms, but we don't know whether that could make a

difference in terms of traffic. For example, people from the daily newspaper *La Presse* told me that they were bringing in decent advertising revenues. It wasn't a windfall, but they had what they needed to survive. That's why everyone wants to be on social media. Did you have another question?

[English]

Senator Housakos: And what about copyright protection?

[Translation]

Senator Miville-Dechêne: To my knowledge, since this crisis began, the Copyright Act has not been enforced in relation to articles that are shared because, yes, links are often shared. I don't think the Copyright Act is the appropriate mechanism to protect journalism. I know this mechanism is used in France. We've been much more inspired by the Australian model, which has been successful in mitigating the crisis to some extent. We noticed that in Australia —

The Hon. the Speaker pro tempore: Senator, are you asking for five more minutes?

Senator Miville-Dechêne: Yes.

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

Hon. Senators: Agreed.

Senator Miville-Dechêne: Australia certainly isn't a perfect model, but we noticed that journalists were hired there after the secret agreements that Google and Facebook unfortunately reached with media outlets. We also noticed that, according to some sources, larger media organizations have more money than small ones but that small community media organizations received some money.

As for the Uber that gets you to the restaurant, I tend to agree with Senator Harder because I'm not convinced that's a good analogy for what's really happening. There is an exchange, but we don't really know if the value of journalism to these platforms is equal or unequal to the value journalists derive from being broadcast on these platforms.

[English]

Senator Housakos: If I understand correctly, senator, you're essentially saying that journalists need these platforms in order to magnify their work and have more reach. By the same token, they would like to quantify how much monetization is out there in order for them to get their share. That's the problem.

This is where I'm not quite sure if this bill achieves that goal, and I'm not quite sure how you actually put a number on it.

To go back to copyright, my understanding — I'm not a copyright expert — is the moment the journalist puts out — into the public sphere — their article, for example, then they've made it public. It's being disseminated on all these platforms with their consent because, to your point, they want to magnify their article.

In both those cases, you can't have your cake and eat it too. You either jump into that milieu or you don't — where I come from.

[Translation]

Senator Miville-Dechêne: In a nutshell, we don't know the value of this content shared on the internet.

As we speak, a lot of private deals are being struck between Google and certain Canadian media outlets. We don't know the value of these contracts, but we do know that Google, faced with the "threat" of the coming law, is making deals with the media. The fact that Google is doing this means that it sees value in doing it. In our capitalist world, few private companies make deals if they don't feel the need to do so.

In a way, the platforms are admitting that this journalistic content has value. Based on the rumours we've heard, we know that most of the agreements currently require the payment of 30% of the cost pertaining to journalists, based on the number of journalists on staff.

Still, you're quite right in saying that there is too little transparency in this bill and a lot of unknowns. At some point, the hammer will fall. The government will want to know how many agreements there are and will wonder if that is enough for the law not to apply, as was the case in Australia. Then there will be a race because Google does not want legislation, does not want arbitration and does not want agreements to be imposed either. The government is betting on the platforms — and Facebook does not seem to be doing this — signing agreements before the law goes into force, because that way, the law will not apply. That is what the Government of Australia and the Government of Canada are betting on.

Hon. Andrew Cardozo: Thank you for your presentation, senator. My question is quite general. What will happen in 10 or 20 years if this bill is not passed?

Senator Miville-Dechêne: I can't see into the future, but for now, the government is giving tax credits. These tax credits have helped the media outlets that survived the crisis stay afloat, but they are at their limit. Obviously, these agreements with platforms are welcome and are helping newspapers like *Le Devoir* prosper more than it would have otherwise. However, who says that Google will still be around in 20 years? I believe I am out of time.

[English]

Hon. Paula Simons: Honourable senators, on January 12, Postmedia, the country's largest newspaper chain, released its first-quarter fiscal update. The quarter begins in September and ends November 30, and it has traditionally been the most lucrative one for Canadian newspapers since it includes the back-to-school period, Black Friday and the run-up to Christmas. But, this quarter, Postmedia's numbers were bleak — a net loss of \$15.9 million.

[Senator Housakos]

Twelve days later, the other shoe dropped. The company announced that it would be laying off 11% of its editorial staff across the chain. That means paring already gutted newsrooms right down to the bare bones.

Those cuts weren't the only blow. Staff at the biggest Prairie newspapers — the *Edmonton Journal* and the *Edmonton Sun*; the *Calgary Herald* and the *Calgary Sun*; and the *Saskatoon Star Phoenix* and the *Regina Leader-Post* — were told that they would never come back to their once-vibrant newsrooms again. The newsrooms have closed. The few staff remaining will work from home, as they have been since the start of the pandemic.

The Calgary Herald building, a hilltop landmark, has been sold to U-Haul. It's almost too on the nose to be real. The Saskatoon and Regina buildings are also for sale.

Now, Postmedia has a complicated lease agreement, which means it can't divest itself of its Edmonton site so easily. For now, the elegant five-storey building, which sits on one of downtown Edmonton's most historic corners, stands empty and abandoned — a ghostly reminder of the days when newspapers were powerful forces for community and democratic good.

Of course, it's not only Prairie papers that are in trouble. Postmedia papers in St. Thomas, Sarnia and Owen Sound, Ontario, are now publishing only three days a week. And just this week came the parallel announcement that New Brunswick's major papers — the *Telegraph-Journal*, Moncton's *Times & Transcript* and Fredericton's *Daily Gleaner* — would be daily no more, publishing only thrice weekly.

These papers — like so many across the world — have had their economic model derailed by digital disruption. Their advertisers, large and small, have moved to online sites, such as Craigslist, Kijiji, Autotrader, Instagram, TikTok, Twitter, Google and Facebook. Their subscribers have stopped paying — either because they were happy to get their news for free online, or because they could no longer see the value in paying more and more for papers that were shrinking and shrinking each passing year. More than that, local newspapers are facing fierce online competition for their readers' attention. Once upon a time, papers had regional monopolies — not just on advertising, but on our time and our interest.

Today, Canadians can access the news of the world in real time, whether their tastes run to *The Guardian*, *Le Monde* and *The Washington Post*, or to Fox News and the *Daily Mail*. Whatever your taste, there's a news site for you. You are no longer limited to getting your news from your daily paper, your hometown radio station or your local supper-hour TV newscast.

• (1550)

Meanwhile, new digital competitors are popping up across the country trying to serve readers who are interested in specific topics or specific points of view. Many of these publish award-winning journalism about the climate — about Parliament, about social and technological issues — but they have a reach and an ecumenicism that they cannot match that of the broadsheet daily paper.

In some ways, Canadians have never had as many options to be informed. Information from around the world is literally at our fingertips. But, in other ways, we have never known less about what is going on in our own cities and towns without local reporters to cover city council and school board meetings, without local investigative journalists digging into local scandals, without local feature writers telling local stories.

And so now we have before us Bill C-18, which is designed to throw a lifeline to struggling news sites, large and small, all across the country. The premise is deceptively, intoxicatingly simple. Google and Facebook have lots of money. As Senator Miville-Dechéne has told us, they have pockets full of it. They dominate the Canadian advertising economy. The government estimates that those two companies alone command 80% of Canada's advertising market, and they surely share links to Canadian news sites — links they don't pay for. So why not ask them to pony up to support the newspapers, newscasts and news sites because advertising revenues have evaporated?

The bill requires Facebook and Google to enter into negotiations with news organizations: from the very largest, to tiny papers with owner operators, to Indigenous and campus radio stations. If they can reach private agreements, they will be exempted from the bill's provisions. But if those exemptions are not granted, companies will be required to enter into binding, final offer arbitration.

It's a tempting proposition, especially when promises are being thrown about that Bill C-18 will force Google and Facebook to pay for 20 to 30, even — as Senator Harder suggested this week; the first I have heard that number — a full 35% of the operating costs of Canadian newsrooms. The Parliamentary Budget Officer, perhaps more modestly, has estimated that the program should bring in about \$329.2 million a year.

But the idea that we can or should force two American tech giants to underwrite the independent news upon which Canadians rely is a logical and ethical fallacy. The bill seems premised on a core proposition that the reason print media outlets have lost their revenues is that Google and Facebook are somehow stealing news stories and then monetizing them to sell ads, but this is a fundamental misunderstanding of how digital advertising markets work.

Facebook's algorithm privileges content that generates engagement, and a story about the Kamloops school board or a Senate debate isn't sexy or juicy enough to do the job. Sadly, yes. A 2021 study for Nieman Lab found that less than 4% of posts viewed in the Facebook news feed actually linked to news stories, and since then Facebook — pivoting to video to fend off the challenge of TikTok — has retooled its algorithm to show people even less news.

Jean-Hugues Roy, Professor of Journalism and Media Economics at Université du Québec à Montréal, estimates that Facebook made \$198.8 million in revenues stemming from Canadian journalistic content in 2022, but that was actually down from \$210 million in 2021.

Professor Roy posits that, of that sum, about \$99.4 million could be shared with the Canadian news industry. But even that rather rosy estimate will be far from enough to subsidize the costs of newsrooms across the country — and especially not if that sum keeps declining.

For its part, Google doesn't post ads on its news site at all. Google News makes no money. It's really there as a loss leader to keep people on the site longer.

It's not that Google and Facebook benefit hugely from sharing news: They get little or no direct economic benefit from sharing news content.

Google and Facebook are advertising behemoths who dominate the internet and the advertising market with an unrivalled and unprecedented power. According to the Transnational Institute, in 2021 Google was the most visited website in the world, with monthly traffic of 92.5 billion visits. YouTube, which is owned by Google, is the second most visited site, with 34.6 billion monthly visits. Facebook comes third, with 25.5 billion visitors a month.

The only Canadian website that ranks in the top 20? Pornhub, with 3.3 billion visitors a month, gives them the peculiar distinction of attracting more views than Reddit or Bing.

Yes, Google and Facebook have a stranglehold on eyeballs and advertisers. I'm not asking for you to sympathize with them. I'm just asking whether it's sensible to demand that they underwrite Canadian newspapers, magazines, broadcasters and news sites, including tiny websites whose work is almost never shared or indexed on those social media platforms at all.

More than that, I'm asking if it's wise. How independent can the Canadian news media be if they are so deeply beholden to the goodwill and future economic success of two foreign corporations?

Back in June 2021 when we were debating Senator Carignan's Bill S-225, a bill with parallels to Bill C-18, our Transportation and Communications Committee heard from the witness Edward Greenspon, the former editor-in-chief of *The Globe and Mail*, who was by then the President and CEO of the Public Policy Forum.

Here's what Mr. Greenspon told us in 2021:

... inviting the platforms to negotiate deals with individual publishers can badly distort the information marketplace. People have expressed concerns for decades that advertisers influence news agendas. In fact, it was rare to find an advertiser that had enough of a market share, more than 1% or 2% of a publisher's total revenues, to do so. In contrast, I can well imagine a platform accounting for 10% or more of a news organization's revenue under this system. They have massive public policy agendas of their own, including tax policy, regulatory oversight, data, et cetera.

He went on to warn us, “You are here to strengthen the independent press, not to create new dependencies.”

We should heed his advice now. With Bill C-18 we are creating an even greater economic dependence and giving Google and Facebook even more power than they already have over what we read and what we see — and, indeed, what we think.

The mechanisms proposed in Bill C-18 render us even more vulnerable to their corporate decisions, decisions over which Canadians will have absolutely no control.

As we watch the slow-motion meltdown of Twitter, accelerated this week, it seems to me naive — nay, foolhardy — to assume that Google and Facebook will be golden geese whose golden eggs can sustain our free press in perpetuity. If and when Google and Facebook are no longer cool or fashionable or trustworthy, where will that leave us?

I have many other questions about the bill as we move toward committee study. Realistically, how much will small, rural and ethnocultural or Indigenous papers and radio stations actually benefit from this program even if they negotiate collectively? How much should we want to subsidize large players such as Rogers or Bell Media or failing legacy firms like Postmedia, especially if that makes it harder for innovative start-ups to compete with them?

What guarantees do we have that companies will spend their subsidies to increase news coverage as a net increase as opposed to paying down debt or rewarding their executives? Is it reasonable, as the Parliamentary Budget Officer estimated, for CBC and Radio-Canada — already funded by the government — to receive, by far, the largest share of this new money? What will be the impact on our respect for copyright law and the principles of fair use and to our obligation under the Berne Convention, given Bill C-18’s somewhat cavalier hand waving away of traditional copyright protocols?

And are we comfortable giving unprecedented new regulatory powers to the CRTC to intervene in the business of print journalism and to require mandatory media codes of ethics, given the free press has never before been subject in any way to the authority of the CRTC?

My friends, I was a professional journalist in this country for 30 years. I believe that responsible journalism is essential to the health of a civil society. It’s easy to look at the crisis in Canadian journalism and exclaim, “Something must be done!”

Well, this is something, but what will it actually do? Not, I fear, what we would like.

Thank you, *hiy hiy*.

• (1600)

Hon. Colin Deacon: Would my seatmate kindly take a question?

Senator Simons: I would be delighted to take a question. We’ll pop like jack-in-the-boxes.

Senator C. Deacon: I wonder if you have thought at all about how new online platforms like The Logic, BetaKit or investigative journalism platforms that deliver podcasts, like Canadaland — how those sorts of models fit into the world that Bill C-18 imagines, because they seem to be fighting their own fight in a dramatically different media landscape. I just wonder if you have contemplated that. Thank you.

Senator Simons: I have contemplated it long and hard. Here is the challenge: Many of these small independent sites are struggling for market share both in terms of readers and advertisers because they are competing with the legacy dinosaurs, shall we say.

There is a strong argument to be made that if you prop up traditional broadsheet newspapers with a failing business model, you will inhibit the capacity of new competitors to come into the marketplace. On the other hand, as I said in my speech, some of those new competitors serve rather niche markets and do not give the broad community coverage that a local daily newspaper did. I’m very torn and I think those companies are too. Some of them initially came out quite critically of Bill C-18 and the premise that they will have to somehow band together — because there are no newspaper unions in this country. They will have to find other similarly situated companies and come together as a collective and then go together to negotiate with Facebook and Google.

How will they pull those collectives together? Do they have the legal bench strength to go toe to toe with two of the world’s largest corporations? It is a very interesting question.

Some of those small publications have already made successful deals with Google — more with Google than with Facebook — but they have made successful deals to showcase their work. Whether those deals are going to get ripped up now and whether Google and Facebook are actually going to be less likely to be supportive are very good questions. We just do not know yet.

The Hon. the Speaker pro tempore: Senator Simons, your time has expired. Are you requesting five minutes to answer more questions?

Senator Simons: I would love another five minutes, with the indulgence of the chamber.

The Hon. the Speaker pro tempore: Do we have an agreement for five minutes?

Hon. Senators: Agreed.

[*Translation*]

Hon. Julie Miville-Dechêne: I will be brief. I admire your rather purist vision of journalism. You are right in saying that it is dangerous to take money from large, extremely powerful platforms, but I think we are already beyond that point since journalism in this country is receiving funding from the government. The government is no doubt the most heavily criticized entity in Canada, and now it is giving the media money.

As far as principles go, how is it any different to accept money from platforms that earn some money through journalism?

Senator Simons: That is a very good question. I wish I could answer in French, but I think it would be better for everyone if I answered in English. It will be easier for both of us.

[English]

You are right. I have also been critical of the idea of the government funding journalism through the local journalism fund.

It is a very difficult proposition to have an independent press that is reliant on government subsidies, no matter how arm's-length they are.

It is also very problematic to have newspapers be so dependent upon two corporations instead of on the traditional subscriber base and traditional advertisers.

I have spoken with academics such as Vivek Krishnamurthy at the University of Ottawa, who suggests that the more appropriate model would have been tax credits — very robust and generous tax credits, so that if you subscribe to a Canadian publication, online or in print, you would get money back. And if you were an advertiser and you placed your advertising in your local weekly newspaper or your local daily newspaper or on your local radio station, you might also get a subsidy back from that. That would allow consumers of news and purchasers of advertising to vote with their eyes and vote with their feet and have there be a direct correlation between what people want to read and what people want to support and getting money back from the government so that it sort of — it washes the money, like Pontius Pilate.

We have painted ourselves into this corner. I have spoken recently with publishers of small-town community newspapers who are in despair because one of the bread-and-butters of their market was that the local town would advertise in the local paper. If you had a bylaw hearing, if you were announcing some city change, the town spent money in the local town paper. Now they do not do that. They buy a much cheaper ad online or they don't even buy an ad; they just make a post on Facebook. As a result, if we do not support our local media, it dies. If we are going to make a choice in this country that we do not care about having local news, then that is exactly what we'll end up with, with no local news.

I also met a couple of weeks ago with Jordan Bitove, the new owner and publisher of *The Toronto Star*, a very big name in the Toronto business community, who said that he is knocking on the door of the big banks and the big car companies, saying, "Hey, put your display advertising back in the paper because if you don't, there won't be a paper."

We have choices to make too, and I'm not sure that we have made the right ones.

Hon. Pamela Wallin: I just have a quick comment, really, in response to some of your comments. Of course, we'll discuss this endlessly at committee.

Speaking with local newspapers in my area, I heard that one of the things that troubles them is that while government, on the one hand, has agreed to pay them money, therefore compromising independence, they have also stopped 100% of their advertising in these local papers, which was a genuine and arm's-length source of income. So if they wanted to support these news operations in small communities, they do have a mechanism.

Senator Simons: What I heard from small publishers is that they would like changes in the mailing rate to make it easier to mail out their weekly papers. They are also really frustrated because Canada Post is outcompeting them in the flyer business. Now, flyers are not sexy, but they were the economic backbone of a lot of newspapers large and small, and what I hear from newspaper publishers is that Canada Post gives such great rates that the newspapers cannot compete. Now, Canada Post has a right to compete in the marketplace, but again, we have to consider the consequences of all these decisions.

(On motion of Senator Martin, debate adjourned.)

CANADA DISABILITY BENEFIT BILL

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Brent Cotter moved second reading of Bill C-22, An Act to reduce poverty and to support the financial security of persons with disabilities by establishing the Canada disability benefit and making a consequential amendment to the Income Tax Act.

He said: Honourable senators, last October, as Thanksgiving was approaching, I happened to be in my car listening to a radio phone-in show in Saskatoon. People had been asked to call and share what they were thankful for. One woman phoned in and, when asked, she said:

I am thankful because I have enough. Perhaps I could wish for more or have more, but I have enough to live a fulfilling life, and I am grateful for that. I have enough.

I pulled the car over to the curb, and I thought about how beautiful a thought that woman had just shared with me.

Most of us have enough, certainly financially. I don't know about all of your circumstances, colleagues, but I expect that we all have enough. I do, and I am grateful.

Many in this wondrous, prosperous country do not. Today, as we begin consideration of this bill, I hope you will give thought to a part of our population who disproportionately do not — people with disabilities — and how this bill can help, a lot.

• (1610)

I rise today in support of Bill C-22, the Canada disability benefit act. This is the beginning of a very special journey for the Senate and for all of us in this chamber. As we work toward building an inclusive society in this country, the commitment to meaningful financial support for people with disabilities is a key component of that foundation — the commitment of a generation.

My favourite Gary Larson cartoon — you expected something like this — depicts a school playground. In that school playground is a children's slide. At the top of the slide, there is a little boy about to slide down. At the bottom of the slide are two spiders who have spun a web across the bottom of the slide. Just as the little boy is about to slide down, one spider says to the other, "If we pull this off, we'll eat like kings."

Well, this project will not lead to people with disabilities eating like kings, but my guess is that for the last generation, or maybe even a few years ago, the hope of people with disabilities of an initiative like this probably felt about equal in prospect to those two spiders'.

My remarks today will be divided into five parts. First, I will speak about Bill C-22 as a pillar in the delivery of meaningful change in the lives of people with disabilities in this country. Second, I will speak briefly about what the disability benefit will provide in alleviating working-age poverty for people with disabilities. Third, I will discuss the content of the bill briefly, what it will achieve, time frames and the accountability measures in place to ensure that our government delivers on our collective commitment. The fourth part is a bit about the level of support for the bill, and the fifth is a somewhat personal conclusion.

First, the proposed Canada disability benefit is a cornerstone — perhaps the cornerstone — of Canada's Disability Inclusion Action Plan. The action plan is a roadmap to create a more inclusive Canada. It has four pillars: employment, so that we can take action to address long-standing barriers in the labour market and workplace; second, accessible and inclusive communities, so we can address barriers that prevent people with disabilities from fully participating in their communities; third, a more modern approach to disability, so that we can address challenges, among other things, in accessing, for people with disabilities, federal programs and benefits; and, fourth, financial security, so that we can reduce poverty and improve financial security for hundreds of thousands of persons with disabilities.

This comprehensive approach — a four-legged stool, so to speak — seeks to address what has been decried by so many for so long: the marginalization of people with disabilities. Many have communicated this eloquently. The renowned actress Emma Thompson said it bluntly. "Being disabled," she said, "should not mean being disqualified from having access to every aspect of life."

A basic degree of financial security is not the answer to every aspect of access and inclusion, but without it, access to the basics of life and the chance to experience a fulfilling life is much, much diminished.

I'm sure that we all agree that no Canadian with a disability should be living in poverty. The values that guided past governments of every stripe to reduce poverty and create benefits for seniors and children are the same values that have been used to create the bill before us today. I am talking about equality, fairness and inclusion — Canadian values, values that guide us and define us as a country and bring out the best in us. These values guided the Government of Canada to create benefits for seniors and children, and those same values guide us today in the creation of the Canada disability benefit to help reduce poverty among low-income, working-age Canadians with disabilities.

I note with some pride, as a Canadian, that the bill before us committing the government to a meaningful disability benefit was adopted unanimously in the other place.

One of the great things about this country is that, though we may have our disagreements, even profound ones, about how the country should be governed and by what principles, we come together, as we so often do, to address the circumstances of our most vulnerable citizens. This is such a time.

Honourable senators, another remarkable aspect of this benefit is that it has never been done before. As I understand it, Canada will be the first nation to establish a meaningful income supplement for working-age Canadians with disabilities.

Second, briefly, I will speak about the living circumstances of people with disabilities — the case, essentially, for Bill C-22. Working-age Canadians with disabilities are among the most financially vulnerable of our citizens: 23% live in poverty and, in some cases, severe poverty. This is more than twice the poverty rate for people of that age group. For people with severe disabilities, the poverty rate is 31%. This is, quite frankly, unbelievable and, I think you would agree, unacceptable in a country such as ours. And that was before the COVID pandemic when financial vulnerabilities for so many Canadians became even more acute. According to a Statistics Canada survey last year, two thirds of respondents with disabilities said that they were having trouble making ends meet, and one third of respondents with disabilities said their incomes had dropped because of the pandemic.

Overall, with the implementation of this bill, we will be able to dramatically reduce the number of working-age Canadians living in poverty.

The third part of my speech is about the legislation itself. The bill will create the process by which the Canada disability benefit will be established and implemented. The proposed legislation will provide a legal framework for the benefit and authorize the Governor-in-Council to implement the bill's benefit designs through regulation. Though brief, the bill has been subject to intense scrutiny by representatives of the disability community and — this is a long title — the House of Commons Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities. That is a mouthful, to be sure; it's known as HUMA, for short.

In the spirit of “Nothing about us without us,” the disability community has provided extensive advice and commentary to the minister and her department and to the HUMA committee. HUMA held six meetings on the bill, heard from 36 witnesses and received 153 briefs.

I have read all of the testimony at these meetings, and I would say that the discussion was universally spirited and constructive, confirming the strong all-party commitment to this bill.

This scrutiny led to nine amendments, each of which I think strengthened the bill. All were adopted by the other place in its unanimous support for Bill C-22. I want to mention the key themes of the bill and will highlight a number of house amendments as I do.

First, in its preamble, the bill makes a powerful commitment to address the financial circumstances of people with disabilities. Let me read 3 of the 10 paragraphs of the preamble:

Whereas working-age persons with disabilities are more likely to live in poverty than working-age persons without disabilities, because of economic and social exclusion;

Whereas persons with disabilities often face barriers to employment, including work disincentives such as the loss of income and other benefits as a result of becoming employed;

Whereas Canada aspires to be a world leader in the eradication of poverty, and Parliament, with a view to this objective, enacted the Poverty Reduction Act

You can see the sense of the bill. The bill is then structured, mainly around section 11, to enable the minister to develop regulations to implement the benefit. There is admittedly a limited amount of detail here. The bill identifies the key requirements for these regulations. These are some highlights: the development of eligibility criteria for the benefit; the conditions to be met to receive the benefit; the amount of the benefit; requiring benefits to be indexed to inflation — this was a provision introduced as an amendment at the HUMA committee and adopted unanimously; developing an application process that is without barriers; and a system of reconsiderations, reviews and appeals.

A second amendment to the bill adopted in the other place, and before us as a part of the bill, is the tightening of the focus on the adequacy of the benefit. This amendment added section 11(1.1) to the bill. The provision now reads:

In making regulations under paragraph (1)(c) respecting the amount of a benefit, the Governor in Council must take into consideration the Official Poverty Line as defined in section 2 of the Poverty Reduction Act.

• (1620)

While the legislation could have been more prescriptive and detailed on some of these issues, there is something to be said for doing this work through regulations. It provides a greater degree of flexibility and contributes to the ability to get the disability benefits into the hands of recipients sooner.

Two additional aspects of this issue commend themselves to me, and I hope to you.

First, the bill commits the minister to a timely and highly inclusive process involving the disability community in the development of the regulations implementing the benefit. In the spirit of “nothing without us,” this was another amendment to the bill. The minister’s commitment is that the disability community will be involved in every step of the policy and program development regarding the benefit.

Second, while there is an element of trust embedded in this commitment, there is also a rich reservoir of trust on the matter for which Minister Qualtrough deserves a great deal of credit, and which I hope will be respected by all of us. A sign of that reservoir of trust is that a vast majority of the disability community — I have counted — is comfortable with the structure of the bill before us and strongly supports its passage in its present form.

A third element of the bill is its time frame. What is critical for people with disabilities is the time within which the benefit will be implemented and benefits become available. This is understandable. Every month of delay leaves hundreds of thousands of Canadians in a state of poverty. Too much time has already elapsed, and I hope that you will, for this reason alone, see value in the urgent consideration of the bill.

The House of Commons Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities, or HUMA, heard this message loud and clear, and let me repeat a couple of passages they heard. From Rabia Khedr from Disability Without Poverty:

If we wait for this legislative process to determine all of the details of a perfect benefit, its arrival will be too late . . .

Krista Carr, the Executive Vice-President of Inclusion Canada — a sort of designated disability community leadership asked to work on the financial pillar of a disability — said:

My final plea to you as members of this committee is that if you truly want to make a historic impact on the lives of people with disabilities in this country, and I know you all do, you will do everything in your power to ensure that this bill passes as quickly as possible so that we can get . . . this benefit into the hands of people who desperately need it.

In my own province, Inclusion Saskatchewan has communicated the same message in its support of the bill.

To give effect to this urgency and put the department's feet to the fire, so to speak, the bill was amended to require a series of reports and deadlines for implementation. There are four key features. First, the bill comes into force no later than one year after it receives Royal Assent. Second, there must be a report to Parliament within six months after coming into force on the commitment to engage with the disability community in the development of regulations. Third, there must be a report back to both houses of Parliament one year after it comes into force. Fourth, after that year, after three years and then every five years, there must be parliamentary reviews.

These provisions will enable Parliament to oversee the bill's implementation to determine if it is reaching its goal and to change course if needed in the future.

I want to speak briefly about one other important dimension of the disability benefit — one that will present challenges and great opportunity.

As many of you know, the provinces and territories presently provide a range of benefits to people with disabilities. The goal of the disability benefit is to build upon existing benefits to meaningfully enrich people's lives. For this reason, it will be critical for the federal government to work with provinces and territories — I'm advised that this work is already under way — to ensure that the provinces and territories sustain their commitments to persons with disabilities. In other words, the Canada disability benefit will not result in clawbacks of other existing benefits.

Indeed, with good cooperation, I'm hopeful that well-integrated supports will further enrich the lives of beneficiaries. For greater transparency, agreements with the provinces and territories are required to be made public — another HUMA amendment. To that end, I've indicated to the minister that beyond sponsoring the bill, I would be willing to help in any way I can in the dialogue with provinces and territories to facilitate optimal outcomes in the best spirit of federal-provincial-territorial cooperation.

Is there support for the benefit? The answer is that nearly everyone is supportive. First, Canadians in general strongly support the creation of a Canada disability benefit. A 2021 Angus Reid survey reported that nearly 9 out of 10 Canadians are supportive.

Support for the benefit was also expressed in an open letter to the Prime Minister from 200 prominent Canadians, including former parliamentarians. Over fifty senators themselves wrote in support. Academic, business and union leaders, economists, health care professionals and disability advocates have all expressed the same message. As I have noted, the bill passed unanimously at third reading in the other place.

We will give the bill meaningful consideration in this chamber and at committee, but the judgment of elected representatives of Canadians and their collective and unanimous judgment deserves, I think, special consideration.

Canadians with disabilities themselves have made it clear that this pillar — the financial security pillar — is their most urgent and highest priority. That message was conveyed, I'm advised

unanimously, in a range of ways: an online survey to which 8,500 people responded; round-table discussions with the disability community and with experts; Indigenous-led consultations on a separate track of consultation; and an online petition signed by nearly 18,000 people that the other place received.

This is hardly surprising when one considers the statistics mentioned earlier. Each one of those statistics is a person with a disability, struggling to cope in really difficult circumstances. There are many everyday costs related to a disability that are not there for others, including housing, medical expenses and disability supports. Of course, it is not just about the money. Poverty takes a ruinous toll on mental health. Hopelessness, exhaustion, anger — these best describe the emotional turmoil of being a person with a disability with seemingly no way of getting out of poverty.

Finally, to make a long story short — I said that in a speech recently, and someone in the audience yelled out, "Too late for that!" If you said it today, you would be right as well.

Many parliamentarians in the other place played a meaningful role in bringing this legislation to us — MPs Bonita Zarrillo and Mike Morrice in particular. I would like to especially acknowledge the work and efforts of the Minister of Employment, Workforce Development and Disability Inclusion in getting us close to the finish line. As Minister Qualtrough said in the other place:

The ultimate goal is to improve the lives of hundreds of thousands of persons with disabilities. Disability Inclusion: This is the kind of Canada we are—the kind of Canada we should always do our very best to be.

In closing, I want to take a moment to personalize my remarks. I want you to think about someone you know. We all know someone — a friend, an acquaintance, a family member — with a disability. The struggles they face. The challenges they must overcome, often with your love and support. The strength and perseverance they show just to survive in an often unwelcoming world. My daughter Kelly and her friends come to mind as heroes to me in this respect.

Someone once said, wisely I think, "Sometimes the things we cannot change, end up changing us" — for the better. That is so with my daughter Kelly and so many of her friends. I am grateful for that, as I know to be the case for so many of you in the relationships you have in the world.

In my family, we are fortunate. My daughter won't need this benefit to manage in the world. She is nevertheless a great champion of what we are doing in the Senate today and in the days ahead. I would not want it, or her, to be any other way. Some anonymous person once said, "I wouldn't change you for the world, but I would change the world for you."

• (1630)

Well, in a meaningful way, we have a chance to do just that — to change the world for hundreds of thousands of our fellow citizens who really need us. What an opportunity. What an honour.

With that, colleagues, I respectfully ask you to consider and pass this legislation in a timely fashion. Thank you.

Hon. Patricia Bovey: Senator, I wonder if you would take a question?

Senator Cotter: I would be pleased to, Senator Bovey.

Senator Bovey: Thank you for sponsoring this bill. I think it's a very important one — you and I have talked about some of the issues our Canadian colleagues face.

You mentioned that the federal-provincial agreements are to be made so there won't be clawbacks. I wonder if you can confirm that, based on the discussions you've had with the minister. As you know, I've been working with one young person with a contract from my office, and it was to be clawed back by the Manitoba government by two thirds. We managed to extend the contract, so it was only clawed back by one third. I fear that what we're paying is far from close to a living wage.

I would really appreciate more discussion, if you can, regarding what the ceasing of these clawbacks would be so that the federal funds can really top up their financial situations.

Senator Cotter: Thank you for the question, Senator Bovey. I know that you — and many other senators in this place, and members of Parliament in the other place — are often working on an individualized basis to assist people with disabilities in order to minimize their vulnerability and enable them to get ahead in the world.

The messages I hear from the minister and her office are that a — kind of — line in the sand is no clawbacks. As you will know, a lot of this has been delivered through provincial jurisdictions. These will be direct payments to people within federal authority.

A lot of the provincial regimes differ from one another. In some places, the situation you described could exist, but in another province, perhaps, it doesn't — but something else might create a challenge. The receipt of money triggers other unfortunate moderations and consequences.

I think those will probably end up being negotiated on an individualized, federal-provincial-territorial basis so that the fit achieves the goal of, essentially, no clawbacks — no loss as a result of the generosity of this benefit, which will be significant in dollar terms when it's put together.

I can't tell you more in detail, except that there is this — kind of — line-in-the-sand commitment on the part of the federal minister. I'm supportive of that, and, as I've said, if there are ways that I can help both the minister and provincial leaders make that fit together, then I'm keen to do it, and I think it will be a success.

I hope it will occur in a really timely way. Your passage of this bill would officially unlock that process.

Thank you.

The Hon. the Speaker pro tempore: Senator Cotter, I have three more senators who want to ask questions. Are you willing to answer questions?

Senator Cotter: I'd be pleased to, yes.

Hon. Pat Duncan: Thank you, Senator Cotter, for your sponsorship of this bill. I appreciate the intent, as you've so eloquently described, and I have full respect for our colleagues in the other place.

Because you mentioned in your speech that you've pored over all the documents, the testimony and so on, as well as pored through the bill, my question is as follows: Where in the federal-provincial-territorial consultations do the Workers' Compensation Boards, which are independent of government, fit?

I'm thinking of a long-term claimant with something, such as a diagnosis of PTSD, where sometimes you will get the Workers' Compensation Board saying, "No, you're fit to return to work, or we're done; you've reached the limit." Yet a doctor would still diagnose that person with a disability.

Would this be of assistance to them? Is this subject to the clawback? Where does that consultation fit?

Senator Cotter: I'm not very knowledgeable on the specifics about the link to workers' compensation, but I do know that there has been consultation and dialogue with — let me call it — the insurance industry. When you think about workers' compensation as a form of insurance, where workers and employers pay into it, to try to figure out the intersection there as well — and the minister and her office have advised me that they have identified that, and have been working to ensure that people are not damaged by the benefit where they would get here, and it would not undermine benefits to which they're legitimately entitled to in other ways.

I will make a further exploration about the workers' compensation point because I think it's a very good one.

Senator Duncan: Thank you.

[*Translation*]

Hon. Éric Forest: My first words will be to thank you from the bottom of my heart for agreeing to sponsor this bill, which is so important and speaks to our values of solidarity and equity.

My concern is a bit on the periphery of the bill because there are still many things to define, including eligibility criteria and what this eligibility will entail. The devil is often in the details, and I hope that this complementary information will be delivered quickly.

In listening to you, we realize that there are persons with disabilities who benefit greatly from the love and support of the people around them, and you yourself are a living example. However, we know that in Canada, more than 10% of taxpayers

don't even file a tax return. Many of those people are isolated and have disabilities. They are the most vulnerable members of our society.

This may not be germane to the bill, but I really want to know if we will be able to create certain tools in order to identify these people. We are currently unable to reach them because we don't know who they are. What's more, they get lost in administrative limbo because they don't file tax returns, yet they're the most vulnerable people in our society today.

[*English*]

Senator Cotter: Thank you, Senator Forest. It's a very legitimate question, and an important one.

One provision of the bill provides access to the bill's implementation and delivery to income tax information, so people who are obtaining tax credits, for example, will be able to be identified. You are right that there is a black hole of people disconnected from government in all kinds of ways, largely through their impoverished circumstances and disability. I think the bill — if it does not fail — will not achieve its objectives unless it can reach out to those people.

What has happened with respect to this bill and the conversations that have been going on for too long, really, in the last couple of years, in particular, is that the disability communities at the national, provincial and local levels are unbelievably engaged with this bill. I hope, perhaps, with support from the government, there is a way in which outreach can be made to those folks so that they will know about the bill. There's a commitment in here that making application, and the like, is intended to be disability barrier-free, so hopefully it will be possible through that kind of outreach.

Speaking from my own personal experience with Inclusion Saskatchewan, with whom I've worked a little bit over the last number of years, it feels to me, in a really lovely way, that they have their fingers on — I don't want to say every family in Saskatchewan that has someone with a disability, but I think the local communities know, and their commitment to this bill is so powerful that it won't be a perfect success; yet, I think, it will be a far greater success than one might think, sitting in Ottawa, reflecting about it.

• (1640)

Hon. Percy E. Downe: Thank you for your speech, senator. Like you, I support the bill. I think it's much needed.

I am, however, concerned whenever there's unanimous legislation from the House of Commons. Unfortunately, I base that on years of experience of what I call their manic behaviour. We had the recent pension bill here that, for years, the House of Commons refused to support and then it's suddenly unanimous.

As you know, it's not our job to delay this legislation but to make sure that it's fundamentally sound in the implementation. I mentioned the Veterans Charter when I was first appointed. The House of Commons spent two and a half minutes in total on the legislation. They sent it to us. We sent it to the Department of Finance; we did not send it to the Veterans Affairs

Subcommittee. Who doesn't want to assist the men and women who serve our country? We passed it only to find out years later from the Parliamentary Budget Officer that it shortchanged our veterans by millions and millions of dollars they would have received if it had not been changed.

So, further to the question recently asked, the Guaranteed Income Supplement is an excellent example of a valid program, but in terms of its implementation — many of us worked on it for years. You had to file income tax or, if you don't owe any taxes, you don't have to file income taxes. In my home province, hundreds of low-income seniors were not getting a benefit they were entitled to because they didn't want to pay somebody \$50 to file their income tax when they didn't have the skill set to do so.

Would you share my concern that, notwithstanding the many people saying to pass this, it's very important that the Senate committee will do the work the House of Commons committees often do not and make sure we have a superb program, with all the wrinkles out of it, before we pass this legislation?

Senator Cotter: I agree entirely with the sentiment you have expressed, Senator Downe. The challenge is to put that together in an organized way.

But in this context, the bill proposes that be done through regulation, so we will not be able to get a very significant parliamentary oversight of that process. It's intended to be done in as transparent a way as possible, but the construction of it will reside in regulations, I think.

This is my last observation: The result is that we may be comfortable and satisfied — and this is our job — that the markers are right in this bill. I think they're pretty good. You may identify some that could be better. But it is consciously intended to be a framework. To be frank about it, that places a significant degree of trust in the ministry and the officials to put it together. There's quite a bit trust that I'm prepared to repose there.

The nice additional thing is the commitment that the disability community will be engaged with that process every step of the way.

[*Translation*]

Hon. Pierre J. Dalfond: Thank you, Senator Cotter, for your very interesting speech.

I read the bill carefully in preparation for your speech. You said one word that struck me. You said that it was a framework to move forward toward something. I also noted that the legislation is scheduled to come into force no more than 12 months after the bill is passed. I noted that the government must report on the consultations six months after the legislation comes into force and that the government must table a report on the proposed regulations in both chambers within one year of the legislation coming into force. That already means a delay of perhaps two years.

In the briefings you had with the department, was there any discussion of a realistic time frame for the first cheques or benefits to reach recipients? I suspect there could be an election within the next two years.

[English]

Senator Cotter: In one respect, if I may say, Senator Dalphond, the occurrence of an election will be rendered somewhat irrelevant, because the framework will be in place and the department will carry on putting the program together. I hate to use a golf analogy, but I'm a 30 handicap at predicting elections, so I'm happy that it's off to the side.

The message I keep hearing, which is informal and nobody is prepared to make an absolute commitment, is that it will be possible to do the negotiations and put the regulations in place in 12 months, hopefully. Once that happens, I think benefits can begin to flow.

There will be an application process as the bill is presently constructed, so it does mean that people will have to apply. However, the language people talk about is a 12-month period, and I hope that's correct; I hope that's the longest it is.

Senator Downe is right that we have an important job to do. We need to do it in as timely a way as possible, because my feeling is that each month that goes by pushes the time by a month, and that means tens of thousands of Canadians remain in poverty for one more month. It's really important for them for us to do the best we can do.

Hon. Marty Klyne: Senator Cotter, I have to hearken back to the days of COVID and monies going out in CERB payments, top-ups to social assistance and such. There was a significant problem in some provinces and territories where they did claw back on the social income assistance side of things, which was tragic. I want to support this bill. I'd like to see it go to the people who are eligible for it and not to help the provinces and territories balance their books.

One of the problems the last time was that it took a while for someone of authority, whether it was the minister responsible or the Prime Minister himself, to tell the provinces and territories that this is intended for people with a disability and not for any other purpose. It is not for clawing back. They need to get some agreement in that place so that it is not clawed back. Otherwise, we're going to be providing false hope. Just by citing this bill in consideration, it's providing hope. Let's make sure it's not false hope.

Senator Cotter: Thank you, Senator Klyne. I took this out of my speech, so maybe I'll shove it back in to answer you, if I may.

I worked as a deputy minister in a provincial government for a dozen years, and when Ottawa steps forward and provides support for a program or initiative, it's a natural consequence that provincial departments look for ways they can generate savings for themselves. Provincial ministries of finance have that expectation. It's almost like the law of gravity, in a way.

For a bill like this, that seems to be bad faith, if I can put it that way. This initiative is to try to help those who are among the most in need in our country, so I'm fully supportive of the minister's message. I don't know every little trick that provinces tend to do, and it's not exactly illegitimate in general terms; provinces have financial obligations to their people, and rightly so, to us, in our own provincial worlds. In this case, I think it would be dishonourable, and it's important to minimize, and ideally eliminate, that happening in every respect. To the extent I can be helpful regarding that, I've indicated a willingness to talk with people and examine the programs that we can ensure stay in place at the provincial level.

I entirely agree with the modest degree of anxiety you've identified.

Hon. Kim Pate: Would you take another question, Senator Cotter?

Senator Cotter: I certainly would, Senator Pate.

Senator Pate: As you're no doubt aware, along with Senator Petitclerc, I was one of the initiators of the letter that went out from 50 senators, in large part because the government was not acting as they had promised and as had been indicated in the previous budget.

I have no doubt in the faith and the intention of the minister in this respect. I do have significant concerns, however. One of the main issues raised by disability groups initially — and then, in my understanding, they were pushed off and, some would say, pressured to be silent — is on the issue of adequacy. Legal experts also say a key issue not in the bill is adequacy.

While there was a Royal Recommendation on adequacy, when that was raised in the other place, it was deemed out of scope. As Senator Downe and others have said, that seems a little odd when the focus is on bringing people out of poverty and, as you've indicated, trying to ensure that people with disabilities not only have enough but that they have an opportunity to thrive in this country.

• (1650)

I'm curious about how you see us best able to support this process, given all of these issues, given the many questions you've already been asked around clawbacks, adequacy and access. How do you see us addressing that particular issue when it's very clear that legal experts seem to agree that our failure to include adequacy could be one of the keys? And many courts have said that, unfortunately, we keep asking people with the least to keep dragging the government back to court to enforce actions. What can we do best to ensure that that's in there, given the limitations on our ability with respect to fiscal challenges?

Senator Cotter: Beyond trust, which I have quite a reservoir for with respect to this bill, I accept your point, and I would have been probably happier if an amendment had occurred in the other place that made that a little bit stronger. I think it will still get delivered on.

On the question of it being ruled out of scope, I am again out of my depth. Senator Seidman, who is the critic of the bill, and I have talked about the significance and meaning of that. I think that's deserving of exploration. I just hope it gets done in a timely way and that the question of whether there is a need for the bill to be strengthened along those lines and how that can be done gets meaningful consideration at committee. I am happy with the bill in its present form, but, of course, that's a call for all senators to make.

[Translation]

Hon. Diane Bellemare: Congratulations on your speech and this bill. This initiative is a credit to you and also to the government. However, my question is the following. Since the bill will be implemented through regulations, how will people with disabilities be assured of receiving a sufficient income? All the bill's parameters are vague. Why didn't we decide to create a cost-shared program with the provinces, for example, to ensure that the benefits are adequate?

[English]

Senator Cotter: I don't have a complete answer on that, Senator Bellemare. On the question of negotiating shared-cost initiatives, those are complex, as you know. My guess is that there is a time for that. My experience in a provincial government was that there are times when the Government of Canada wants to move — let me say unilaterally — to do a good thing, and direct payments are often a model that is embraced in that respect. There are days in the province when I would have liked a different approach, but this seems to be an attractive and more immediate response.

It does require work to make sure that the provinces don't take advantage of the initiative, because we are talking about, I don't know how much, but a lot of money that will make its way to people with disabilities. It will actually infuse provincial economies because people with disabilities are disproportionately in the lower areas of the income status and stratosphere of Canada and they tend to spend the money not on trips to Hawaii or Palm Springs, but to pay for rent and food, to support their families and try to make ends meet. There will be benefits out there, and I think the idea is to try to get them quickly, and shared-cost programs would have been a bit of a challenge.

It's also a bit more complicated here because it wouldn't be a greenfield that you would start with, but a situation where the provinces have their own and some disparate — in fact, no two are the same. Each one of those would require a careful and lengthy dialogue. It's going to be challenging enough as it is.

The Hon. the Speaker pro tempore: Senator Cotter, I have three senators on the second round. Do you wish to ask for five more minutes to answer these questions?

Senator Cotter: I'd be happy to ask for five more minutes and I'll try to provide briefer answers.

The Hon. the Speaker pro tempore: Honourable senators, do we have an agreement for five minutes?

Hon. Senators: Agreed.

[Senator Cotter]

Senator Bovey: Thank you, Senator Cotter. I'll be very brief.

In your speech, when you were going over the bill itself, you talked about the fact that there would be provisions for reconsiderations, reviews and appeals. Were those the right words, and are those in the cases of people being denied the benefit?

Senator Cotter: I have just pulled out the language here. The relevant provisions under section 11(1) read, "(h) respecting reviews or reconsiderations of decisions made under this Act;" and "(i) respecting appeals;"

So there's an expectation that a model of reconsideration will be put in place and also an arrangement for an appeal process.

Senator Downe: Thank you, Senator Cotter, for taking so many questions. I think the number of questions is a reflection of the passion senators have to get this legislation absolutely correct.

You talked in response to my earlier question about the framework and the regulations. I think it's very important and I'm wondering if you share my view that at the committee, that senators on that committee are able to nail down officials from the various government departments on exactly how they intend to proceed.

It has been my experience that the more we have on the record, the more we can pursue after the fact if they're not doing what they said they would do. Like you, I have a lot of trust that this is going to proceed, but, as accountants like to say, I like to trust and verify and I think that is a way to do that. I hope, given your background, you would be well suited to do that on the committee as well. Are you thinking along those lines as opposed to generic, general questions when it gets to committee?

Senator Cotter: I agree with your observations, Senator Downe. I'm really honoured to be connected with this bill in a meaningful way and I want to be as fully participatory as I can and help to see it produce the best result. Thank you.

Senator Klyne: I have trust in the minister as well but, again, I have to hearken back to 2022, when the Saskatchewan government clawed back payments from people with disabilities. I think we'll see a repeat of that unless we have some type of formal agreement before we go forward with this. I don't want to stall it, I don't want to see it slowed down, but we need some assurance to make sure that this goes to where it's intended. I do want to see that happen. If there is anything I can say or do, please call on me.

Senator Cotter: I'm desperate not to run out of those five minutes. Senator Black in our Agriculture Committee often puts up his hands to get us to stop, and I was hoping that wouldn't happen here.

The positive feature of this is that those agreements need to be negotiated and made public. It was a requirement in the bill; it was an amendment. You and I will be able to have a look at those agreements and see whether they are rich enough and strong enough to achieve the goals that you and I are looking for here. It will occur after the bill is passed, but it probably has to be in that fashion. I don't think we have too many other options, but at least we get a good look to see whether the expectations and the commitments of the minister — and to the extent that I'm making any kind of a commitment, my commitment to you and people with disabilities — will be honoured. We can verify or unverify. Thank you.

(On motion of Senator Seidman, debate adjourned.)

NATIONAL COUNCIL FOR RECONCILIATION BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Audette, seconded by the Honourable Senator Mégie, for the second reading of Bill C-29, An Act to provide for the establishment of a national council for reconciliation.

Hon. Dennis Glen Patterson: Honourable senators, I rise today to speak to Bill C-29, An Act to provide for the establishment of a national council for reconciliation.

• (1700)

On December 2, 2022, Natan Obed, the President of Inuit Tapiriit Kanatami, the national Inuit organization, which does represent Inuit in all regions of Canada, stated in an interview with *Nunatsiaq News* that the bill was not co-developed and, as such, is not endorsed by Inuit beneficiary organizations across Inuit Nunangat.

During a press conference on Parliament Hill, President Obed clearly stated that:

The processes that the Government of Canada has used to come to the space where they had the first iteration of the bill were not co-developed with Inuit.

Colleagues, this is an important statement that concerns me that we need to look closer at. Whenever we hear it said in relation to government legislation, and I would say especially legislation which affects Indigenous peoples, we need to pay attention to the alarms that it raises. The Inuit-Crown Co-development Principles were released by the Inuit-Crown Partnership Committee, or ICPC, one of three permanent bilateral mechanisms created by the Government of Canada to facilitate government-to-government relationships between the federal government and representatives of First Nations, Inuit and Métis peoples.

These permanent bilateral mechanisms, or PBMs — yet another acronym — as they are commonly referred to, are meant to tackle the unique priorities of Canada's different groups of

Indigenous peoples. First Nation priorities will not necessarily be the same as Inuit priorities, and the same can be said of Métis priorities.

The actions that result from the various PBMs are meant to be significant steps in furthering Canada's reconciliation agenda, as they are driven by Indigenous peoples and are undertaken with a whole-of-government approach. So I think it is significant that these co-development principles, which were released in November of 2022 after months of negotiation around the Inuit-Crown Partnership table, bore the logos of ITK, the various regional Inuit beneficiary organizations and the Government of Canada. It showed the commitment that all the represented parties were making to move forward on legislative policy and other efforts related to Inuit in a truly collaborative manner.

The document opens with this paragraph:

The Co-Development Principles outlined in this document provide guidance for collaborative work undertaken by Inuit and federal partners, including but not restricted to the work of the Inuit-Crown Partnership Committee, as well as co-development undertaken pursuant to the Inuit Nunangat Policy. This includes the development of content for federal legislation, regulations, policies, programs, services, and initiatives, and monitoring and evaluation criteria (collectively referred to as “initiatives” or “processes” below). These principles shall be read together with the guiding principles of the Inuit Nunangat Policy.

The principles highlight the importance of good faith negotiations and state that, “Co-development is substantive and maximizes collaboration.”

It also highlights the need for joint design and delivery and respect for governance and decision making. The latter is described as:

Co-development processes improve Inuit and federal decision-making by providing accurate and transparent information to leaders prior to a decision being made. . . .

So the argument that President Obed has made via his press conferences and subsequent interviews on this bill is that it fails to meet the basic minimum standards of co-development that are included in this document. Given the fact that it bears the government's logo, this important point cannot be overlooked.

The engagement leading up to the first draft, according to information provided during the consideration of the bill in the other place, was conducted by the interim board and transitional committee of the TRC's council.

Senators, while this work is welcome, it cannot and should not count as the type of engagement required by these co-development principles I have just referred to, and under the UN Declaration on the Rights of Indigenous Peoples. Even the TRC's Call to Action 53, which has led us to this bill, was also explicit that the legislation to establish this council should occur “. . . in consultation and collaboration with Aboriginal peoples”

Has Canada truly delivered on this Call to Action in consultation and collaboration with Aboriginal peoples by putting the duty to consult on this bill to the interim board and transition committee?

It is the sole responsibility of the Government of Canada to conduct the engagement on legislation that meets the co-development principles as laid out in the ICPC document, and it is also Canada's responsibility to meet the threshold of obtaining free, prior and informed consent on legislative initiatives that impact Indigenous peoples as outlined under the United Nations Declaration on the Rights of Indigenous Peoples.

May I ask you to pay careful attention with me to the exact words and high expectations clearly laid out in Article 19 of UNDRIP with respect to legislation:

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

Honourable senators, this is a very clear, high standard which Canada has committed to in Bill C-15. I submit that this bill, Bill C-29, is clearly a legislative measure which affects the Inuit in my region and the other regions Inuit live in Canada.

How shall we deal with what the respected national leader of the Inuit in Canada, an organization which clearly represents Inuit in Canada, says was not co-developed as envisioned by UNDRIP and Bill C-15, and not followed as set out clearly in the principles for co-development agreed to by the Inuit in Canada? Shall we overlook this disrespect for co-development in a bill which, ironically, is aimed at advancing reconciliation? Or shall we insist that our federal government start again, but this time undertake a true co-development process for this reconciliation bill?

It is the federal government that has the resources to engage with Indigenous peoples properly, and the federal government needs to ensure that we are engaging with all Indigenous peoples.

We have heard time and time again that the Assembly of First Nations, or AFN, does not represent all First Nations people in this country. By only engaging with the three national Indigenous organizations, we are leaving out people such as traditional treaty holders who do not feel represented by the AFN. We are leaving out some modern treaty holders and folks who live off-reserve. When we're talking about something as important as reconciliation, we cannot afford to keep leaving people out of the conversation.

So on principle I have some concerns about this bill. After speaking with President Obed directly, I believe that it is not entirely clear whether this bill supports or supplants the Inuit-Crown Partnership process. I have been assured by officials —

and I should thank Senator LaBoucane-Benson for facilitating a discussion with officials on this very point — that it simply supports and complements the process by reporting on progress made with regard to reconciliation generally.

• (1710)

However, I've also been told that it will be up to the first board of this proposed council to set their mandate and that they will have flexibility in determining the depth, breadth and scope of their work. To my mind, unless we are more explicit on the expected role of the council as complementary to the permanent bilateral mechanisms, it would be possible for the board to set their agenda in a way that could directly or indirectly interfere with the important work of these important tables, and that would be an unnecessary complication to a process that, at least for the Inuit, has clearly found its rhythm over the past seven years. They have done important work with tangible results.

I would also like to point out, honourable colleagues, that the timing of this bill is of concern to me. I recognize that it responds to a TRC Call to Action. However, let us look at the political landscape at the time the recommendation was made by the Truth and Reconciliation Commission.

The federal government did not have in place an explicit policy of government-to-government interactions with Indigenous communities, instead relying on the relationship as defined in the Indian Act, the Constitution and various other pieces of legislation. There were no permanent bilateral mechanisms and no formalized process for advancing Indigenous-led initiatives and priorities. While I understand the government's desire to address the low-hanging fruit and continue to make progress on implementing all 94 Calls to Action, as they promised to do eight years ago, the fact of the matter is that the establishment of the council, I would submit, now makes less sense than it did in 2015.

I also feel the timing is wrong given the expected report on Bill C-15's implementation. As you know, the UNDRIP implementation consultations are legislated to end this year, and both houses are to receive a copy of what should be a co-developed action plan.

I feel it would have been more prudent to wait for that plan, as there may be other mechanisms that are better suited to monitoring the overall progress of this government's reconciliation agenda brought forward by Indigenous partners.

For instance, during the proceedings on Bill C-15, the Inuit repeatedly brought up the need for an Indigenous human rights tribunal and accountability measures led by Indigenous people. At the ICPC table — the Inuit-Crown table — the need for an Indigenous human rights tribunal and a new, modern treaty review commission have been on the ICPC agenda since 2017 and 2015 respectively. These would seem to be more concrete and targeted ways of addressing issues surrounding reconciliation efforts than the proposed non-profit entity in this bill and an annual report to Parliament. We do not need more reports. We need tangible action and rigorous accountability mechanisms.

I also believe that we need to ensure that we take the time, during the committee study of this bill, to look at the question of who is included and who is represented. This is also going to be controversial. As I said earlier, we are leaving a lot of people out of important conversations. When we constitute the board, certain Indigenous groups and organizations are given specific seats that they can nominate a board member to, while other legitimate and representative organizations are not. The Congress of Aboriginal Peoples, who represent urban, off-reserve and unregistered First Nations, were given a seat when the committee in the other place amended the bill, but that amendment was removed when the bill was again considered by that chamber. Given the known issues around registration under the Indian Act, senators should carefully consider whether we should put them back in.

While the Native Women's Association of Canada was granted a seat, giving an important voice to First Nations women, the voices of Inuit women were not included with Pauktuutit Inuit Women of Canada left unrecognized in the bill.

Colleagues, in speaking to this bill on second reading, it is my hope that we can give this bill the due consideration it needs in committee. I think we should hear from as many partners and stakeholders as possible. If the committee decides to proceed with this somewhat problematic bill, I trust that the minister was sincere when he told *Nunatsiaq News* in their December 2, 2022, article on this bill that he was “. . . open to any reasonable amendments in the Senate.”

Thank you.

(On motion of Senator Martin, debate adjourned.)

[*Translation*]

ADJOURNMENT

MOTION ADOPTED

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of February 8, 2023, moved:

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, February 14, 2023, at 2 p.m.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[*English*]

HEALTH-CENTRED APPROACH TO SUBSTANCE USE BILL

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Boniface, seconded by the Honourable Senator Hartling, for the second reading of Bill S-232, 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.

Hon. Kim Pate: Honourable senators, we owe a debt of gratitude to Senator Boniface for introducing Bill S-232, the health-centred approach to substance use act. This legislation aims to make a significant and crucial change to Canada's approach to drug policy.

As some of you know, my appointment to the Senate was announced on the same day as that of Senator Boniface. Newspapers described us as a “top cop” and a “prisoners’ advocate,” presumptively characterizing us as representing opposite sides of the criminal legal system. However, our very different backgrounds have given us nuanced but similar perspectives and extensive understanding of the limitations of so-called law and order approaches to drug policy.

• (1720)

Like others of you, our respective lives and work have left us all too familiar with the consequences of the current eviscerated social, economic and health care systems, combined with punitive and mandatory drug laws. People have for too long, especially during these last three years, been abandoned to the streets, the criminal, legal and prison systems, and far too many have died for reasons that are wholly preventable.

Senator Boniface and many other advocates have provided extensive evidence that fighting the so-called war on drugs with zero-tolerance criminal law policies has failed. This approach does not deter drug use nor make communities safer. In fact, it makes communities less safe by stigmatizing and marginalizing individuals and increasing their risk of harm by reducing their access to health, social and community services. Zero-tolerance policies push people in need into the margins, onto the streets and into prisons.

Support for decriminalizing drug possession comes from many experts and advocates. More than 50 groups urged the federal government in 2020 and again in 2021 to halt criminal charges for simple drug possession. They were particularly concerned about the spike in overdose deaths associated with COVID-19. The Canadian Association of Chiefs of Police supports the

decriminalization of drug possession as an effective way to both improve public safety and reduce the health harms of substance use. They endorse the use of approaches that reduce drug use recidivism and related criminal activity, while simultaneously improving health outcomes.

Calls have come from across Canada for us to deal with this issue now. B.C. and Vancouver have called on the federal government to create an exemption from criminal penalties for people who possess illicit drugs for personal use. There was a 66% increase in opioid deaths during the pandemic, with a reported average of 20 opioid overdose deaths each and every day in 2021. Over the past two years alone, B.C. faced an average of six deaths every day due to toxic drugs, and 15% of those who overdosed were Indigenous. First Nations people are dying at five times the rate of other B.C. residents. For Indigenous women, it's even higher.

In Ontario, the deaths among First Nations alone increased by 132%, and the death rate increased by 68% overall in the province. Following the overdose deaths of four young people, as many of you will know, very recently the Ontario Provincial Police, or OPP, warned the public of the arrival of a potent and increasingly lethal strain of opioids here, in central Ontario.

New Brunswick had four times more deaths from overdose than from COVID-19 in 2020. In short, colleagues, at the height of the pandemic, opioid-related deaths exceeded COVID-related deaths. Worse yet, these deaths are preventable.

Ontario's Big City Mayors group, a coalition with representation from Ontario's 29 largest cities, along with the Centre for Addiction and Mental Health as well as the Canadian Mental Health Association and the Toronto Board of Health, all propose the decriminalization of drugs.

Many provinces want change and are waiting for the federal government to take the lead. After all, criminal law is federal responsibility. In 2021, both the NDP and Green Party included decriminalization in their election platforms, and the NDP has since introduced a private member's bill, Bill C-216. To their credit, the government also appointed a new Minister of Mental Health and Addictions, who says that she is listening to those doing this work.

Bill C-5 urged that substance use issues should be treated with health-based interventions rather than criminalization. All of this suggests that there might be cross-party political willingness to act on this matter now.

Canada's current punitive approach to drug policy entrenches racism and inequality and contributes to the mass incarceration of the most marginalized. Current legislation disproportionately criminalizes women, those who live below the poverty line, those who are homeless, Black Canadians and Indigenous peoples. B.C.'s public health officer reminds us that the consequences are particularly stark for women, who are often mothers and whose incarceration may lead to family breakdowns, community fractures and intergenerational trauma.

Drug-related charges significantly contribute to the jailing of far too many. For racialized communities, particularly Indigenous communities, this further perpetuates colonial policies and the irreparable harms of the forced state removal of children.

The historical racist criminalization of drugs continues to exacerbate the mass incarceration of all racialized people. For instance, prior to decriminalization of cannabis in Nova Scotia, Canadians of African descent were five times more likely than others to be arrested for possession. In Regina, Indigenous peoples were nine times more likely to be arrested for cannabis possession. These statistics are in no way surprising when we know that racialized neighbourhoods are also more heavily policed. Meanwhile, they have far fewer supports and resources to enable meaningful and timely treatment.

The relationship between socio-economic status and the link with past trauma, health and addiction is well demonstrated by data that associates homelessness and unemployment with overdoses.

Another awful reality is that overdoses increase exponentially post-incarceration. For too many women, both criminalization and substance use are linked to experiences of violence. Nine in ten Indigenous women in federal penitentiaries have histories of physical and/or sexual abuse and indicate they use drugs to numb themselves to their past experiences of violence and related trauma.

Lack of vital health, social and economic supports means that many women who are victimized are isolated. They are told they are responsible for their situation and are essentially abandoned and deputized to protect themselves. Those who are forced to act, provide for and defend themselves or others in their care too often find themselves charged, criminalized and subject to a range of convictions and punitive sentences.

Colleagues, prisons are not treatment centres. On the contrary, they both exacerbate and create health, mental health and addiction issues.

The Truth and Reconciliation Commission, the National Inquiry into Missing and Murdered Indigenous Women and Girls and the Parliamentary Black Caucus rightly demand more robust and proactive measures. Bill S-232 aims to prevent people from being criminalized for using drugs and thereby also ensures that people do not carry the burden and stigma of criminal records as a result of simple possession. Criminal records push or near permanently relegate far too many people to poverty and marginalization as barriers to gainful employment, housing, education, volunteer opportunities and even to mental health and elder care.

Despite positive government intentions such as cannabis decriminalization and Bill C-93 provisions to provide no-cost, expedited record suspensions for simple possession of cannabis, shockingly few people have obtained such relief from historical criminal records. In fact, only 484 marijuana pardons have been granted since the program started in 2019.

This last point further demonstrates an urgent need for the relief that companion Bill S-212 could provide to alleviate those needless barriers and harms experienced by far too many of the most marginalized in Canada. We must also act urgently on additional reforms to complement the vital goals of decriminalization, decarceration and decolonization that this legislation has the potential to advance.

Bill S-232 is an important step forward. It calls on us to ensure that Canada's drug policy reflects these values by centring health and well-being and by abandoning punitive criminal law approaches that have long proved not merely ineffective but contrary to public good.

There is ample evidence that decriminalization works. Countries such as Portugal have responded to drug crises with decriminalization policies similar to Bill S-232. The result? They have decriminalized and reallocated resources to improved access to treatment and other supportive health care, housing and economic well-being, while also reducing incarceration, all without increases in crime, costs or illicit drug use.

It is time for Canada to show similar leadership. Instead of criminalization, it is time for us to promote equitable and meaningful access to health, social, housing and economic supports for all Canadians — supports that will increase the likelihood of a healthier and safer Canada for all.

• (1730)

Thank you once again, Senator Boniface, for your oversight and for your leadership. To all of you, colleagues, I look forward to working with you to act now in order to move this important bill forward.

Meegwetch. Thank you.

(On motion of Senator Clement, for Senator Campbell, debate adjourned.)

CRIMINAL CODE

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Kutcher, seconded by the Honourable Senator Boehm, for the second reading of Bill S-251, An Act to repeal section 43 of the Criminal Code (Truth and Reconciliation Commission of Canada's call to action number 6).

Hon. Kim Pate: Honourable senators, I'm pleased to rise today to speak to Bill S-251 — and I thank Senator Kutcher for introducing it — An Act to repeal section 43 of the Criminal Code (Truth and Reconciliation Commission of Canada's call to action number 6).

In addition to being Call to Action No. 6 from the Truth and Reconciliation Commission, or TRC, efforts to repeal section 43 have been a multi-decade campaign.

Section 43 of the Criminal Code permits a defence and justification for violence perpetrated against children by teachers and parents in the name of "correction."

When this provision was created 130 years ago, in 1892, the use of physical punishment was authorized by men to discipline their property: animals, employees, wives, prisoners and children. The effects of physical violence as disciplinary punishment have been proven to be so deeply harmful that the practice has since been rendered both draconian and barbaric.

The long-term effects of physical punishment are well documented, and the negative impacts were well articulated by Senator Kutcher.

When one looks to the research on the effects of physical punishment, the message from the research is very clear: The risks and harms associated with physical punishment are rife and sometimes irreparable.

A major 2002 meta-analysis of 88 research studies found associations between lawful physical punishment by parents and 10 negative outcomes. Another major meta-analysis in 2016, which reviewed 75 research studies published over 50 years, involving a total of over 160,000 children, confirmed the findings of the earlier meta-analysis and found evidence of associations with five more negative outcomes.

Of these outcomes, one is that physical punishment is associated with increased aggression in children. The research demonstrates that children who have experienced physical punishment are more likely to be aggressive toward their peers, approve use of violence in peer relationships, experience violence from their peers, use violent methods to resolve conflict and be aggressive toward their parents. One of the reasons for this is that by being subjected to physical punishment, children learn — from their parents — that violence is an appropriate method of getting what you want. Presumably, we do not wish to perpetuate such lessons.

The many negative effects of assaulting children are now undeniable. Indeed, even in the 2004 Supreme Court of Canada case, the *Canadian Foundation for Children, Youth and the Law v. Canada*, not one single expert witness in the case suggested that there was any benefit to physical punishment. The Supreme Court also reiterated in this case that physical punishment is not of any benefit to children.

Then why keep this provision, you might ask? Why didn't the Supreme Court of Canada rule it unconstitutional? It must be that there exists cases in which it is in the best interests of the child.

The Supreme Court's conclusion was not that physical punishment could be in the best interests of the child; rather, the court clearly held that the best interests of the child, which would be served by preventing physical punishment, may be subordinated to other concerns in appropriate contexts. That is the context where they set confusing and seemingly arbitrary criteria in which it may still apply.

In attempting to provide protection for teachers and guardians who apply physical force to children in minor cases, the court allowed this defence to continue.

To illustrate this point, I told this story in the previous iteration of this bill, when it was advocated by our dear former colleague, the Honourable Murray Sinclair. At the time, I discussed the reaction of my eldest child to that court case in 2004 — my now-adult children were of the age targeted by the decision. My wonderfully astute son, Michael, was 13 years old, and my equally wonderful daughter, Madison, was 5. My son had watched the case with interest, and had his own older brotherly interpretation of its outcome, particularly the rule restricting the availability of the defence to those inflicting physical punishment on children between the ages of 2 and 12. What was Michael's concluding pronouncement? "Nobody can hit me," he announced, "but we can all hit Madison."

What my son zeroed in on then, and what we must also now recognize, is an absurd and atrocious reality at the core of section 43. No child should have to wait until they are a teenager for the right to have legal protection — from harm — that we now enjoy as adults; nor do we want to risk children learning that they deserve to be assaulted, and that, worse still, it is for their own good. By the time they are older, children — who are routinely assaulted as an intended means of correcting their behaviour — may suffer in ways that significantly and permanently negatively impact them and future generations. Why are we even leaving a remote possibility that this defence can be used, or perpetuating the myth that this is okay in any case?

The TRC's call for the repeal of section 43 emphasizes the role that physical punishment played — and the belief that it should be inflicted on children, with impunity — in the abuses perpetuated in residential schools.

The trauma experienced during childhood by survivors of Canada's residential school system has been ongoing and intergenerational — continuing to have negative and, sometimes, devastating consequences for their families and communities.

This is the eighteenth iteration of this bill, and we still have a gap in our law that allows children to be assaulted. With each iteration of this bill, the evidence in favour of its passage mounts.

We owe it to all children — past, present and future — to remedy the continued condonation of the assault of children. It is time to enact the Calls to Action from the TRC and the Calls for Justice of the National Inquiry into Missing and Murdered Indigenous Women and Girls, as well as the UN Committee on the Rights of the Child. It is long past time to repeal section 43. It is also time to provide the supports with and for children. Alas, this is not the focus of this bill, but it certainly underscores the need for far more work to remedy many inadequacies in the nature of our lack of support for children and youth in this country. *Meegwetch*. Thank you.

(On motion of Senator Martin, debate adjourned.)

BUSINESS OF THE SENATE

Hon. Raymonde Gagné: Honourable senators, with leave of the Senate and notwithstanding rule 5-13(2), I move:

That the Senate do now adjourn.

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

Hon. Senators: Agreed.

(At 5:40 p.m., the Senate was continued until Tuesday, February 14, 2023, at 2 p.m.)

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