



MINUTES OF PROCEEDINGS

OTTAWA, Thursday, February 6, 2020

(2)

[English]

The Standing Committee on Internal Economy, Budgets and Administration met this day at 8:30 a.m., in room C128, Senate of Canada Building, the chair, the Honourable Sabi Marwah, presiding.

Members of the committee present: The Honourable Senators Batters, Boehm, Carignan, P.C., Dalphond, Dean, Forest, LaBoucane-Benson, Loffreda, Marshall, Marwah, Moncion, Munson, Plett, Saint-Germain, Seidman and Tkachuk (16).

Other senators present: The Honourable Senators Dupuis, Frum, McPhedran, Tannas and Verner, P.C. (5).

Also in attendance: Pascale Legault, Chief Corporate Services Officer and Clerk of the Standing Committee on Internal Economy, Budgets and Administration; Richard Denis, Interim Clerk of the Senate and Clerk of the Parliaments and Chief Legislative Services Officer; Philippe Hallée, Law Clerk and Parliamentary Counsel; senior Senate officials and other support staff.

Also present: The official reporters of the Senate.

WITNESS:

Senate of Canada:

Vanessa Bastos, Lead, People, Culture and Inclusion, Human Resources Directorate.

Pursuant to rule 12-7(1) of the *Rules of the Senate*, the committee continued its consideration of financial and administrative matters concerning the Senate's internal administration.

CIBA/2020-02-06/020(P) — Adoption of Minutes of Proceedings

The committee considered the Minutes of Proceedings of Thursday, December 12, 2019, public portion.

The Honourable Senator Munson moved:

That the Minutes of Proceedings of Thursday, December 12, 2019 be adopted.

The question being put on the motion, it was adopted.

CIBA/2020-02-06/021(P) — Report from the Subcommittee on Agenda and Procedure — Exemptions to Senators' Office Management Policy for Last 6 Months

The chair tabled the eighteenth report of the Subcommittee on Agenda and Procedure as follows:

Thursday, February 6, 2020

The Subcommittee on Agenda and Procedure of the Standing Committee on Internal Economy, Budgets and Administration has the honour to table its

EIGHTEENTH REPORT

(Intersessional Authority)

Pursuant to Section 1.6.2 of the Senators' Office Management Policy, your subcommittee now tables a report on the exemption and exception requests to the policy that it has received and the corresponding decisions since May 9, 2019.

1. Travel Expenses for Senators' Staff

Your subcommittee received and denied a request from the Executive Assistant to the Honourable Senator Mockler for an exemption to Section 7.4.6 for the reimbursement of travel expenses.

2. Request for a second provincial/territorial residence

Your subcommittee received and denied a request from the Honourable Senator Bernard for an exemption to Section 7.9.1 c) for the recognition of a second provincial/territorial residence.

Respectfully submitted,

SABI MARWAH

Chair

The chair made a statement on the report.

CIBA/2020-02-06/022(P) — Expenses Incurred by the Committee During the First Session of the 42nd Parliament

The chair tabled a draft report as follows:

Thursday, February 6, 2020

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

SECOND REPORT

Your committee, which was authorized by the Senate to incur expenses for the purpose of its examination and consideration of such matters as were referred to it, tables, pursuant to rule 12-26(2), the following report on expenses incurred for that purpose during the First Session of the Forty-second Parliament:

1. With respect to its consideration of all financial and administrative matters concerning the Senate's internal administration:

Witness Expenses	\$ <u>4,146</u>
TOTAL	\$ 4,146

During the session, your committee held 83 meetings (111 hours 38 minutes), heard 136 witnesses and submitted 42 reports in relation to its work. In addition, the work of the committee is supported by 8 subcommittees.

Among the total expenses of the committee, an amount of \$ 3,370 is related to the Subcommittee on Human Resources. On Thursday, December 7, 2017, the committee adopted a motion authorizing the subcommittee to conduct a review of the Senate Policy on Prevention and Resolution of Harassment in the Workplace. During this study, the subcommittee held six meetings (8 hours 54 minutes) and heard 19 witnesses.

Respectfully submitted,

SABI MARWAH

Chair

The chair made a statement on the draft report dealing with the expenses incurred by the committee during the first Session of the 42nd Parliament.

The chair moved:

That the committee adopt the draft report prepared in accordance with rule 12-26(2), and that the report be tabled in the Senate.

The question being put on the motion, it was adopted.

CIBA/2020-02-06/023(P) — Auditor Access to Minutes

The Chair made a statement and answered questions on providing access to in camera minutes to the appointed auditors.

After debate, the Honourable Senator Marshall moved:

That a representative from Ernst and Young (EY) be authorized access to the in-camera Minutes of Proceedings from the Standing Committee on Internal Economy, Budgets and Administration (CIBA), the Subcommittee on Agenda and Procedure and the Subcommittee on Audit for the purpose of the annual audit of the Senate financial statements;

That the consultation of minutes be done on site under the supervision of a staff member from the CIBA Secretariat;

That the official representative of the appointed auditor be allowed to take notes; and

That, for greater certainty, the access be granted to a representative from Ernst and Young for the duration of the contract with the Senate.

The question being put on the motion, it was adopted.

CIBA/2020-02-06/024(P) — Report from the Subcommittee on Human Resources - Draft Policy on the *Prevention and Resolution of Harassment in the Senate Workplace*

The Chair of the Subcommittee on Human Resources, the Honourable Senator Saint-Germain, presented the fourth report of the subcommittee as follows:

Thursday, February 6, 2020

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

FOURTH REPORT

(Intersessional Authority)

On December 7, 2017, your subcommittee was given a mandate by the Standing Senate Committee on Internal Economy, Budgets and Administration to review the Senate Policy on the Prevention and Resolution of Harassment in the Workplace and matters involving human resources at the Senate.

Accordingly, your subcommittee presents, further to its third report, the draft Policy on the Prevention and Resolution of Harassment in the Senate Workplace.

BACKGROUND

In its first report, presented on June 14, 2018, the subcommittee recommended mandatory training on the prevention of harassment in the workplace. When it tabled its third report on May 9, 2019, the subcommittee reported that 96% of active employees, 100% of Senate Administration executives and 98% of senators had followed this adapted training.

In addition, the Chief Human Resources Officer has scheduled training sessions for 46 employees and 12 managers before March 31, 2020. An additional session will be held for new senators appointed between the summer of 2019 and the spring of 2020.

Your subcommittee then undertook a detailed review of the policy in force, entitled the Senate Policy on the Prevention and Resolution of Harassment in the Workplace. It heard 19 witnesses, including senators, Senate employee representatives, academics and other experts in the fields of workplace harassment and workplace health and safety. In February 2019, in its second report, entitled *Modernizing the Senate's Anti-Harassment Policy: Together let's protect our healthy worklife*, adopted by both CIBA and the Senate on March 21, 2019, your subcommittee made 28 recommendations. The draft policy we are submitting to you today is further to these recommendations. It also reflects the provisions of the Canada Labour Code dealing with harassment that are set to come into force in 2020. Regulatory measures will also be introduced to accompany the coming into force of the Code's provisions. The policy will therefore need to be reviewed to ensure full compliance with the Code and the prescribed regulations.

IMPROVEMENTS TO THE POLICY

The draft policy replaces, improves and modernizes the current policy, in force since 2009. Your subcommittee would like to highlight the following improvements:

- the impartiality of the complaint process through the appointment of an impartial third party;
- the broader, updated definition of harassment covering more types and forms of harassment;
- the protection from reprisal for victims and witnesses of harassment;
- the implementation of remedial, corrective or disciplinary measures;
- mandatory training on the various types of harassment for all senators and Senate employees;
- a new process for filing a harassment complaint and an improved decision-making matrix that takes into account the positions held by the complainants and respondents; and
- the use of positive vocabulary, removing allusions to “bad faith,” “conflict,” “severity,” and “circumstances and context” with the objective of encouraging victims of harassment to bring forward their complaints.

The draft Policy on the Prevention and Resolution of Harassment in the Senate Workplace also reflects the provisions of the Canada Labour Code dealing with harassment that are set to come into force in 2020. Those provisions are as follows:

Right of former employees to file a complaint

- The Act to Amend the Canada Labour Code stipulates that the Senate’s anti- harassment policy must apply to former employees who experienced harassment or violence (within a specified time frame that will be prescribed by regulation). Point 1.2 regarding the application of the policy states that: “former employees of the Senate may make a formal complaint under this Policy, provided that the last alleged incident occurred within twelve (12) months of their last day of employment with the Senate and the complaint is made no later than three (3) months after the date of that former employee’s departure.”

Definition of harassment

- The policy uses the expressions “harassment” and “workplace violence” modelled on the definitions in the Act.
- “Bullying and mobbing” and “violence in the workplace” are also included under the definition of “harassment.”

Stronger privacy protections

- The Act to Amend the Canada Labour Code prohibits the disclosure of any information likely to reveal an affected person’s identity without their consent. This obligation is implemented in the draft policy.

1.5.1 Confidentiality:

“Respect for the privacy of all involved is paramount in any harassment-related matter. All matters under this Policy (e.g., enquiries, complaints, mediation, investigations, etc.) are to be treated confidentially. Information in relation to matters under this Policy may only be disclosed in accordance with this Policy or as required by law. Unauthorized disclosure of information may be subject to disciplinary action. Finally, disclosure of any information that is likely to reveal the identity of a person involved in a complaint (parties or witnesses) outside of the complaint resolution process and without that person’s written consent is prohibited, unless required by law.”

BUDGET IMPLICATIONS

One of the subcommittee’s observations further to its consultations was that modernizing the harassment policy would require strengthening the credibility of those involved in the complaint management process. This strengthening was essential, as employee representatives were unanimous in sharing their concerns about the impartiality of the current process.

That is why the subcommittee recommends that all complaint processes be overseen by a specialized third party.

To that end, the Chief Human Resources Officer would be allocated \$174,550 in additional resources, beyond the existing budget. This budget request will be made directly to CIBA once the existing resources allocated to the Directorate for the policy have been fully utilized.

NEXT STEPS ONCE CIBA ADOPTS THE POLICY

Once the draft policy has been approved by CIBA, the Chair will table it in the Senate in a committee report, including two orders of reference, to the Standing Senate Committee on Ethics and Conflict of Interest for Senators (CONF) and the Standing Senate Committee on Rules, Procedures and the Rights of Parliament (RPRD), respectively.

Reasons for referring it to CONF

No later than April 30, 2020, this committee shall report to the Senate on the amendments it recommends be made to the Ethics and Conflict of Interest Code for Senators so the policy can come into force. These amendments would address:

- the Senate Ethics Officer's additional role in recommending remedial, corrective or disciplinary measures when the respondent is a senator and the investigation concludes the senator committed harassment under the definition of the policy; and
- the additional mandate granted to the committee as regards including provisions on workplace harassment and violence in the Code of Ethics.

Reasons for referring it to RPRD

No later than April 30, 2020, this committee shall also report to the Senate on amendments it considers appropriate to the Rules of the Senate. These amendments may include:

- clarifications regarding the complementarity of provisions of the current policy and the Rules of the Senate; and
- the relevance in clarifying the application and limits of parliamentary privilege in the application of this policy.

CIBA TAKING ON A LEADERSHIP ROLE AS AN EMPLOYER

In giving its subcommittee on Human Resources a mandate to review the Senate Policy on the Prevention and Resolution of Harassment in the Workplace, the Standing Senate Committee on Internal Economy, Budgets and Administration, as part of its duties as an Employer, showed its commitment to providing all Senate employees and senators a work environment free from harassment and a workplace that is healthy and fulfilling, and that is conducive to professional, individual and collective growth.

The members of the subcommittee are of the opinion that the Senate, in adopting this policy and taking every measure necessary to ensure it is respected, will show itself to be an exemplary employer as regards the quality of the work environment.

Members of the subcommittee also believe that the draft policy before you, if adopted, will not only meet the Senate's legal obligations regarding labour relations, but also underscore its commitment.

RECOMMENDATIONS

For these reasons, your subcommittee recommends:

- a) That the committee recommend to the Senate that the revised Policy on The Prevention and Resolution of Harassment in the Senate Workplace, appended to this report, be adopted;
- b) That the committee recommend to the Senate that the Standing Committee on Rules, Procedures and the Rights of Parliament be authorized to examine and report on the appropriate consequential amendments to the Rules of the Senate and that the committee present its report to the Senate no later than April 30, 2020;
- c) That committee recommend to the Senate that the Standing Committee on Ethics and Conflict of Interest for Senators be authorized to examine and report on the appropriate consequential amendments to the Ethics and Conflict of Interest Code for Senators and that the committee present its report to the Senate no later than April 30, 2020;
- d) That the revised Policy on The Prevention and Resolution of Harassment in the Senate Workplace come into force on the first day after the day on which the Senate has adopted both
 - i. i.the report of the Standing Committee on Rules, Procedures and the Rights of Parliament referred to in paragraph (b); and
 - ii. ii.the report of the Standing Committee on Ethics and Conflict of Interest for Senators referred to in paragraph (c); and
- e) That the committee report to the Senate that, for greater certainty, the Senate's Policy on the Prevention and Resolution of Harassment in the Workplace from 2009 and the Interim Process for the handling of harassment complaints currently in effect are both rescinded and repealed at the time the revised Policy comes into force; however, any complaints in progress at that time continue as if the revised Policy never came into force.

Respectfully submitted,

RAYMONDE SAINT-GERMAIN

Chair

The Honourable Senator Saint-Germain made a statement and, together with Philippe Hallée and Vanessa Bastos, answered questions.

At 9:22 a.m., the Honourable Senator Loffreda replaced the Honourable Senator Moncion as a member of the committee.

After debate, the Honourable Senator Saint-Germain moved:

That the report be adopted.

The question being put on the motion, it was adopted, on division.

CIBA/2020-02-06/025(P) — Audit Subcommittee Membership

The Honourable Senator Munson moved:

That the Honourable Senator Munson replace the Honourable Senator Dawson as a member of the Audit Subcommittee for the meeting scheduled to take place today at 11:30 a.m.

The question being put on the motion, it was adopted.

CIBA/2020-02-06/027(P) — Joint Interparliamentary Council Membership

The Honourable Saint-Germain moved:

That the Honourable Senator Omidvar replace the Honourable Senator Plett as co-chair of the Joint Interparliamentary Council (JIC), effective immediately.

After debate, with leave, the motion was withdrawn.

At 9:48 a.m., the committee suspended.

At 9:50 a.m., the committee resumed in camera, pursuant to rule 12-16(1).

At 10:11 a.m., the committee adjourned to the call of the chair.

ATTEST:

Pascale Legault

Chief Corporate Services Officer and Clerk of the Standing Committee on Internal Economy, Budgets and Administration

Gérald Lafrenière

Recording Secretary